

118TH CONGRESS  
1ST SESSION

# S. 947

To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To lower energy costs by increasing American energy production, exports, infrastructure, and critical minerals processing, by promoting transparency, accountability, permitting, and production of American resources, and by improving water quality certification and energy projects, 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       “Lower Energy Costs Act”.

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

Sec. 1. Short title; table of contents.

DIVISION A—INCREASING AMERICAN ENERGY PRODUCTION, EX-  
 PORTS, INFRASTRUCTURE, AND CRITICAL MINERALS PROC-  
 ESSING

Sec. 10001. Securing America’s critical minerals supply.

Sec. 10002. Protecting American energy production.

Sec. 10003. Researching efficient Federal improvements for necessary energy refining.

Sec. 10004. Promoting cross-border energy infrastructure.

Sec. 10005. Sense of Congress expressing disapproval of the revocation of the Presidential permit for the Keystone XL pipeline.

Sec. 10006. Sense of Congress opposing restrictions on the export of crude oil or other petroleum products.

Sec. 10007. Unlocking our domestic LNG potential.

Sec. 10008. Promoting interagency coordination for review of natural gas pipelines.

Sec. 10009. Interim hazardous waste permits for critical energy resource facilities.

Sec. 10010. Flexible air permits for critical energy resource facilities.

Sec. 10011. National security or energy security waivers to produce critical energy resources.

Sec. 10012. Ending future delays in chemical substance review for critical energy resources.

Sec. 10013. Natural gas tax repeal.

Sec. 10014. Repeal of greenhouse gas reduction fund.

Sec. 10015. Keeping America’s refineries operating.

Sec. 10016. Homeowner energy freedom.

DIVISION B—TRANSPARENCY, ACCOUNTABILITY, PERMITTING,  
 AND PRODUCTION OF AMERICAN RESOURCES

Sec. 20001. Short title; table of contents.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

Sec. 20101. Onshore oil and gas leasing.

Sec. 20102. Lease reinstatement.

Sec. 20103. Protested lease sales.

Sec. 20104. Suspension of operations.

Sec. 20105. Administrative protest process reform.

Sec. 20106. Leasing and permitting transparency.

Sec. 20107. Offshore oil and gas leasing.

Sec. 20108. Five-year plan for offshore oil and gas leasing.

Sec. 20109. Geothermal leasing.

Sec. 20110. Leasing for certain qualified coal applications.

Sec. 20111. Future coal leasing.

Sec. 20112. Staff planning report.

Sec. 20113. Prohibition on Chinese communist party ownership interest.

Sec. 20114. Effect on other law.

## TITLE II—PERMITTING STREAMLINING

- Sec. 20201. Definitions.
- Sec. 20202. BUILDER Act.
- Sec. 20203. Codification of National Environmental Policy Act regulations.
- Sec. 20204. Non-major Federal actions.
- Sec. 20205. No net loss determination for existing rights-of-way.
- Sec. 20206. Determination of National Environmental Policy Act adequacy.
- Sec. 20207. Determination regarding rights-of-way.
- Sec. 20208. Terms of rights-of-way.
- Sec. 20209. Funding to process permits and develop information technology.
- Sec. 20210. Offshore geological and geophysical survey licensing.
- Sec. 20211. Deferral of applications for permits to drill.
- Sec. 20212. Processing and terms of applications for permits to drill.
- Sec. 20213. Amendments to the Energy Policy Act of 2005.
- Sec. 20214. Access to Federal energy resources from non-Federal surface estate.
- Sec. 20215. Scope of environmental reviews for oil and gas leases.
- Sec. 20216. Expediting approval of gathering lines.
- Sec. 20217. Lease sale litigation.
- Sec. 20218. Limitation on claims.
- Sec. 20219. Government Accountability Office report on permits to drill.
- Sec. 20220. E-NEPA.

## TITLE III—PERMITTING FOR MINING NEEDS

- Sec. 20301. Definitions.
- Sec. 20302. Minerals supply chain and reliability.
- Sec. 20303. Federal Register process improvement.
- Sec. 20304. Designation of mining as a covered sector for Federal permitting improvement purposes.
- Sec. 20305. Treatment of actions under Presidential Determination 2022–11 for Federal permitting improvement purposes.
- Sec. 20306. Notice for mineral exploration activities with limited surface disturbance.
- Sec. 20307. Use of mining claims for ancillary activities.
- Sec. 20308. Ensuring consideration of uranium as a critical mineral.
- Sec. 20309. Barring foreign bad actors from operating on Federal lands.

## TITLE IV—FEDERAL LAND USE PLANNING

- Sec. 20401. Federal land use planning and withdrawals.
- Sec. 20402. Prohibitions on delay of mineral development of certain Federal land.
- Sec. 20403. Definitions.

## TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS

- Sec. 20501. Incentivizing domestic production.

## TITLE VI—ENERGY REVENUE SHARING

- Sec. 20601. Gulf of Mexico outer Continental Shelf revenue.
- Sec. 20602. Parity in offshore wind revenue sharing.
- Sec. 20603. Elimination of administrative fee under the Mineral Leasing Act.

DIVISION C—WATER QUALITY CERTIFICATION AND ENERGY  
PROJECT IMPROVEMENT

Sec. 30001. Short title; table of contents.

Sec. 30002. Certification.

1 **DIVISION A—INCREASING AMER-**  
2 **ICAN ENERGY PRODUCTION,**  
3 **EXPORTS, INFRASTRUCTURE,**  
4 **AND CRITICAL MINERALS**  
5 **PROCESSING**

Sec. 10001. Securing America’s critical minerals supply.

Sec. 10002. Protecting American energy production.

Sec. 10003. Researching efficient Federal improvements for necessary energy refining.

Sec. 10004. Promoting cross-border energy infrastructure.

Sec. 10005. Sense of Congress expressing disapproval of the revocation of the Presidential permit for the Keystone XL pipeline.

Sec. 10006. Sense of Congress opposing restrictions on the export of crude oil or other petroleum products.

Sec. 10007. Unlocking our domestic LNG potential.

Sec. 10008. Promoting interagency coordination for review of natural gas pipelines.

Sec. 10009. Interim hazardous waste permits for critical energy resource facilities.

Sec. 10010. Flexible air permits for critical energy resource facilities.

Sec. 10011. National security or energy security waivers to produce critical energy resources.

Sec. 10012. Ending future delays in chemical substance review for critical energy resources.

Sec. 10013. Natural gas tax repeal.

Sec. 10014. Repeal of greenhouse gas reduction fund.

Sec. 10015. Keeping America’s refineries operating.

Sec. 10016. Homeowner energy freedom.

6 **SEC. 10001. SECURING AMERICA’S CRITICAL MINERALS**  
7 **SUPPLY.**

8 (a) AMENDMENT TO THE DEPARTMENT OF ENERGY  
9 ORGANIZATION ACT.—The Department of Energy Orga-  
10 nization Act (42 U.S.C. 7101 et seq.) is amended—

11 (1) in section 2, by adding at the end the fol-  
12 lowing:

1 “(d) As used in sections 102(20) and 203(a)(12), the  
2 term ‘critical energy resource’ means any energy re-  
3 source—

4 “(1) that is essential to the energy sector and  
5 energy systems of the United States; and

6 “(2) the supply chain of which is vulnerable to  
7 disruption.”;

8 (2) in section 102, by adding at the end the fol-  
9 lowing:

10 “(20) To ensure there is an adequate and reli-  
11 able supply of critical energy resources that are es-  
12 sential to the energy security of the United States.”;  
13 and

14 (3) in section 203(a), by adding at the end the  
15 following:

16 “(12) Functions that relate to securing the sup-  
17 ply of critical energy resources, including identifying  
18 and mitigating the effects of a disruption of such  
19 supply on—

20 “(A) the development and use of energy  
21 technologies; and

22 “(B) the operation of energy systems.”.

23 (b) SECURING CRITICAL ENERGY RESOURCE SUPPLY  
24 CHAINS.—

1           (1) IN GENERAL.—In carrying out the require-  
2           ments of the Department of Energy Organization  
3           Act (42 U.S.C. 7101 et seq.), the Secretary of En-  
4           ergy, in consultation with the appropriate Federal  
5           agencies, representatives of the energy sector,  
6           States, and other stakeholders, shall—

7                   (A) conduct ongoing assessments of—

8                           (i) energy resource criticality based on  
9                           the importance of critical energy resources  
10                          to the development of energy technologies  
11                          and the supply of energy;

12                          (ii) the critical energy resource supply  
13                          chain of the United States;

14                          (iii) the vulnerability of such supply  
15                          chain; and

16                          (iv) how the energy security of the  
17                          United States is affected by the reliance of  
18                          the United States on importation of critical  
19                          energy resources;

20                   (B) facilitate development of strategies to  
21                   strengthen critical energy resource supply  
22                   chains in the United States, including by—

23                           (i) diversifying the sources of the sup-  
24                           ply of critical energy resources; and

1                   (ii) increasing domestic production,  
2                   separation, and processing of critical en-  
3                   ergy resources;

4                   (C) develop substitutes and alternatives to  
5                   critical energy resources; and

6                   (D) improve technology that reuses and re-  
7                   cycles critical energy resources.

8                   (2) CRITICAL ENERGY RESOURCE DEFINED.—

9                   In this section, the term “critical energy resource”  
10                  has the meaning given such term in section 2 of the  
11                  Department of Energy Organization Act (42 U.S.C.  
12                  7101).

13 **SEC. 10002. PROTECTING AMERICAN ENERGY PRODUCTION.**

14                  (a) SENSE OF CONGRESS.—It is the sense of Con-  
15                  gress that States should maintain primacy for the regula-  
16                  tion of hydraulic fracturing for oil and natural gas produc-  
17                  tion on State and private lands.

18                  (b) PROHIBITION ON DECLARATION OF A MORATO-  
19                  RIUM ON HYDRAULIC FRACTURING.—Notwithstanding  
20                  any other provision of law, the President may not declare  
21                  a moratorium on the use of hydraulic fracturing unless  
22                  such moratorium is authorized by an Act of Congress.

1 **SEC. 10003. RESEARCHING EFFICIENT FEDERAL IMPROVE-**  
2 **MENTS FOR NECESSARY ENERGY REFINING.**

3 Not later than 90 days after the date of enactment  
4 of this section, the Secretary of Energy shall direct the  
5 National Petroleum Council to—

6 (1) submit to the Secretary of Energy and Con-  
7 gress a report containing—

8 (A) an examination of the role of petro-  
9 chemical refineries located in the United States  
10 and the contributions of such petrochemical re-  
11 fineries to the energy security of the United  
12 States, including the reliability of supply in the  
13 United States of liquid fuels and feedstocks,  
14 and the affordability of liquid fuels for con-  
15 sumers in the United States;

16 (B) analyses and projections with respect  
17 to—

18 (i) the capacity of petrochemical refin-  
19 eries located in the United States;

20 (ii) opportunities for expanding such  
21 capacity; and

22 (iii) the risks to petrochemical refin-  
23 eries located in the United States;

24 (C) an assessment of any Federal or State  
25 executive actions, regulations, or policies that  
26 have caused or contributed to a decline in the



1 capacity of petrochemical refineries located in  
2 the United States; and

3 (D) any recommendations for Federal  
4 agencies and Congress to encourage an increase  
5 in the capacity of petrochemical refineries lo-  
6 cated in the United States; and

7 (2) make publicly available the report submitted  
8 under paragraph (1).

9 **SEC. 10004. PROMOTING CROSS-BORDER ENERGY INFRA-**  
10 **STRUCTURE.**

11 (a) AUTHORIZATION OF CERTAIN ENERGY INFRA-  
12 STRUCTURE PROJECTS AT AN INTERNATIONAL BOUND-  
13 ARY OF THE UNITED STATES.—

14 (1) AUTHORIZATION.—Except as provided in  
15 paragraph (3) and subsection (d), no person may  
16 construct, connect, operate, or maintain a border-  
17 crossing facility for the import or export of oil or  
18 natural gas, or the transmission of electricity, across  
19 an international border of the United States without  
20 obtaining a certificate of crossing for the border-  
21 crossing facility under this subsection.

22 (2) CERTIFICATE OF CROSSING.—

23 (A) REQUIREMENT.—Not later than 120  
24 days after final action is taken, by the relevant  
25 official or agency identified under subparagraph

1 (B), under the National Environmental Policy  
2 Act of 1969 (42 U.S.C. 4321 et seq.) with re-  
3 spect to a border-crossing facility for which a  
4 person requests a certificate of crossing under  
5 this subsection, the relevant official or agency,  
6 in consultation with appropriate Federal agen-  
7 cies, shall issue a certificate of crossing for the  
8 border-crossing facility unless the relevant offi-  
9 cial or agency finds that the construction, con-  
10 nection, operation, or maintenance of the bor-  
11 der-crossing facility is not in the public interest  
12 of the United States.

13 (B) RELEVANT OFFICIAL OR AGENCY.—  
14 The relevant official or agency referred to in  
15 subparagraph (A) is—

16 (i) the Federal Energy Regulatory  
17 Commission with respect to border-cross-  
18 ing facilities consisting of oil or natural  
19 gas pipelines; and

20 (ii) the Secretary of Energy with re-  
21 spect to border-crossing facilities consisting  
22 of electric transmission facilities.

23 (C) ADDITIONAL REQUIREMENT FOR  
24 ELECTRIC TRANSMISSION FACILITIES.—In the  
25 case of a request for a certificate of crossing for

1 a border-crossing facility consisting of an elec-  
2 tric transmission facility, the Secretary of En-  
3 ergy shall require, as a condition of issuing the  
4 certificate of crossing under subparagraph (A),  
5 that the border-crossing facility be constructed,  
6 connected, operated, or maintained consistent  
7 with all applicable policies and standards of—

8 (i) the Electric Reliability Organiza-  
9 tion and the applicable regional entity; and

10 (ii) any Regional Transmission Orga-  
11 nization or Independent System Operator  
12 with operational or functional control over  
13 the border-crossing facility.

14 (3) EXCLUSIONS.—This subsection shall not  
15 apply to any construction, connection, operation, or  
16 maintenance of a border-crossing facility for the im-  
17 port or export of oil or natural gas, or the trans-  
18 mission of electricity—

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

22 (B) if a Presidential permit (or similar  
23 permit) for the construction, connection, oper-  
24 ation, or maintenance has been issued pursuant  
25 to any provision of law or Executive order; or

1 (C) if an application for a Presidential per-  
2 mit (or similar permit) for the construction,  
3 connection, operation, or maintenance is pend-  
4 ing on the date of enactment of this Act, until  
5 the earlier of—

6 (i) the date on which such application  
7 is denied; or

8 (ii) 2 years after the date of enact-  
9 ment of this Act, if such a permit has not  
10 been issued by such date of enactment.

11 (4) EFFECT OF OTHER LAWS.—

12 (A) APPLICATION TO PROJECTS.—Nothing  
13 in this subsection or subsection (d) shall affect  
14 the application of any other Federal statute to  
15 a project for which a certificate of crossing for  
16 a border-crossing facility is requested under  
17 this subsection.

18 (B) NATURAL GAS ACT.—Nothing in this  
19 subsection or subsection (d) shall affect the re-  
20 quirement to obtain approval or authorization  
21 under sections 3 and 7 of the Natural Gas Act  
22 (15 U.S.C. 717b, 717f) for the siting, construc-  
23 tion, or operation of any facility to import or  
24 export natural gas.

1           (C) OIL PIPELINES.—Nothing in this sub-  
2 section or subsection (d) shall affect the author-  
3 ity of the Federal Energy Regulatory Commis-  
4 sion with respect to oil pipelines under section  
5 60502 of title 49, United States Code.

6           (b) TRANSMISSION OF ELECTRIC ENERGY TO CAN-  
7 ADA AND MEXICO.—

8           (1) REPEAL OF REQUIREMENT TO SECURE  
9 ORDER.—Section 202(e) of the Federal Power Act  
10 (16 U.S.C. 824a(e)) is repealed.

11           (2) CONFORMING AMENDMENTS.—

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

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

1           “the Secretary has conducted hearings and  
2           finds that the proposed transmission facilities  
3           would not impair the sufficiency of electric sup-  
4           ply within the United States or would not im-  
5           pede or tend to impede the coordination in the  
6           public interest of facilities subject to the juris-  
7           diction of the Secretary.”.

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

14          (d) MODIFICATIONS TO EXISTING PROJECTS.—No  
15          certificate of crossing under subsection (a), or Presidential  
16          permit (or similar permit), shall be required for a modi-  
17          fication to—

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

22               (2) an oil or natural gas pipeline or electric  
23               transmission facility for which a Presidential permit  
24               (or similar permit) has been issued pursuant to any  
25               provision of law or Executive order; or

1           (3) a border-crossing facility for which a certifi-  
2           cate of crossing has previously been issued under  
3           subsection (a).

4           (e) PROHIBITION ON REVOCATION OF PRESIDENTIAL  
5 PERMITS.—Notwithstanding any other provision of law,  
6 the President may not revoke a Presidential permit (or  
7 similar permit) issued pursuant to Executive Order 13337  
8 (3 U.S.C. 301 note), Executive Order 11423 (3 U.S.C.  
9 301 note), Executive Order 12038 (43 Fed. Reg. 4957),  
10 Executive Order 10485 (18 Fed. Reg. 5397), or any other  
11 Executive order for the construction, connection, oper-  
12 ation, or maintenance of an oil or natural gas pipeline or  
13 electric transmission facility, or any border-crossing facil-  
14 ity thereof, unless such revocation is authorized by an Act  
15 of Congress.

16           (f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

17           (1) EFFECTIVE DATE.—Subsections (a)  
18 through (d), and the amendments made by such  
19 subsections, shall take effect on the date that is 1  
20 year after the date of enactment of this Act.

21           (2) RULEMAKING DEADLINES.—Each relevant  
22 official or agency described in subsection (a)(2)(B)  
23 shall—

24                   (A) not later than 180 days after the date  
25 of enactment of this Act, publish in the Federal

1 Register notice of a proposed rulemaking to  
2 carry out the applicable requirements of sub-  
3 section (a); and

4 (B) not later than 1 year after the date of  
5 enactment of this Act, publish in the Federal  
6 Register a final rule to carry out the applicable  
7 requirements of subsection (a).

8 (g) DEFINITIONS.—In this section:

9 (1) BORDER-CROSSING FACILITY.—The term  
10 “border-crossing facility” means the portion of an oil  
11 or natural gas pipeline or electric transmission facil-  
12 ity that is located at an international boundary of  
13 the United States.

14 (2) MODIFICATION.—The term “modification”  
15 includes a reversal of flow direction, change in own-  
16 ership, change in flow volume, addition or removal  
17 of an interconnection, or an adjustment to maintain  
18 flow (such as a reduction or increase in the number  
19 of pump or compressor stations).

20 (3) NATURAL GAS.—The term “natural gas”  
21 has the meaning given that term in section 2 of the  
22 Natural Gas Act (15 U.S.C. 717a).

23 (4) OIL.—The term “oil” means petroleum or  
24 a petroleum product.



1           (5) ELECTRIC RELIABILITY ORGANIZATION; RE-  
2 REGIONAL ENTITY.—The terms “Electric Reliability  
3 Organization” and “regional entity” have the mean-  
4 ings given those terms in section 215(a) of the Fed-  
5 eral Power Act (16 U.S.C. 824o(a)).

6           (6) INDEPENDENT SYSTEM OPERATOR; RE-  
7 GIONAL TRANSMISSION ORGANIZATION.—The terms  
8 “Independent System Operator” and “Regional  
9 Transmission Organization” have the meanings  
10 given those terms in section 3 of the Federal Power  
11 Act (16 U.S.C. 796).

12 **SEC. 10005. SENSE OF CONGRESS EXPRESSING DIS-**  
13 **APPROVAL OF THE REVOCATION OF THE**  
14 **PRESIDENTIAL PERMIT FOR THE KEYSTONE**  
15 **XL PIPELINE.**

16 (a) FINDINGS.—Congress finds the following:

17           (1) On March 29, 2019, TransCanada Key-  
18 stone Pipeline, L.P., was granted a Presidential per-  
19 mit to construct, connect, operate, and maintain the  
20 Keystone XL pipeline.

21           (2) On January 20, 2021, President Biden  
22 issued Executive Order 13990 (86 Fed. Reg. 7037)  
23 that revoked the March 2019 Presidential permit for  
24 the Keystone XL.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that Congress disapproves of the revocation by  
3 President Biden of the Presidential permit for the Key-  
4 stone XL pipeline.

5 **SEC. 10006. SENSE OF CONGRESS OPPOSING RESTRICTIONS**  
6 **ON THE EXPORT OF CRUDE OIL OR OTHER**  
7 **PETROLEUM PRODUCTS.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The United States has enjoyed a renais-  
10 sance in energy production, with the expansion of  
11 domestic crude oil and other petroleum product pro-  
12 duction contributing to enhanced energy security  
13 and significant economic benefits to the national  
14 economy.

15 (2) In 2015, Congress recognized the need to  
16 adapt to changing crude oil market conditions and  
17 repealed all restrictions on the export of crude oil on  
18 a bipartisan basis.

19 (3) Section 101 of title I of division O of the  
20 Consolidated Appropriations Act, 2016 (42 U.S.C.  
21 6212a) established the national policy on oil export  
22 restriction, prohibiting any official of the Federal  
23 Government from imposing or enforcing any restric-  
24 tions on the export of crude oil with limited excep-  
25 tions, including a savings clause maintaining the au-

1       thority to prohibit exports under any provision of  
2       law that imposes sanctions on a foreign person or  
3       foreign government (including any provision of law  
4       that prohibits or restricts United States persons  
5       from engaging in a transaction with a sanctioned  
6       person or government), including a foreign govern-  
7       ment that is designated as a state sponsor of ter-  
8       rorism.

9               (4) Lifting the restrictions on crude oil exports  
10       encouraged additional domestic energy production,  
11       created American jobs and economic development,  
12       and allowed the United States to emerge as the lead-  
13       ing oil producer in the world.

14              (5) In 2019, the United States became a net  
15       exporter of petroleum products for the first time  
16       since 1952, and the reliance of the United States on  
17       foreign imports of petroleum products has declined  
18       to historic lows.

19              (6) Free trade, open markets, and competition  
20       have contributed to the rise of the United States as  
21       a global energy superpower.

22       (b) SENSE OF CONGRESS.—It is the sense of Con-  
23       gress that the Federal Government should not impose—

1           (1) overly restrictive regulations on the explo-  
2           ration, production, or marketing of energy resources;  
3           or

4           (2) any restrictions on the export of crude oil  
5           or other petroleum products under the Energy Pol-  
6           icy and Conservation Act (42 U.S.C. 6201 et seq.),  
7           except with respect to the export of crude oil or  
8           other petroleum products to a foreign person or for-  
9           eign government subject to sanctions under any pro-  
10          vision of United States law, including to a country  
11          the government of which is designated as a state  
12          sponsor of terrorism.

13 **SEC. 10007. UNLOCKING OUR DOMESTIC LNG POTENTIAL.**

14          Section 3 of the Natural Gas Act (15 U.S.C. 717b)  
15          is amended—

16               (1) by striking subsections (a) through (c);

17               (2) by redesignating subsections (e) and (f) as  
18               subsection (a) and (b), respectively;

19               (3) by redesignating subsection (d) as sub-  
20               section (c), and moving such subsection after sub-  
21               section (b), as so redesignated;

22               (4) in subsection (a), as so redesignated, by  
23               amending paragraph (1) to read as follows:

24                       “(1) The Federal Energy Regulatory Commis-  
25                       sion (in this subsection referred to as the ‘Commis-

1       sion’) shall have the exclusive authority to approve  
2       or deny an application for authorization for the  
3       siting, construction, expansion, or operation of a fa-  
4       cility to export natural gas from the United States  
5       to a foreign country or import natural gas from a  
6       foreign country, including an LNG terminal. In de-  
7       termining whether to approve or deny an application  
8       under this paragraph, the Commission shall deem  
9       the exportation or importation of natural gas to be  
10      consistent with the public interest. Except as specifi-  
11      cally provided in this Act, nothing in this Act is in-  
12      tended to affect otherwise applicable law related to  
13      any Federal agency’s authorities or responsibilities  
14      related to facilities to import or export natural gas,  
15      including LNG terminals.”; and

16           (5) by adding at the end the following new sub-  
17      section:

18      “(d)(1) Nothing in this Act limits the authority of  
19      the President under the Constitution, the International  
20      Emergency Economic Powers Act (50 U.S.C. 1701 et  
21      seq.), the National Emergencies Act (50 U.S.C. 1601 et  
22      seq.), part B of title II of the Energy Policy and Conserva-  
23      tion Act (42 U.S.C. 6271 et seq.), the Trading with the  
24      enemy Act (50 U.S.C. 4301 et seq.), or any other provi-  
25      sion of law that imposes sanctions on a foreign person or

1 foreign government (including any provision of law that  
 2 prohibits or restricts United States persons from engaging  
 3 in a transaction with a sanctioned person or government),  
 4 including a country that is designated as a state sponsor  
 5 of terrorism, to prohibit imports or exports.

6 “(2) In this subsection, the term ‘state sponsor of ter-  
 7 rorism’ means a country the government of which the Sec-  
 8 retary of State determines has repeatedly provided sup-  
 9 port for international terrorism pursuant to—

10 “(A) section 1754(c)(1)(A) of the Export Con-  
 11 trol Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

12 “(B) section 620A of the Foreign Assistance  
 13 Act of 1961 (22 U.S.C. 2371);

14 “(C) section 40 of the Arms Export Control Act  
 15 (22 U.S.C. 2780); or

16 “(D) any other provision of law.”.

17 **SEC. 10008. PROMOTING INTERAGENCY COORDINATION**  
 18 **FOR REVIEW OF NATURAL GAS PIPELINES.**

19 (a) DEFINITIONS.—In this section:

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

22 (2) FEDERAL AUTHORIZATION.—The term  
 23 “Federal authorization” has the meaning given that  
 24 term in section 15(a) of the Natural Gas Act (15  
 25 U.S.C. 717n(a)).

1           (3) NEPA REVIEW.—The term “NEPA review”  
2           means the process of reviewing a proposed Federal  
3           action under section 102 of the National Environ-  
4           mental Policy Act of 1969 (42 U.S.C. 4332).

5           (4) PROJECT-RELATED NEPA REVIEW.—The  
6           term “project-related NEPA review” means any  
7           NEPA review required to be conducted with respect  
8           to the issuance of an authorization under section 3  
9           of the Natural Gas Act (15 U.S.C. 717b) or a cer-  
10          tificate of public convenience and necessity under  
11          section 7 of such Act (15 U.S.C. 717f).

12          (b) COMMISSION NEPA REVIEW RESPONSIBIL-  
13          ITIES.—In acting as the lead agency under section  
14          15(b)(1) of the Natural Gas Act (15 U.S.C. 717n(b)(1))  
15          for the purposes of complying with the National Environ-  
16          mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with  
17          respect to an authorization under section 3 of the Natural  
18          Gas Act (15 U.S.C. 717b) or a certificate of public conven-  
19          ience and necessity under section 7 of such Act (15 U.S.C.  
20          717f), the Commission shall, in accordance with this sec-  
21          tion and other applicable Federal law—

22                  (1) be the only lead agency;

23                  (2) coordinate as early as practicable with each  
24          agency designated as a participating agency under  
25          subsection (d)(3) to ensure that the Commission de-

1 velops information in conducting its project-related  
2 NEPA review that is usable by the participating  
3 agency in considering an aspect of an application for  
4 a Federal authorization for which the agency is re-  
5 sponsible; and

6 (3) take such actions as are necessary and  
7 proper to facilitate the expeditious resolution of its  
8 project-related NEPA review.

9 (c) DEFERENCE TO COMMISSION.—In making a deci-  
10 sion with respect to a Federal authorization required with  
11 respect to an application for authorization under section  
12 3 of the Natural Gas Act (15 U.S.C. 717b) or a certificate  
13 of public convenience and necessity under section 7 of such  
14 Act (15 U.S.C. 717f), each agency shall give deference,  
15 to the maximum extent authorized by law, to the scope  
16 of the project-related NEPA review that the Commission  
17 determines to be appropriate.

18 (d) PARTICIPATING AGENCIES.—

19 (1) IDENTIFICATION.—The Commission shall  
20 identify, not later than 30 days after the Commis-  
21 sion receives an application for an authorization  
22 under section 3 of the Natural Gas Act (15 U.S.C.  
23 717b) or a certificate of public convenience and ne-  
24 cessity under section 7 of such Act (15 U.S.C.  
25 717f), any Federal or State agency, local govern-



1       ment, or Indian Tribe that may issue a Federal au-  
2       thorization or is required by Federal law to consult  
3       with the Commission in conjunction with the  
4       issuance of a Federal authorization required for  
5       such authorization or certificate.

6           (2) INVITATION.—

7           (A) IN GENERAL.—Not later than 45 days  
8       after the Commission receives an application for  
9       an authorization under section 3 of the Natural  
10      Gas Act (15 U.S.C. 717b) or a certificate of  
11      public convenience and necessity under section  
12      7 of such Act (15 U.S.C. 717f), the Commis-  
13      sion shall invite any agency identified under  
14      paragraph (1) to participate in the review pro-  
15      cess for the applicable Federal authorization.

16          (B) DEADLINE.—An invitation issued  
17      under subparagraph (A) shall establish a dead-  
18      line by which a response to the invitation shall  
19      be submitted to the Commission, which may be  
20      extended by the Commission for good cause.

21          (3) DESIGNATION AS PARTICIPATING AGEN-  
22      CIES.—Not later than 60 days after the Commission  
23      receives an application for an authorization under  
24      section 3 of the Natural Gas Act (15 U.S.C. 717b)  
25      or a certificate of public convenience and necessity

1 under section 7 of such Act (15 U.S.C. 717f), the  
2 Commission shall designate an agency identified  
3 under paragraph (1) as a participating agency with  
4 respect to an application for authorization under  
5 section 3 of the Natural Gas Act (15 U.S.C. 717b)  
6 or a certificate of public convenience and necessity  
7 under section 7 of such Act (15 U.S.C. 717f) unless  
8 the agency informs the Commission, in writing, by  
9 the deadline established pursuant to paragraph  
10 (2)(B), that the agency—

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

13 (B) has no special expertise or information  
14 relevant to any project-related NEPA review; or

15 (C) does not intend to submit comments  
16 for the record for the project-related NEPA re-  
17 view conducted by the Commission.

18 (4) EFFECT OF NON-DESIGNATION.—

19 (A) EFFECT ON AGENCY.—Any agency  
20 that is not designated as a participating agency  
21 under paragraph (3) with respect to an applica-  
22 tion for an authorization under section 3 of the  
23 Natural Gas Act (15 U.S.C. 717b) or a certifi-  
24 cate of public convenience and necessity under  
25 section 7 of such Act (15 U.S.C. 717f) may not

1 request or conduct a NEPA review that is sup-  
2 plemental to the project-related NEPA review  
3 conducted by the Commission, unless the agen-  
4 cy—

5 (i) demonstrates that such review is  
6 legally necessary for the agency to carry  
7 out responsibilities in considering an as-  
8 pect of an application for a Federal au-  
9 thorization; and

10 (ii) requires information that could  
11 not have been obtained during the project-  
12 related NEPA review conducted by the  
13 Commission.

14 (B) COMMENTS; RECORD.—The Commis-  
15 sion shall not, with respect to an agency that is  
16 not designated as a participating agency under  
17 paragraph (3) with respect to an application for  
18 an authorization under section 3 of the Natural  
19 Gas Act (15 U.S.C. 717b) or a certificate of  
20 public convenience and necessity under section  
21 7 of such Act (15 U.S.C. 717f)—

22 (i) consider any comments or other in-  
23 formation submitted by such agency for  
24 the project-related NEPA review conducted  
25 by the Commission; or

1                   (ii) include any such comments or  
2                   other information in the record for such  
3                   project-related NEPA review.

4           (e) WATER QUALITY IMPACTS.—

5                   (1) IN GENERAL.—Notwithstanding section 401  
6                   of the Federal Water Pollution Control Act (33  
7                   U.S.C. 1341), an applicant for a Federal authoriza-  
8                   tion shall not be required to provide a certification  
9                   under such section with respect to the Federal au-  
10                  thorization.

11                  (2) COORDINATION.—With respect to any  
12                  NEPA review for a Federal authorization to conduct  
13                  an activity that will directly result in a discharge  
14                  into the navigable waters (within the meaning of the  
15                  Federal Water Pollution Control Act (33 U.S.C.  
16                  1251 et seq.)), the Commission shall identify as an  
17                  agency under subsection (d)(1) the State in which  
18                  the discharge originates or will originate, or, if ap-  
19                  propriate, the interstate water pollution control  
20                  agency having jurisdiction over the navigable waters  
21                  at the point where the discharge originates or will  
22                  originate.

23                  (3) PROPOSED CONDITIONS.—A State or inter-  
24                  state agency designated as a participating agency  
25                  pursuant to paragraph (2) may propose to the Com-

1 mission terms or conditions for inclusion in an au-  
2 thorization under section 3 of the Natural Gas Act  
3 (15 U.S.C. 717b) or a certificate of public conven-  
4 ience and necessity under section 7 of such Act (15  
5 U.S.C. 717f) that the State or interstate agency de-  
6 termines are necessary to ensure that any activity  
7 described in paragraph (2) conducted pursuant to  
8 such authorization or certification will comply with  
9 the applicable provisions of sections 301, 302, 303,  
10 306, and 307 of the Federal Water Pollution Con-  
11 trol Act (33 U.S.C. 1311, 1312, 1316, 1317).

12 (4) COMMISSION CONSIDERATION OF CONDI-  
13 TIONS.—The Commission may include a term or  
14 condition in an authorization under section 3 of the  
15 Natural Gas Act (15 U.S.C. 717b) or a certificate  
16 of public convenience and necessity under section 7  
17 of such Act (15 U.S.C. 717f) proposed by a State  
18 or interstate agency under paragraph (3) only if the  
19 Commission finds that the term or condition is nec-  
20 essary to ensure that any activity described in para-  
21 graph (2) conducted pursuant to such authorization  
22 or certification will comply with the applicable provi-  
23 sions of sections 301, 302, 303, 306, and 307 of the  
24 Federal Water Pollution Control Act (33 U.S.C.  
25 1311, 1312, 1316, 1317).

1 (f) SCHEDULE.—

2 (1) DEADLINE FOR FEDERAL AUTHORIZA-  
3 TIONS.—A deadline for a Federal authorization re-  
4 quired with respect to an application for authoriza-  
5 tion under section 3 of the Natural Gas Act (15  
6 U.S.C. 717b) or a certificate of public convenience  
7 and necessity under section 7 of such Act (15 U.S.C.  
8 717f) set by the Commission under section 15(e)(1)  
9 of such Act (15 U.S.C. 717n(e)(1)) shall be not later  
10 than 90 days after the Commission completes its  
11 project-related NEPA review, unless an applicable  
12 schedule is otherwise established by Federal law.

13 (2) CONCURRENT REVIEWS.—Each Federal and  
14 State agency—

15 (A) that may consider an application for a  
16 Federal authorization required with respect to  
17 an application for authorization under section 3  
18 of the Natural Gas Act (15 U.S.C. 717b) or a  
19 certificate of public convenience and necessity  
20 under section 7 of such Act (15 U.S.C. 717f)  
21 shall formulate and implement a plan for ad-  
22 ministrative, policy, and procedural mechanisms  
23 to enable the agency to ensure completion of  
24 Federal authorizations in compliance with  
25 schedules established by the Commission under

1 section 15(c)(1) of such Act (15 U.S.C.  
2 717n(c)(1)); and

3 (B) in considering an aspect of an applica-  
4 tion for a Federal authorization required with  
5 respect to an application for authorization  
6 under section 3 of the Natural Gas Act (15  
7 U.S.C. 717b) or a certificate of public conven-  
8 ience and necessity under section 7 of such Act  
9 (15 U.S.C. 717f), shall—

10 (i) formulate and implement a plan to  
11 enable the agency to comply with the  
12 schedule established by the Commission  
13 under section 15(c)(1) of such Act (15  
14 U.S.C. 717n(c)(1));

15 (ii) carry out the obligations of that  
16 agency under applicable law concurrently,  
17 and in conjunction with, the project-related  
18 NEPA review conducted by the Commis-  
19 sion, and in compliance with the schedule  
20 established by the Commission under sec-  
21 tion 15(c)(1) of such Act (15 U.S.C.  
22 717n(c)(1)), unless the agency notifies the  
23 Commission in writing that doing so would  
24 impair the ability of the agency to conduct

1 needed analysis or otherwise carry out  
2 such obligations;

3 (iii) transmit to the Commission a  
4 statement—

5 (I) acknowledging receipt of the  
6 schedule established by the Commis-  
7 sion under section 15(c)(1) of the  
8 Natural Gas Act (15 U.S.C.  
9 717n(c)(1)); and

10 (II) setting forth the plan formu-  
11 lated under clause (i) of this subpara-  
12 graph;

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

17 (I) indicating whether such appli-  
18 cation is ready for processing; and

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



1 (v) determine that such application  
2 for a Federal authorization is ready for  
3 processing for purposes of clause (iv) if  
4 such application is sufficiently complete for  
5 the purposes of commencing consideration,  
6 regardless of whether supplemental infor-  
7 mation is necessary to enable the agency to  
8 complete the consideration required by law  
9 with respect to such application; and

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

15 (3) FAILURE TO MEET DEADLINE.—If a Fed-  
16 eral or State agency, including the Commission, fails  
17 to meet a deadline for a Federal authorization set  
18 forth in the schedule established by the Commission  
19 under section 15(c)(1) of the Natural Gas Act (15  
20 U.S.C. 717n(c)(1)), not later than 5 days after such  
21 deadline, the head of the relevant Federal agency  
22 (including, in the case of a failure by a State agency,  
23 the Federal agency overseeing the delegated author-  
24 ity) shall notify Congress and the Commission of  
25 such failure and set forth a recommended implemen-

1 tation plan to ensure completion of the action to  
2 which such deadline applied.

3 (g) CONSIDERATION OF APPLICATIONS FOR FED-  
4 ERAL AUTHORIZATION.—

5 (1) ISSUE IDENTIFICATION AND RESOLU-  
6 TION.—

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

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

21 (2) REMOTE SURVEYS.—If a Federal or State  
22 agency considering an aspect of an application for a  
23 Federal authorization requires the person applying  
24 for such authorization to submit data, the agency  
25 shall consider any such data gathered by aerial or

1 other remote means that the person submits. The  
2 agency may grant a conditional approval for the  
3 Federal authorization based on data gathered by  
4 aerial or remote means, conditioned on the  
5 verification of such data by subsequent onsite in-  
6 spection.

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

12 (h) ACCOUNTABILITY, TRANSPARENCY, EFFI-  
13 CIENCY.—For an application for an authorization under  
14 section 3 of the Natural Gas Act (15 U.S.C. 717b) or a  
15 certificate of public convenience and necessity under sec-  
16 tion 7 of such Act (15 U.S.C. 717f) that requires multiple  
17 Federal authorizations, the Commission, with input from  
18 any Federal or State agency considering an aspect of the  
19 application, shall track and make available to the public  
20 on the Commission’s website information related to the ac-  
21 tions required to complete the Federal authorizations.  
22 Such information shall include the following:

23 (1) The schedule established by the Commission  
24 under section 15(c)(1) of the Natural Gas Act (15  
25 U.S.C. 717n(c)(1)).

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

5           (3) The expected completion date for each such  
6           action.

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

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

12          (i) PIPELINE SECURITY.—In considering an applica-  
13          tion for an authorization under section 3 of the Natural  
14          Gas Act (15 U.S.C. 717b) or a certificate of public conven-  
15          ience and necessity under section 7 of such Act (15 U.S.C.  
16          717f), the Commission shall consult with the Adminis-  
17          trator of the Transportation Security Administration re-  
18          garding the applicant’s compliance with security guidance  
19          and best practice recommendations of the Administration  
20          regarding pipeline infrastructure security, pipeline cyber-  
21          security, pipeline personnel security, and other pipeline se-  
22          curity measures.

1 **SEC. 10009. INTERIM HAZARDOUS WASTE PERMITS FOR**  
2 **CRITICAL ENERGY RESOURCE FACILITIES.**

3 Section 3005(e) of the Solid Waste Disposal Act (42  
4 U.S.C. 6925(e)) is amended—

5 (1) in paragraph (1)(A)—

6 (A) in clause (i), by striking “or” at the  
7 end;

8 (B) in clause (ii), by inserting “or” after  
9 “this section,”; and

10 (C) by adding at the end the following:

11 “(iii) is a critical energy resource facility,”;

12 and

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

14 “(4) DEFINITIONS.—For the purposes of this sub-  
15 section:

16 “(A) CRITICAL ENERGY RESOURCE.—The term  
17 ‘critical energy resource’ means, as determined by  
18 the Secretary of Energy, any energy resource—

19 “(i) that is essential to the energy sector  
20 and energy systems of the United States; and

21 “(ii) the supply chain of which is vulner-  
22 able to disruption.

23 “(B) CRITICAL ENERGY RESOURCE FACILITY.—

24 The term ‘critical energy resource facility’ means a  
25 facility that processes or refines a critical energy re-  
26 source.”.

1 **SEC. 10010. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**  
2 **RESOURCE FACILITIES.**

3 (a) IN GENERAL.—The Administrator of the Envi-  
4 ronmental Protection Agency shall, as necessary, revise  
5 regulations under parts 70 and 71 of title 40, Code of  
6 Federal Regulations, to—

7 (1) authorize the owner or operator of a critical  
8 energy resource facility to utilize flexible air permit-  
9 ting (as described in the final rule entitled “Oper-  
10 ating Permit Programs; Flexible Air Permitting  
11 Rule” published by the Environmental Protection  
12 Agency in the Federal Register on October 6, 2009  
13 (74 Fed. Reg. 51418)) with respect to such critical  
14 energy resource facility; and

15 (2) facilitate flexible, market-responsive oper-  
16 ations (as described in the final rule identified in  
17 paragraph (1)) with respect to critical energy re-  
18 source facilities.

19 (b) DEFINITIONS.—In this section:

20 (1) CRITICAL ENERGY RESOURCE.—The term  
21 “critical energy resource” means, as determined by  
22 the Secretary of Energy, any energy resource—

23 (A) that is essential to the energy sector  
24 and energy systems of the United States; and

25 (B) the supply chain of which is vulnerable  
26 to disruption.

1 (2) CRITICAL ENERGY RESOURCE FACILITY.—

2 The term “critical energy resource facility” means a  
3 facility that processes or refines a critical energy re-  
4 source.

5 **SEC. 10011. NATIONAL SECURITY OR ENERGY SECURITY**  
6 **WAIVERS TO PRODUCE CRITICAL ENERGY**  
7 **RESOURCES.**

8 (a) CLEAN AIR ACT REQUIREMENTS.—

9 (1) IN GENERAL.—If the Administrator of the  
10 Environmental Protection Agency, in consultation  
11 with the Secretary of Energy, determines that, by  
12 reason of a sudden increase in demand for, or a  
13 shortage of, a critical energy resource, or another  
14 cause, the processing or refining of a critical energy  
15 resource at a critical energy resource facility is nec-  
16 essary to meet the national security or energy secu-  
17 rity needs of the United States, then the Adminis-  
18 trator may, with or without notice, hearing, or other  
19 report, issue a temporary waiver of any requirement  
20 under the Clean Air Act (42 U.S.C. 7401 et seq.)  
21 with respect to such critical energy resource facility  
22 that, in the judgment of the Administrator, will  
23 allow for such processing or refining at such critical  
24 energy resource facility as necessary to best meet  
25 such needs and serve the public interest.

1           (2) CONFLICT WITH OTHER ENVIRONMENTAL  
2           LAWS.—The Administrator shall ensure that any  
3           waiver of a requirement under the Clean Air Act (42  
4           U.S.C. 7401 et seq.) under this subsection, to the  
5           maximum extent practicable, does not result in a  
6           conflict with a requirement of any other applicable  
7           Federal, State, or local environmental law or regula-  
8           tion and minimizes any adverse environmental im-  
9           pacts.

10           (3) VIOLATIONS OF OTHER ENVIRONMENTAL  
11           LAWS.—To the extent any omission or action taken  
12           by a party under a waiver issued under this sub-  
13           section is in conflict with any requirement of a Fed-  
14           eral, State, or local environmental law or regulation,  
15           such omission or action shall not be considered a  
16           violation of such environmental law or regulation, or  
17           subject such party to any requirement, civil or crimi-  
18           nal liability, or a citizen suit under such environ-  
19           mental law or regulation.

20           (4) EXPIRATION AND RENEWAL OF WAIVERS.—  
21           A waiver issued under this subsection shall expire  
22           not later than 90 days after it is issued. The Admin-  
23           istrator may renew or reissue such waiver pursuant  
24           to paragraphs (1) and (2) for subsequent periods,  
25           not to exceed 90 days for each period, as the Admin-



1        administrator determines necessary to meet the national  
2        security or energy security needs described in para-  
3        graph (1) and serve the public interest. In renewing  
4        or reissuing a waiver under this paragraph, the Ad-  
5        ministrator shall include in any such renewed or re-  
6        issued waiver such conditions as are necessary to  
7        minimize any adverse environmental impacts to the  
8        extent practicable.

9            (5) SUBSEQUENT ACTION BY COURT.—If a  
10        waiver issued under this subsection is subsequently  
11        stayed, modified, or set aside by a court pursuant a  
12        provision of law, any omission or action previously  
13        taken by a party under the waiver while the waiver  
14        was in effect shall remain subject to paragraph (3).

15            (6) CRITICAL ENERGY RESOURCE; CRITICAL EN-  
16        ERGY RESOURCE FACILITY DEFINED.—In this sub-  
17        section, the terms “critical energy resource” and  
18        “critical energy resource facility” have the meanings  
19        given such terms in section 3025(f) of the Solid  
20        Waste Disposal Act (as added by this section).

21        (b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

22            (1) HAZARDOUS WASTE MANAGEMENT.—The  
23        Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)  
24        is amended by inserting after section 3024 the fol-  
25        lowing:

1 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**  
2 **FACILITIES.**

3 “(a) IN GENERAL.—If the Administrator, in con-  
4 sultation with the Secretary of Energy, determines that,  
5 by reason of a sudden increase in demand for, or a short-  
6 age of, a critical energy resource, or another cause, the  
7 processing or refining of a critical energy resource at a  
8 critical energy resource facility is necessary to meet the  
9 national security or energy security needs of the United  
10 States, then the Administrator may, with or without no-  
11 tice, hearing, or other report, issue a temporary waiver  
12 of any covered requirement with respect to such critical  
13 energy resource facility that, in the judgment of the Ad-  
14 ministrator, will allow for such processing or refining at  
15 such critical energy resource facility as necessary to best  
16 meet such needs and serve the public interest.

17 “(b) CONFLICT WITH OTHER ENVIRONMENTAL  
18 LAWS.—The Administrator shall ensure that any waiver  
19 of a covered requirement under this section, to the max-  
20 imum extent practicable, does not result in a conflict with  
21 a requirement of any other applicable Federal, State, or  
22 local environmental law or regulation and minimizes any  
23 adverse environmental impacts.

24 “(c) VIOLATIONS OF OTHER ENVIRONMENTAL  
25 LAWS.—To the extent any omission or action taken by  
26 a party under a waiver issued under this section is in con-

1 flict with any requirement of a Federal, State, or local  
2 environmental law or regulation, such omission or action  
3 shall not be considered a violation of such environmental  
4 law or regulation, or subject such party to any require-  
5 ment, civil or criminal liability, or a citizen suit under such  
6 environmental law or regulation.

7       “(d) EXPIRATION AND RENEWAL OF WAIVERS.—A  
8 waiver issued under this section shall expire not later than  
9 90 days after it is issued. The Administrator may renew  
10 or reissue such waiver pursuant to subsections (a) and (b)  
11 for subsequent periods, not to exceed 90 days for each pe-  
12 riod, as the Administrator determines necessary to meet  
13 the national security or energy security needs described  
14 in subsection (a) and serve the public interest. In renewing  
15 or reissuing a waiver under this subsection, the Adminis-  
16 trator shall include in any such renewed or reissued waiver  
17 such conditions as are necessary to minimize any adverse  
18 environmental impacts to the extent practicable.

19       “(e) SUBSEQUENT ACTION BY COURT.—If a waiver  
20 issued under this section is subsequently stayed, modified,  
21 or set aside by a court pursuant a provision of law, any  
22 omission or action previously taken by a party under the  
23 waiver while the waiver was in effect shall remain subject  
24 to subsection (c).

25       “(f) DEFINITIONS.—In this section:

1           “(1) COVERED REQUIREMENT.—The term ‘cov-  
2           ered requirement’ means—

3                   “(A) any standard established under sec-  
4                   tion 3002, 3003, or 3004;

5                   “(B) the permit requirement under section  
6                   3005; or

7                   “(C) any other requirement of this Act, as  
8                   the Administrator determines appropriate.

9           “(2) CRITICAL ENERGY RESOURCE.—The term  
10           ‘critical energy resource’ means, as determined by  
11           the Secretary of Energy, any energy resource—

12                   “(A) that is essential to the energy sector  
13                   and energy systems of the United States; and

14                   “(B) the supply chain of which is vulner-  
15                   able to disruption.

16           “(3) CRITICAL ENERGY RESOURCE FACILITY.—  
17           The term ‘critical energy resource facility’ means a  
18           facility that processes or refines a critical energy re-  
19           source.”.

20           (2) TABLE OF CONTENTS.—The table of con-  
21           tents of the Solid Waste Disposal Act (42 U.S.C.  
22           6901 note; Public Law 89–272) is amended by in-  
23           serting after the item relating to section 3024 the  
24           following:

“Sec. 3025. Waivers for critical energy resource facilities.”.

1 **SEC. 10012. ENDING FUTURE DELAYS IN CHEMICAL SUB-**  
2 **STANCE REVIEW FOR CRITICAL ENERGY RE-**  
3 **SOURCES.**

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

7 “(6) CRITICAL ENERGY RESOURCES.—

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

16 “(B) FAILURE TO RENDER DETERMINA-  
17 TION.—

18 “(i) ACTIONS AUTHORIZED.—If, with  
19 respect to a chemical substance that is a  
20 critical energy resource, the Administrator  
21 fails to make a determination on a notice  
22 under paragraph (3) by the end of the ap-  
23 plicable review period and the notice has  
24 not been withdrawn by the submitter, the  
25 submitter may take the actions described  
26 in paragraph (1)(A) with respect to the

1 chemical substance, and the Administrator  
2 shall be relieved of any requirement to  
3 make such determination.

4 “(ii) NON-DUPLICATION.—A refund of  
5 applicable fees under paragraph (4)(A)  
6 shall not be made if a submitter takes an  
7 action described in paragraph (1)(A) under  
8 this subparagraph.

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

18 “(i) conducted a preliminary review of  
19 such notice; and

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

23 “(D) DEFINITION.—For purposes of this  
24 paragraph, the term ‘critical energy resource’

1 means, as determined by the Secretary of En-  
2 ergy, any energy resource—

3 “(i) that is essential to the energy sec-  
4 tor and energy systems of the United  
5 States; and

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

8 **SEC. 10013. NATURAL GAS TAX REPEAL.**

9 (a) REPEAL.—Section 136 of the Clean Air Act (42  
10 U.S.C. 7436) (relating to methane emissions and waste  
11 reduction incentive program for petroleum and natural gas  
12 systems) is repealed.

13 (b) RESCISSION.—The unobligated balance of any  
14 amounts made available under section 136 of the Clean  
15 Air Act (42 U.S.C. 7436) (as in effect on the day before  
16 the date of enactment of this Act) is rescinded.

17 **SEC. 10014. REPEAL OF GREENHOUSE GAS REDUCTION**  
18 **FUND.**

19 (a) REPEAL.—Section 134 of the Clean Air Act (42  
20 U.S.C. 7434) (relating to the greenhouse gas reduction  
21 fund) is repealed.

22 (b) RESCISSION.—The unobligated balance of any  
23 amounts made available under section 134 of the Clean  
24 Air Act (42 U.S.C. 7434) (as in effect on the day before  
25 the date of enactment of this Act) is rescinded.

1 (c) CONFORMING AMENDMENT.—Section 60103 of  
2 Public Law 117–169 (relating to the greenhouse gas re-  
3 duction fund) is repealed.

4 **SEC. 10015. KEEPING AMERICA’S REFINERIES OPERATING.**

5 (a) IN GENERAL.—The owner or operator of a sta-  
6 tionary source described in subsection (b) of this section  
7 shall not be required by the regulations promulgated  
8 under section 112(r)(7)(B) of the Clean Air Act (42  
9 U.S.C. 7412(r)(7)(B)) to include in any hazard assess-  
10 ment under clause (ii) of such section 112(r)(7)(B) an as-  
11 sessment of safer technology and alternative risk manage-  
12 ment measures with respect to the use of hydrofluoric acid  
13 in an alkylation unit.

14 (b) STATIONARY SOURCE DESCRIBED.—A stationary  
15 source described in this subsection is a stationary source  
16 (as defined in section 112(r)(2)(C) of the Clean Air Act  
17 (42 U.S.C. 7412(r)(2)(C))) in North American Industry  
18 Classification System code 324—

19 (1) for which a construction permit or operating  
20 permit has been issued pursuant to the Clean Air  
21 Act (42 U.S.C. 7401 et seq.); or

22 (2) for which the owner or operator dem-  
23 onstrates to the Administrator of the Environmental  
24 Protection Agency that such stationary source con-  
25 forms or will conform to the most recent version of



1 American Petroleum Institute Recommended Prac-  
2 tice 751.

3 **SEC. 10016. HOMEOWNER ENERGY FREEDOM.**

4 (a) IN GENERAL.—The following are repealed:

5 (1) Section 50122 of Public Law 117–169 (42  
6 U.S.C. 18795a) (relating to a high-efficiency electric  
7 home rebate program).

8 (2) Section 50123 of Public Law 117–169 (42  
9 U.S.C. 18795b) (relating to State-based home en-  
10 ergy efficiency contractor training grants).

11 (3) Section 50131 of Public Law 117–169 (136  
12 Stat. 2041) (relating to assistance for latest and  
13 zero building energy code adoption).

14 (b) RESCISSIONS.—The unobligated balances of any  
15 amounts made available under each of sections 50122,  
16 50123, and 50131 of Public Law 117–169 (42 U.S.C.  
17 18795a, 18795b; 136 Stat. 2041) (as in effect on the day  
18 before the date of enactment of this Act) are rescinded.

19 (c) CONFORMING AMENDMENT.—Section  
20 50121(c)(7) of Public Law 117–169 (42 U.S.C.  
21 18795(c)(7)) is amended by striking “, including a rebate  
22 provided under a high-efficiency electric home rebate pro-  
23 gram (as defined in section 50122(d)),”.

1 **DIVISION B—TRANSPARENCY,**  
 2 **ACCOUNTABILITY, PERMIT-**  
 3 **TING, AND PRODUCTION OF**  
 4 **AMERICAN RESOURCES**

5 **SEC. 20001. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) **SHORT TITLE.**—This division may be cited as the  
 7 “Transparency, Accountability, Permitting, and Produc-  
 8 tion of American Resources Act” or the “TAPP American  
 9 Resources Act”.

10 (b) **TABLE OF CONTENTS.**—The table of contents for  
 11 this division is as follows:

DIVISION B—TRANSPARENCY, ACCOUNTABILITY, PERMITTING,  
 AND PRODUCTION OF AMERICAN RESOURCES

Sec. 20001. Short title; table of contents.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

- Sec. 20101. Onshore oil and gas leasing.
- Sec. 20102. Lease reinstatement.
- Sec. 20103. Protested lease sales.
- Sec. 20104. Suspension of operations.
- Sec. 20105. Administrative protest process reform.
- Sec. 20106. Leasing and permitting transparency.
- Sec. 20107. Offshore oil and gas leasing.
- Sec. 20108. Five-year plan for offshore oil and gas leasing.
- Sec. 20109. Geothermal leasing.
- Sec. 20110. Leasing for certain qualified coal applications.
- Sec. 20111. Future coal leasing.
- Sec. 20112. Staff planning report.
- Sec. 20113. Prohibition on Chinese communist party ownership interest.
- Sec. 20114. Effect on other law.

TITLE II—PERMITTING STREAMLINING

- Sec. 20201. Definitions.
- Sec. 20202. BUILDER Act.
- Sec. 20203. Codification of National Environmental Policy Act regulations.
- Sec. 20204. Non-major Federal actions.
- Sec. 20205. No net loss determination for existing rights-of-way.
- Sec. 20206. Determination of National Environmental Policy Act adequacy.
- Sec. 20207. Determination regarding rights-of-way.
- Sec. 20208. Terms of rights-of-way.

- Sec. 20209. Funding to process permits and develop information technology.
- Sec. 20210. Offshore geological and geophysical survey licensing.
- Sec. 20211. Deferral of applications for permits to drill.
- Sec. 20212. Processing and terms of applications for permits to drill.
- Sec. 20213. Amendments to the Energy Policy Act of 2005.
- Sec. 20214. Access to Federal energy resources from non-Federal surface estate.
- Sec. 20215. Scope of environmental reviews for oil and gas leases.
- Sec. 20216. Expediting approval of gathering lines.
- Sec. 20217. Lease sale litigation.
- Sec. 20218. Limitation on claims.
- Sec. 20219. Government Accountability Office report on permits to drill.
- Sec. 20220. E-NEPA.

#### TITLE III—PERMITTING FOR MINING NEEDS

- Sec. 20301. Definitions.
- Sec. 20302. Minerals supply chain and reliability.
- Sec. 20303. Federal Register process improvement.
- Sec. 20304. Designation of mining as a covered sector for Federal permitting improvement purposes.
- Sec. 20305. Treatment of actions under Presidential Determination 2022–11 for Federal permitting improvement purposes.
- Sec. 20306. Notice for mineral exploration activities with limited surface disturbance.
- Sec. 20307. Use of mining claims for ancillary activities.
- Sec. 20308. Ensuring consideration of uranium as a critical mineral.
- Sec. 20309. Barring foreign bad actors from operating on Federal lands.

#### TITLE IV—FEDERAL LAND USE PLANNING

- Sec. 20401. Federal land use planning and withdrawals.
- Sec. 20402. Prohibitions on delay of mineral development of certain Federal land.
- Sec. 20403. Definitions.

#### TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS

- Sec. 20501. Incentivizing domestic production.

#### TITLE VI—ENERGY REVENUE SHARING

- Sec. 20601. Gulf of Mexico outer Continental Shelf revenue.
- Sec. 20602. Parity in offshore wind revenue sharing.
- Sec. 20603. Elimination of administrative fee under the Mineral Leasing Act.

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

4 **SEC. 20101. ONSHORE OIL AND GAS LEASING.**

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

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

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

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

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

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

1       226(b)(1)(A)) is amended by inserting “Eligible  
2       lands comprise all lands subject to leasing under this  
3       Act and not excluded from leasing by a statutory or  
4       regulatory prohibition. Available lands are those  
5       lands that have been designated as open for leasing  
6       under a land use plan developed under section 202  
7       of the Federal Land Policy and Management Act of  
8       1976 (43 U.S.C. 1712) and that have been nomi-  
9       nated for leasing through the submission of an ex-  
10      pression of interest, are subject to drainage in the  
11      absence of leasing, or are otherwise designated as  
12      available pursuant to regulations adopted by the  
13      Secretary.” after “sales are necessary.”.

14      (b) QUARTERLY LEASE SALES.—

15           (1) IN GENERAL.—In accordance with the Min-  
16      eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal  
17      year, the Secretary of the Interior shall conduct a  
18      minimum of 4 oil and gas lease sales in each of the  
19      following States:

20                   (A) Wyoming.

21                   (B) New Mexico.

22                   (C) Colorado.

23                   (D) Utah.

24                   (E) Montana.

25                   (F) North Dakota.

1 (G) Oklahoma.

2 (H) Nevada.

3 (I) Alaska.

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

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

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

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

22 (B) during a lease sale under paragraph  
23 (1) the percentage of acreage that does not re-  
24 ceive a bid is equal to or greater than 25 per-  
25 cent of the acreage offered.

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

10 **SEC. 20102. LEASE REINSTATEMENT.**

11           The reinstatement of a lease entered into under the  
12 Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-  
13 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by  
14 the Secretary of the Interior shall be not considered a  
15 major Federal action under section 102(2)(C) of the Na-  
16 tional Environmental Policy Act of 1969 (42 U.S.C.  
17 4332(2)(C)).

18 **SEC. 20103. PROTESTED LEASE SALES.**

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

1 **SEC. 20104. SUSPENSION OF OPERATIONS.**

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

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

17 **SEC. 20105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

18 Section 17 of the Mineral Leasing Act (30 U.S.C.  
19 226) (as amended by section 20104) is further amended  
20 by adding at the end the following:

21 “(s) PROTEST FILING FEE.—

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



1 processing documents filed for each administrative  
2 protest.

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

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

8 “(B) For each submission exceeding 10  
9 pages in length, in addition to the base filing  
10 fee, an assessment of \$5 per page in excess of  
11 10 pages shall apply.

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

18 “(3) ADJUSTMENT.—

19 “(A) IN GENERAL.—Beginning on January  
20 1, 2024, and annually thereafter, the Secretary  
21 shall adjust the filing fees established in this  
22 subsection to whole dollar amounts to reflect  
23 changes in the Producer Price Index, as pub-  
24 lished by the Bureau of Labor Statistics, for  
25 the previous 12 months.

1           “(B) PUBLICATION OF ADJUSTED FILING  
2           FEES.—At least 30 days before the filing fees  
3           as adjusted under this paragraph take effect,  
4           the Secretary shall publish notification of the  
5           adjustment of such fees in the Federal Reg-  
6           ister.”.

7 **SEC. 20106. LEASING AND PERMITTING TRANSPARENCY.**

8           (a) REPORT.—Not later than 30 days after the date  
9           of enactment of this Act, and annually thereafter, the Sec-  
10          retary of the Interior shall submit to the Committee on  
11          Natural Resources of the House of Representatives and  
12          the Committee on Energy and Natural Resources of the  
13          Senate a report that describes—

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

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

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

23                               (ii) has not completed review; or

24                               (iii) has completed review and deter-  
25                               mined that the relevant area meets all ap-

1 plicable requirements for leasing, but has  
2 not offered the relevant area in a lease  
3 sale;

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

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

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

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

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

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

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

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

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

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

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

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

24                   (A) a description of any cause of delay for  
25          pending applications, including as a result of

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

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

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

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

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

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

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

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

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

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

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

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

21                   (B) issue a permit to drill; and

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

24           (9) when determinations described in paragraph

25           (8) are sent to the national office of the Bureau of

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

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

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

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

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

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

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

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

6 (c) PUBLIC AVAILABILITY OF DATA.—

7 (1) MINERAL LEASING ACT.—Section 17 of the  
8 Mineral Leasing Act (30 U.S.C. 226) (as amended  
9 by section 20105) is further amended by adding at  
10 the end the following:

11 “(t) PUBLIC AVAILABILITY OF DATA.—

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

20 “(2) APPLICATIONS FOR PERMITS TO DRILL.—

21 Not later than 30 days after the date of enactment  
22 of this subsection, and each month thereafter, the  
23 Secretary shall publish on the website of the Depart-  
24 ment of the Interior the number of pending and ap-



1 proved applications for permits to drill in the pre-  
2 ceding month in each State office.

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

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

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

16 (2) OUTER CONTINENTAL SHELF LANDS ACT.—  
17 Section 8 of the Outer Continental Shelf Lands Act  
18 (43 U.S.C. 1337) is amended by adding at the end  
19 the following:

20 “(q) PUBLIC AVAILABILITY OF DATA.—

21 “(1) OFFSHORE GEOLOGICAL AND GEO-  
22 PHYSICAL SURVEY LICENSES.—Not later than 30  
23 days after the date of enactment of this subsection,  
24 and each month thereafter, the Secretary shall pub-  
25 lish on the website of the Department of the Interior

1 the number of pending and approved applications for  
2 licenses for offshore geological and geophysical sur-  
3 veys in the preceding month.

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

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

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

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

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

1           (1) IN GENERAL.—Not later than 60 days after  
2           the date of the enactment of this Act, the Secretary  
3           of the Interior shall submit to the Committee on En-  
4           ergy and Natural Resources of the Senate and the  
5           Committee on Natural Resources of the House of  
6           Representatives all documents and communications  
7           relating to the comprehensive review of Federal oil  
8           and gas permitting and leasing practices required  
9           under section 208 of Executive Order 14008 (42  
10          U.S.C. 4321 note; relating to tackling the climate  
11          crisis at home and abroad).

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

18 **SEC. 20107. OFFSHORE OIL AND GAS LEASING.**

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

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

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

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

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

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

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

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

4 **SEC. 20108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**  
5 **LEASING.**

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

8           (1) in subsection (a)—

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

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

14                   “(5) Each five-year program shall include at  
15           least 2 Gulf of Mexico region-wide lease sales per  
16           year.”; and

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

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

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

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

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

3 “(g) SUBSEQUENT LEASING PROGRAMS.—

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

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

14 **SEC. 20109. GEOTHERMAL LEASING.**

15 (a) ANNUAL LEASING.—Section 4(b) of the Geo-  
 16 thermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amend-  
 17 ed—

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

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

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

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

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

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

9       (b) DEADLINES FOR CONSIDERATION OF GEO-  
10      THERMAL DRILLING PERMITS.—Section 4 of the Geo-  
11      thermal Steam Act of 1970 (30 U.S.C. 1003) is amended  
12      by adding at the end the following:

13           “(h) DEADLINES FOR CONSIDERATION OF GEO-  
14      THERMAL DRILLING PERMITS.—

15           “(1) NOTICE.—Not later than 30 days after the  
16      date on which the Secretary receives an application  
17      for any geothermal drilling permit, the Secretary  
18      shall—

19                   “(A) provide written notice to the appli-  
20                   cant that the application is complete; or

21                   “(B) notify the applicant that information  
22                   is missing and specify any information that is  
23                   required to be submitted for the application to  
24                   be complete.

1           “(2) ISSUANCE OF DECISION.—If the Secretary  
2 determines that an application for a geothermal  
3 drilling permit is complete under paragraph (1)(A),  
4 the Secretary shall issue a final decision on the ap-  
5 plication not later than 30 days after the Secretary  
6 notifies the applicant that the application is com-  
7 plete.”.

8 **SEC. 20110. LEASING FOR CERTAIN QUALIFIED COAL AP-**  
9 **PLICATIONS.**

10 (a) DEFINITIONS.—In this section:

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

16           (2) QUALIFIED APPLICATION.—The term  
17 “qualified application” means any application pend-  
18 ing under the lease by application program adminis-  
19 tered by the Bureau of Land Management pursuant  
20 to the Mineral Leasing Act (30 U.S.C. 181 et seq.)  
21 and subpart 3425 of title 43, Code of Federal Regu-  
22 lations (as in effect on the date of enactment of this  
23 Act), for which the environmental review process  
24 under the National Environmental Policy Act of  
25 1969 (42 U.S.C. 4321 et seq.) has commenced.



1 (b) MANDATORY LEASING AND OTHER REQUIRED  
2 APPROVALS.—As soon as practicable after the date of en-  
3 actment of this Act, the Secretary shall promptly—

4 (1) with respect to each qualified application—

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

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

14 (C) take all intermediate actions necessary  
15 to grant the qualified application; and

16 (D) grant the qualified application; and

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

22 **SEC. 20111. FUTURE COAL LEASING.**

23 Notwithstanding any judicial decision to the contrary  
24 or a departmental review of the Federal coal leasing pro-  
25 gram, Secretarial Order 3338, issued by the Secretary of

1 the Interior on January 15, 2016, shall have no force or  
2 effect.

3 **SEC. 20112. STAFF PLANNING REPORT.**

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

12 (1) the number of staff assigned to process and  
13 issue oil, gas, hardrock mining, coal, and renewable  
14 energy leases, rights-of-way, claims, easements, and  
15 permits;

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

20 (3) how, as applicable, the Department of the  
21 Interior or the Department of Agriculture plans to  
22 address staffing shortfalls and turnover to ensure  
23 adequate staffing to process and issue such oil, gas,  
24 hardrock mining, coal, and renewable energy leases,  
25 rights-of-way, claims, easements, and permits.

1 **SEC. 20113. PROHIBITION ON CHINESE COMMUNIST PARTY**  
2 **OWNERSHIP INTEREST.**

3 Notwithstanding any other provision of law, the Com-  
4 munist Party of China (or a person acting on behalf of  
5 the Communist Party of China) may not acquire any in-  
6 terest with respect to lands leased for oil or gas under  
7 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the  
8 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et  
9 seq.).

10 **SEC. 20114. EFFECT ON OTHER LAW.**

11 Nothing in this division, or any amendments made  
12 by this division, shall affect—

13 (1) the Presidential memorandum entitled  
14 “Memorandum on Withdrawal of Certain Areas of  
15 the United States Outer Continental Shelf From  
16 Leasing Disposition” and dated September 8, 2020;

17 (2) the Presidential memorandum entitled  
18 “Memorandum on Withdrawal of Certain Areas of  
19 the United States Outer Continental Shelf From  
20 Leasing Disposition” and dated September 25,  
21 2020;

22 (3) the Presidential memorandum entitled  
23 “Memorandum on Withdrawal of Certain Areas off  
24 the Atlantic Coast on the Outer Continental Shelf  
25 From Leasing Disposition” and dated December 20,  
26 2016; or

1 (4) the ban on oil and gas development in the  
2 Great Lakes described in section 386 of the Energy  
3 Policy Act of 2005 (42 U.S.C. 15941).

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

### 6 **SEC. 20201. DEFINITIONS.**

7 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 20202. BUILDER ACT.**

19           (a) PARAGRAPH (2) OF SECTION 102.—Section  
20 102(2) of the National Environmental Policy Act of 1969  
21 (42 U.S.C. 4332(2)) is amended—

22           (1) in subparagraph (A), by striking “insure”  
23 and inserting “ensure”;

24           (2) in subparagraph (B), by striking “insure”  
25 and inserting “ensure”;

1 (3) in subparagraph (C)—

2 (A) by inserting “consistent with the provi-  
3 sions of this Act and except as provided by  
4 other provisions of law,” before “include in  
5 every”;

6 (B) by striking clauses (i) through (v) and  
7 inserting the following:

8 “(i) reasonably foreseeable environmental  
9 effects with a reasonably close causal relation-  
10 ship to the proposed agency action;

11 “(ii) any reasonably foreseeable adverse en-  
12 vironmental effects which cannot be avoided  
13 should the proposal be implemented;

14 “(iii) a reasonable number of alternatives  
15 to the proposed agency action, including an  
16 analysis of any negative environmental impacts  
17 of not implementing the proposed agency action  
18 in the case of a no action alternative, that are  
19 technically and economically feasible, are within  
20 the jurisdiction of the agency, meet the purpose  
21 and need of the proposal, and, where applicable,  
22 meet the goals of the applicant;

23 “(iv) the relationship between local short-  
24 term uses of man’s environment and the main-

1           tenance and enhancement of long-term produc-  
2           tivity; and

3           “(v) any irreversible and irretrievable com-  
4           mitments of Federal resources which would be  
5           involved in the proposed agency action should it  
6           be implemented.”; and

7           (C) in the undesignated matter following  
8           clause (v) (as so amended), by striking “the re-  
9           sponsible Federal official” and inserting “the  
10          head of the lead agency”;

11          (4) in subparagraph (D), by striking “Any”  
12          and inserting “any”;

13          (5) by redesignating subparagraphs (D)  
14          through (I) as subparagraphs (F) through (K), re-  
15          spectively;

16          (6) by inserting after subparagraph (C) the fol-  
17          lowing:

18           “(D) ensure the professional integrity, including  
19           scientific integrity, of the discussion and analysis in  
20           an environmental document;

21           “(E) make use of reliable existing data and re-  
22           sources in carrying out this Act;”;

23          (7) by amending subparagraph (G), as redesign-  
24          nated, to read as follows:



1 “(G) consistent with the provisions of this Act,  
2 study, develop, and describe technically and economi-  
3 cally feasible alternatives within the jurisdiction and  
4 authority of the agency;”; and

5 (8) in subparagraph (H), as redesignated, by  
6 inserting “consistent with the provisions of this  
7 Act,” before “recognize”.

8 (b) NEW SECTIONS.—Title I of the National Envi-  
9 ronmental Policy Act of 1969 (42 U.S.C. 4331 et seq.)  
10 is amended by adding at the end the following:

11 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**  
12 **REVIEW.**

13 “(a) THRESHOLD DETERMINATIONS.—An agency is  
14 not required to prepare an environmental document with  
15 respect to a proposed agency action if—

16 “(1) the proposed agency action is not a final  
17 agency action within the meaning of such term in  
18 chapter 5 of title 5, United States Code;

19 “(2) the proposed agency action is covered by  
20 a categorical exclusion established by the agency, an-  
21 other Federal agency, or another provision of law;

22 “(3) the preparation of such document would  
23 clearly and fundamentally conflict with the require-  
24 ments of another provision of law;

1           “(4) the proposed agency action is, in whole or  
2           in part, a nondiscretionary action with respect to  
3           which such agency does not have authority to take  
4           environmental factors into consideration in deter-  
5           mining whether to take the proposed action;

6           “(5) the proposed agency action is a rulemaking  
7           that is subject to section 553 of title 5, United  
8           States Code; or

9           “(6) the proposed agency action is an action for  
10          which such agency’s compliance with another stat-  
11          ute’s requirements serve the same or similar func-  
12          tion as the requirements of this Act with respect to  
13          such action.

14          “(b) LEVELS OF REVIEW.—

15                 “(1) ENVIRONMENTAL IMPACT STATEMENT.—

16          An agency shall issue an environmental impact  
17          statement with respect to a proposed agency action  
18          that has a significant effect on the quality of the  
19          human environment.

20                 “(2) ENVIRONMENTAL ASSESSMENT.—An agen-

21          cy shall prepare an environmental assessment with  
22          respect to a proposed agency action that is not likely  
23          to have a significant effect on the quality of the  
24          human environment, or if the significance of such ef-  
25          fect is unknown, unless the agency finds that a cat-

1       egorical exclusion established by the agency, another  
2       Federal agency, or another provision of law applies.  
3       Such environmental assessment shall be a concise  
4       public document prepared by a Federal agency to set  
5       forth the basis of such agency's finding of no signifi-  
6       cant impact.

7               “(3) SOURCES OF INFORMATION.—In making a  
8       determination under this subsection, an agency—

9                       “(A) may make use of any reliable data  
10       source; and

11                      “(B) is not required to undertake new sci-  
12       entific or technical research.

13   **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

14       “(a) LEAD AGENCY.—

15               “(1) DESIGNATION.—

16                      “(A) IN GENERAL.—If there are 2 or more  
17       involved Federal agencies, such agencies shall  
18       determine, by letter or memorandum, which  
19       agency shall be the lead agency based on con-  
20       sideration of the following factors:

21                      “(i) Magnitude of agency's involve-  
22       ment.

23                      “(ii) Project approval or disapproval  
24       authority.

1           “(iii) Expertise concerning the ac-  
2           tion’s environmental effects.

3           “(iv) Duration of agency’s involve-  
4           ment.

5           “(v) Sequence of agency’s involve-  
6           ment.

7           “(B) JOINT LEAD AGENCIES.—In making  
8           a determination under subparagraph (A), the  
9           involved Federal agencies may, in addition to a  
10          Federal agency, appoint such Federal, State,  
11          Tribal, or local agencies as joint lead agencies  
12          as the involved Federal agencies shall determine  
13          appropriate. Joint lead agencies shall jointly  
14          fulfill the role described in paragraph (2).

15          “(C) MINERAL PROJECTS.—This para-  
16          graph shall not apply with respect to a mineral  
17          exploration or mine permit.

18          “(2) ROLE.—A lead agency shall, with respect  
19          to a proposed agency action—

20                 “(A) supervise the preparation of an envi-  
21                 ronmental document if, with respect to such  
22                 proposed agency action, there is more than 1  
23                 involved Federal agency;

1           “(B) request the participation of each co-  
2           operating agency at the earliest practicable  
3           time;

4           “(C) in preparing an environmental docu-  
5           ment, give consideration to any analysis or pro-  
6           posal created by a cooperating agency with ju-  
7           risdiction by law or a cooperating agency with  
8           special expertise;

9           “(D) develop a schedule, in consultation  
10          with each involved cooperating agency, the ap-  
11          plicant, and such other entities as the lead  
12          agency determines appropriate, for completion  
13          of any environmental review, permit, or author-  
14          ization required to carry out the proposed agen-  
15          cy action;

16          “(E) if the lead agency determines that a  
17          review, permit, or authorization will not be com-  
18          pleted in accordance with the schedule devel-  
19          oped under subparagraph (D), notify the agen-  
20          cy responsible for issuing such review, permit,  
21          or authorization of the discrepancy and request  
22          that such agency take such measures as such  
23          agency determines appropriate to comply with  
24          such schedule; and

1           “(F) meet with a cooperating agency that  
2           requests such a meeting.

3           “(3) COOPERATING AGENCY.—The lead agency  
4           may, with respect to a proposed agency action, des-  
5           ignate any involved Federal agency or a State, Trib-  
6           al, or local agency as a cooperating agency. A co-  
7           operating agency may, not later than a date speci-  
8           fied by the lead agency, submit comments to the  
9           lead agency. Such comments shall be limited to mat-  
10          ters relating to the proposed agency action with re-  
11          spect to which such agency has special expertise or  
12          jurisdiction by law with respect to an environmental  
13          issue.

14          “(4) REQUEST FOR DESIGNATION.—Any Fed-  
15          eral, State, Tribal, or local agency or person that is  
16          substantially affected by the lack of a designation of  
17          a lead agency with respect to a proposed agency ac-  
18          tion under paragraph (1) may submit a written re-  
19          quest for such a designation to an involved Federal  
20          agency. An agency that receives a request under this  
21          paragraph shall transmit such request to each in-  
22          volved Federal agency and to the Council.

23          “(5) COUNCIL DESIGNATION.—

24                  “(A) REQUEST.—Not earlier than 45 days  
25                  after the date on which a request is submitted

1 under paragraph (4), if no designation has been  
2 made under paragraph (1), a Federal, State,  
3 Tribal, or local agency or person that is sub-  
4 stantially affected by the lack of a designation  
5 of a lead agency may request that the Council  
6 designate a lead agency. Such request shall con-  
7 sist of—

8 “(i) a precise description of the nature  
9 and extent of the proposed agency action;  
10 and

11 “(ii) a detailed statement with respect  
12 to each involved Federal agency and each  
13 factor listed in paragraph (1) regarding  
14 which agency should serve as lead agency.

15 “(B) TRANSMISSION.—The Council shall  
16 transmit a request received under subparagraph  
17 (A) to each involved Federal agency.

18 “(C) RESPONSE.—An involved Federal  
19 agency may, not later than 20 days after the  
20 date of the submission of a request under sub-  
21 paragraph (A), submit to the Council a re-  
22 sponse to such request.

23 “(D) DESIGNATION.—Not later than 40  
24 days after the date of the submission of a re-  
25 quest under subparagraph (A), the Council

1           shall designate the lead agency with respect to  
2           the relevant proposed agency action.

3           “(b) ONE DOCUMENT.—

4           “(1) DOCUMENT.—To the extent practicable, if  
5           there are 2 or more involved Federal agencies with  
6           respect to a proposed agency action and the lead  
7           agency has determined that an environmental docu-  
8           ment is required, such requirement shall be deemed  
9           satisfied with respect to all involved Federal agencies  
10          if the lead agency issues such an environmental docu-  
11          ment.

12          “(2) CONSIDERATION TIMING.—In developing  
13          an environmental document for a proposed agency  
14          action, no involved Federal agency shall be required  
15          to consider any information that becomes available  
16          after the sooner of, as applicable—

17                  “(A) receipt of a complete application with  
18                  respect to such proposed agency action; or

19                  “(B) publication of a notice of intent or  
20                  decision to prepare an environmental impact  
21                  statement for such proposed agency action.

22          “(3) SCOPE OF REVIEW.—In developing an en-  
23          vironmental document for a proposed agency action,  
24          the lead agency and any other involved Federal



1 agencies shall only consider the effects of the pro-  
2 posed agency action that—

3 “(A) occur on Federal land; or

4 “(B) are subject to Federal control and re-  
5 sponsibility.

6 “(c) REQUEST FOR PUBLIC COMMENT.—Each notice  
7 of intent to prepare an environmental impact statement  
8 under section 102 shall include a request for public com-  
9 ment on alternatives or impacts and on relevant informa-  
10 tion, studies, or analyses with respect to the proposed  
11 agency action.

12 “(d) STATEMENT OF PURPOSE AND NEED.—Each  
13 environmental impact statement shall include a statement  
14 of purpose and need that briefly summarizes the under-  
15 lying purpose and need for the proposed agency action.

16 “(e) ESTIMATED TOTAL COST.—The cover sheet for  
17 each environmental impact statement shall include a state-  
18 ment of the estimated total cost of preparing such environ-  
19 mental impact statement, including the costs of agency  
20 full-time equivalent personnel hours, contractor costs, and  
21 other direct costs.

22 “(f) PAGE LIMITS.—

23 “(1) ENVIRONMENTAL IMPACT STATEMENTS.—

24 “(A) IN GENERAL.—Except as provided in  
25 subparagraph (B), an environmental impact

1 statement shall not exceed 150 pages, not in-  
2 cluding any citations or appendices.

3 “(B) EXTRAORDINARY COMPLEXITY.—An  
4 environmental impact statement for a proposed  
5 agency action of extraordinary complexity shall  
6 not exceed 300 pages, not including any cita-  
7 tions or appendices.

8 “(2) ENVIRONMENTAL ASSESSMENTS.—An en-  
9 vironmental assessment shall not exceed 75 pages,  
10 not including any citations or appendices.

11 “(g) SPONSOR PREPARATION.—A lead agency shall  
12 allow a project sponsor to prepare an environmental as-  
13 sessment or an environmental impact statement upon re-  
14 quest of the project sponsor. Such agency may provide  
15 such sponsor with appropriate guidance and assist in the  
16 preparation. The lead agency shall independently evaluate  
17 the environmental document and shall take responsibility  
18 for the contents upon adoption.

19 “(h) DEADLINES.—

20 “(1) IN GENERAL.—Except as provided in para-  
21 graph (2), with respect to a proposed agency action,  
22 a lead agency shall complete, as applicable—

23 “(A) the environmental impact statement  
24 not later than the date that is 2 years after the  
25 sooner of, as applicable—

1           “(i) the date on which such agency  
2           determines that section 102(2)(C) requires  
3           the issuance of an environmental impact  
4           statement with respect to such action;

5           “(ii) the date on which such agency  
6           notifies the applicant that the application  
7           to establish a right-of-way for such action  
8           is complete; and

9           “(iii) the date on which such agency  
10          issues a notice of intent to prepare the en-  
11          vironmental impact statement for such ac-  
12          tion; and

13          “(B) the environmental assessment not  
14          later than the date that is 1 year after the  
15          sooner of, as applicable—

16               “(i) the date on which such agency  
17               determines that section 106(b)(2) requires  
18               the preparation of an environmental as-  
19               sessment with respect to such action;

20               “(ii) the date on which such agency  
21               notifies the applicant that the application  
22               to establish a right-of-way for such action  
23               is complete; and

1                   “(iii) the date on which such agency  
2                   issues a notice of intent to prepare the en-  
3                   vironmental assessment for such action.

4                   “(2) DELAY.—A lead agency that determines it  
5                   is not able to meet the deadline described in para-  
6                   graph (1) may extend such deadline with the ap-  
7                   proval of the applicant. If the applicant approves  
8                   such an extension, the lead agency shall establish a  
9                   new deadline that provides only so much additional  
10                  time as is necessary to complete such environmental  
11                  impact statement or environmental assessment.

12                  “(3) EXPENDITURES FOR DELAY.—If a lead  
13                  agency is unable to meet the deadline described in  
14                  paragraph (1) or extended under paragraph (2), the  
15                  lead agency shall pay \$100 per day, to the extent  
16                  funding is provided in advance in an appropriations  
17                  Act, out of the office of the head of the department  
18                  of the lead agency to the applicant starting on the  
19                  first day immediately following the deadline de-  
20                  scribed in paragraph (1) or extended under para-  
21                  graph (2) up until the date that an applicant ap-  
22                  proves a new deadline. This paragraph does not  
23                  apply when the lead agency misses a deadline solely  
24                  due to delays caused by litigation.

25                  “(i) REPORT.—

1           “(1) IN GENERAL.—The head of each lead  
2 agency shall annually submit to the Committee on  
3 Natural Resources of the House of Representatives  
4 and the Committee on Environment and Public  
5 Works of the Senate a report that—

6           “(A) identifies any environmental assess-  
7 ment and environmental impact statement that  
8 such lead agency did not complete by the dead-  
9 line described in subsection (h); and

10           “(B) provides an explanation for any fail-  
11 ure to meet such deadline.

12           “(2) INCLUSIONS.—Each report submitted  
13 under paragraph (1) shall identify, as applicable—

14           “(A) the office, bureau, division, unit, or  
15 other entity within the Federal agency respon-  
16 sible for each such environmental assessment  
17 and environmental impact statement;

18           “(B) the date on which—

19           “(i) such lead agency notified the ap-  
20 plicant that the application to establish a  
21 right-of-way for the major Federal action  
22 is complete;

23           “(ii) such lead agency began the  
24 scoping for the major Federal action; or

1           “(iii) such lead agency issued a notice  
2           of intent to prepare the environmental as-  
3           sessment or environmental impact state-  
4           ment for the major Federal action; and

5           “(C) when such environmental assessment  
6           and environmental impact statement is expected  
7           to be complete.

8   **“SEC. 108. JUDICIAL REVIEW.**

9           “(a) LIMITATIONS ON CLAIMS.—Notwithstanding  
10 any other provision of law, a claim arising under Federal  
11 law seeking judicial review of compliance with this Act,  
12 of a determination made under this Act, or of Federal ac-  
13 tion resulting from a determination made under this Act,  
14 shall be barred unless—

15           “(1) in the case of a claim pertaining to a pro-  
16 posed agency action for which an environmental doc-  
17 ument was prepared and an opportunity for com-  
18 ment was provided, the claim is—

19           “(A) filed by a party that participated in  
20 the administrative proceedings regarding such  
21 environmental document; or

22           “(B)(i) filed by a party that submitted a  
23 comment during the public comment period for  
24 such administrative proceedings and such com-  
25 ment was sufficiently detailed to put the lead

1 agency on notice of the issue upon which the  
2 party seeks judicial review; and

3 “(ii) related to such comment;

4 “(2) except as provided in subsection (b), such  
5 claim is filed not later than 120 days after the date  
6 of publication of a notice in the Federal Register of  
7 agency intent to carry out the proposed agency ac-  
8 tion;

9 “(3) such claim is filed after the issuance of a  
10 record of decision or other final agency action with  
11 respect to the relevant proposed agency action;

12 “(4) such claim does not challenge the estab-  
13 lishment or use of a categorical exclusion under sec-  
14 tion 102; and

15 “(5) such claim concerns—

16 “(A) an alternative included in the envi-  
17 ronmental document; or

18 “(B) an environmental effect considered in  
19 the environmental document.

20 “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT  
21 STATEMENT.—

22 “(1) SEPARATE FINAL AGENCY ACTION.—The  
23 issuance of a Federal action resulting from a final  
24 supplemental environmental impact statement shall  
25 be considered a final agency action for the purposes

1 of chapter 5 of title 5, United States Code, separate  
2 from the issuance of any previous environmental im-  
3 pact statement with respect to the same proposed  
4 agency action.

5 “(2) DEADLINE FOR FILING A CLAIM.—A claim  
6 seeking judicial review of a Federal action resulting  
7 from a final supplemental environmental review  
8 issued under section 102(2)(C) shall be barred un-  
9 less—

10 “(A) such claim is filed within 120 days of  
11 the date on which a notice of the Federal agen-  
12 cy action resulting from a final supplemental  
13 environmental impact statement is issued; and

14 “(B) such claim is based on information  
15 contained in such supplemental environmental  
16 impact statement that was not contained in a  
17 previous environmental document pertaining to  
18 the same proposed agency action.

19 “(c) PROHIBITION ON INJUNCTIVE RELIEF.—Not-  
20 withstanding any other provision of law, a violation of this  
21 Act shall not constitute the basis for injunctive relief.

22 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to create a right of judicial review  
24 or place any limit on filing a claim with respect to the  
25 violation of the terms of a permit, license, or approval.



1       “(e) REMAND.—Notwithstanding any other provision  
2 of law, no proposed agency action for which an environ-  
3 mental document is required shall be vacated or otherwise  
4 limited, delayed, or enjoined unless a court concludes al-  
5 lowing such proposed action will pose a risk of an immi-  
6 nent and substantial environmental harm and there is no  
7 other equitable remedy available as a matter of law.

8 **“SEC. 109. DEFINITIONS.**

9       “In this title:

10           “(1) CATEGORICAL EXCLUSION.—The term  
11 ‘categorical exclusion’ means a category of actions  
12 that a Federal agency has determined normally does  
13 not significantly affect the quality of the human en-  
14 vironment within the meaning of section 102(2)(C).

15           “(2) COOPERATING AGENCY.—The term ‘co-  
16 operating agency’ means any Federal, State, Tribal,  
17 or local agency that has been designated as a co-  
18 operating agency under section 107(a)(3).

19           “(3) COUNCIL.—The term ‘Council’ means the  
20 Council on Environmental Quality established in  
21 title II.

22           “(4) ENVIRONMENTAL ASSESSMENT.—The  
23 term ‘environmental assessment’ means an environ-  
24 mental assessment prepared under section  
25 106(b)(2).

1           “(5) ENVIRONMENTAL DOCUMENT.—The term  
2           ‘environmental document’ means an environmental  
3           impact statement, an environmental assessment, or  
4           a finding of no significant impact.

5           “(6) ENVIRONMENTAL IMPACT STATEMENT.—  
6           The term ‘environmental impact statement’ means a  
7           detailed written statement that is required by section  
8           102(2)(C).

9           “(7) FINDING OF NO SIGNIFICANT IMPACT.—  
10          The term ‘finding of no significant impact’ means a  
11          determination by a Federal agency that a proposed  
12          agency action does not require the issuance of an en-  
13          vironmental impact statement.

14          “(8) INVOLVED FEDERAL AGENCY.—The term  
15          ‘involved Federal agency’ means an agency that,  
16          with respect to a proposed agency action—

17                  “(A) proposed such action; or

18                  “(B) is involved in such action because  
19                  such action is directly related, through func-  
20                  tional interdependence or geographic proximity,  
21                  to an action such agency has taken or has pro-  
22                  posed to take.

23          “(9) LEAD AGENCY.—

24                  “(A) IN GENERAL.—Except as provided in  
25                  subparagraph (B), the term ‘lead agency’

1 means, with respect to a proposed agency ac-  
2 tion—

3 “(i) the agency that proposed such ac-  
4 tion; or

5 “(ii) if there are 2 or more involved  
6 Federal agencies with respect to such ac-  
7 tion, the agency designated under section  
8 107(a)(1).

9 “(B) SPECIFICATION FOR MINERAL EX-  
10 PLORATION OR MINE PERMITS.—With respect  
11 to a proposed mineral exploration or mine per-  
12 mit, the term ‘lead agency’ has the meaning  
13 given such term in section 40206(a) of the In-  
14 frastructure Investment and Jobs Act (30  
15 U.S.C. 1607).

16 “(10) MAJOR FEDERAL ACTION.—

17 “(A) IN GENERAL.—The term ‘major Fed-  
18 eral action’ means an action that the agency  
19 carrying out such action determines is subject  
20 to substantial Federal control and responsi-  
21 bility.

22 “(B) EXCLUSION.—The term ‘major Fed-  
23 eral action’ does not include—

24 “(i) a non-Federal action—

1                   “(I) with no or minimal Federal  
2 funding;

3                   “(II) with no or minimal Federal  
4 involvement where a Federal agency  
5 cannot control the outcome of the  
6 project; or

7                   “(III) that does not include Fed-  
8 eral land;

9                   “(ii) funding assistance solely in the  
10 form of general revenue sharing funds  
11 which do not provide Federal agency com-  
12 pliance or enforcement responsibility over  
13 the subsequent use of such funds;

14                   “(iii) loans, loan guarantees, or other  
15 forms of financial assistance where a Fed-  
16 eral agency does not exercise sufficient  
17 control and responsibility over the effect of  
18 the action;

19                   “(iv) farm ownership and operating  
20 loan guarantees by the Farm Service  
21 Agency pursuant to sections 305 and 311  
22 through 319 of the Consolidated Farm and  
23 Rural Development Act (7 U.S.C. 1925,  
24 1941–1949);

1           “(v) business loan guarantees pro-  
2           vided by the Small Business Administra-  
3           tion pursuant to subsection (a) or (b) of  
4           section 7 of the Small Business Act (15  
5           U.S.C. 636), or title V of the Small Busi-  
6           ness Investment Act of 1958 (15 U.S.C.  
7           695 et seq.);

8           “(vi) bringing judicial or administra-  
9           tive civil or criminal enforcement actions;  
10          or

11          “(vii) extraterritorial activities or deci-  
12          sions, which means agency activities or de-  
13          cisions with effects located entirely outside  
14          of the jurisdiction of the United States.

15          “(C) ADDITIONAL EXCLUSIONS.—An agen-  
16          cy action may not be determined to be a major  
17          Federal action on the basis of—

18                 “(i) an interstate effect of the action  
19                 or related project; or

20                 “(ii) the provision of Federal funds  
21                 for the action or related project.

22          “(11) MINERAL EXPLORATION OR MINE PER-  
23          MIT.—The term ‘mineral exploration or mine permit’  
24          has the meaning given such term in section

1 40206(a) of the Infrastructure Investment and Jobs  
2 Act (30 U.S.C. 1607).

3 “(12) PROPOSAL.—The term ‘proposal’ means  
4 a proposed action at a stage when an agency has a  
5 goal, is actively preparing to make a decision on 1  
6 or more alternative means of accomplishing that  
7 goal, and can meaningfully evaluate its effects.

8 “(13) REASONABLY FORESEEABLE.—The term  
9 ‘reasonably foreseeable’ means likely to occur—

10 “(A) not later than 10 years after the lead  
11 agency begins preparing the environmental doc-  
12 ument; and

13 “(B) in an area directly affected by the  
14 proposed agency action such that an individual  
15 of ordinary prudence would take such occur-  
16 rence into account in reaching a decision.

17 “(14) SPECIAL EXPERTISE.—The term ‘special  
18 expertise’ means statutory responsibility, agency  
19 mission, or related program experience.”.

20 **SEC. 20203. CODIFICATION OF NATIONAL ENVIRONMENTAL**  
21 **POLICY ACT REGULATIONS.**

22 The revisions to the Code of Federal Regulations  
23 made pursuant to the final rule of the Council on Environ-  
24 mental Quality entitled “Update to the Regulations Imple-  
25 menting the Procedural Provisions of the National Envi-

1 ronmental Policy Act” and published on July 16, 2020  
2 (85 Fed. Reg. 43304), shall have the same force and effect  
3 of law as if enacted by an Act of Congress.

4 **SEC. 20204. NON-MAJOR FEDERAL ACTIONS.**

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

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

12 (1) geotechnical investigations;

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

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

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

21 (5) drilling temperature gradient wells and  
22 other geothermal exploratory wells, including con-  
23 struction or making improvements for such activi-  
24 ties, where—

1 (A) the last cemented casing string is less  
2 than 12 inches in diameter; and

3 (B) the total unreclaimed surface disturb-  
4 ance at any 1 time within the project area is  
5 less than 5 acres;

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

9 (A) operation, maintenance, or repair of  
10 power equipment and structures within existing  
11 substations, switching stations, transmission,  
12 and distribution lines;

13 (B) the addition, modification, retirement,  
14 or replacement of breakers, transmission tow-  
15 ers, transformers, bushings, or relays;

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

20 (D) activities to minimize fire risk, includ-  
21 ing vegetation management, routine fire mitiga-  
22 tion, inspection, and maintenance activities, and  
23 removal of hazard trees and other hazard vege-  
24 tation within or adjacent to an existing right-of-  
25 way;



1 (E) improvements to or construction of  
2 structure pads for such infrastructure; and

3 (F) access and access route maintenance  
4 and repairs associated with any activity de-  
5 scribed in subparagraph (A) through (E);

6 (7) approval of and activities conducted in ac-  
7 cordance with operating plans or agreements for  
8 transmission and distribution facilities or under a  
9 special use authorization for an electric transmission  
10 and distribution facility right-of-way; and

11 (8) construction, maintenance, realignment, or  
12 repair of an existing permanent or temporary access  
13 road—

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

17 (B) that serves an existing transmission  
18 line, distribution line, or energy facility; or

19 (C) activities conducted in accordance with  
20 existing onshore oil and gas leases.

21 **SEC. 20205. NO NET LOSS DETERMINATION FOR EXISTING**  
22 **RIGHTS-OF-WAY.**

23 (a) IN GENERAL.—Upon a determination by the Sec-  
24 retary concerned that there will be no overall long-term  
25 net loss of vegetation, soil, or habitat, as defined by acre-

1 age and function, resulting from a proposed action, deci-  
2 sion, or activity within an existing right-of-way, within a  
3 right-of-way corridor established in a land use plan, or in  
4 an otherwise designated right-of-way, that action, deci-  
5 sion, or activity shall not be considered a major Federal  
6 action under section 102(2)(C) of the National Environ-  
7 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

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

14 **SEC. 20206. DETERMINATION OF NATIONAL ENVIRON-**  
15 **MENTAL POLICY ACT ADEQUACY.**

16 The Secretary concerned shall use previously com-  
17 pleted environmental assessments and environmental im-  
18 pact statements to satisfy the requirements of section 102  
19 of the National Environmental Policy Act of 1969 (42  
20 U.S.C. 4332) with respect to any major Federal action,  
21 if such Secretary determines that—

22 (1) the new proposed action is substantially the  
23 same as a previously analyzed proposed action or al-  
24 ternative analyzed in a previous environmental as-  
25 sessment or environmental impact statement; and

1           (2) the effects of the proposed action are sub-  
2           stantially the same as the effects analyzed in such  
3           existing environmental assessments or environmental  
4           impact statements.

5 **SEC. 20207. DETERMINATION REGARDING RIGHTS-OF-WAY.**

6           Not later than 60 days after the Secretary concerned  
7           receives an application to grant a right-of-way, the Sec-  
8           retary concerned shall notify the applicant as to whether  
9           the application is complete or deficient. If the Secretary  
10          concerned determines the application is complete, the Sec-  
11          retary concerned may not consider any other application  
12          to grant a right-of-way on the same or any overlapping  
13          parcels of land while such application is pending.

14 **SEC. 20208. TERMS OF RIGHTS-OF-WAY.**

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

16               (1) IN GENERAL.—Any right-of-way for pipe-  
17               lines for the transportation or distribution of oil or  
18               gas granted, issued, amended, or renewed under  
19               Federal law may be limited to a term of not more  
20               than 50 years before such right-of-way is subject to  
21               renewal or amendment.

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

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

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

8 **SEC. 20209. FUNDING TO PROCESS PERMITS AND DEVELOP**  
9 **INFORMATION TECHNOLOGY.**

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

22 (b) EFFECT ON PERMITTING.—In carrying out this  
23 section, the Secretary of the Interior shall ensure that the  
24 use of funds accepted under subsection (a) will not impact

1 impartial decision making with respect to permits, either  
2 substantively or procedurally.

3 (c) STATEMENT FOR FAILURE TO ACCEPT OR EX-  
4 PEND FUNDS.—Not later than 60 days after the end of  
5 the applicable fiscal year, if the Secretary of Agriculture  
6 (acting through the Forest Service) or the Secretary of  
7 the Interior does not accept funds contributed under sub-  
8 section (a) or accepts but does not expend such funds, that  
9 Secretary shall submit to the Committee on Natural Re-  
10 sources of the House of Representatives and the Com-  
11 mittee on Energy and Natural Resources of the Senate  
12 a statement explaining why such funds were not accepted,  
13 were not expended, or both, as the case may be.

14 **SEC. 20210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL**  
15 **SURVEY LICENSING.**

16 The Secretary of the Interior shall authorize geologi-  
17 cal and geophysical surveys related to oil and gas activities  
18 on the Gulf of Mexico outer Continental Shelf, except  
19 within areas subject to existing oil and gas leasing mora-  
20 toria. Such authorizations shall be issued within 30 days  
21 of receipt of a completed application and shall, as applica-  
22 ble to survey type, comply with the mitigation and moni-  
23 toring measures in subsections (a), (b), (c), (d), (f), and  
24 (g) of section 217.184 of title 50, Code of Federal Regula-  
25 tions (as in effect on January 1, 2022), and section

1 217.185 of title 50, Code of Federal Regulations (as in  
2 effect on January 1, 2022). Geological and geophysical  
3 surveys authorized pursuant to this section are deemed to  
4 be in full compliance with the Marine Mammal Protection  
5 Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered  
6 Species Act of 1973 (16 U.S.C. 1531 et seq.), and their  
7 implementing regulations.

8 **SEC. 20211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**  
9 **DRILL.**

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

13 “(D) DEFERRAL BASED ON FORMATTING  
14 ISSUES.—A decision on an application for a  
15 permit to drill may not be deferred under para-  
16 graph (2)(B) as a result of a formatting issue  
17 with the permit, unless such formatting issue  
18 results in missing information.”.

19 **SEC. 20212. PROCESSING AND TERMS OF APPLICATIONS**  
20 **FOR PERMITS TO DRILL.**

21 (a) EFFECT OF PENDING CIVIL ACTIONS.—Section  
22 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is  
23 amended by adding at the end the following:

24 “(4) EFFECT OF PENDING CIVIL ACTION ON  
25 PROCESSING APPLICATIONS FOR PERMITS TO

1 DRILL.—Pursuant to the requirements of paragraph  
2 (2), notwithstanding the existence of any pending  
3 civil actions affecting the application or related  
4 lease, the Secretary shall process an application for  
5 a permit to drill or other authorizations or approvals  
6 under a valid existing lease, unless a United States  
7 Federal court vacated such lease. Nothing in this  
8 paragraph shall be construed as providing authority  
9 to a Federal court to vacate a lease.”.

10 (b) TERM OF PERMIT TO DRILL.—Section 17 of the  
11 Mineral Leasing Act (30 U.S.C. 226) (as amended by sec-  
12 tion 20106(c)(1)) is further amended by adding at the end  
13 the following:

14 “(u) TERM OF PERMIT TO DRILL.—A permit to drill  
15 issued under this section after the date of the enactment  
16 of this subsection shall be valid for 1 4-year term from  
17 the date that the permit is approved, or until the lease  
18 regarding which the permit is issued expires, whichever  
19 occurs first.”.

20 **SEC. 20213. AMENDMENTS TO THE ENERGY POLICY ACT OF**  
21 **2005.**

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

1 **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT RE-**  
2 **VIEW.**

3 “(a) NATIONAL ENVIRONMENTAL POLICY ACT RE-  
4 VIEW.—Action by the Secretary of the Interior, in man-  
5 aging the public lands, or the Secretary of Agriculture,  
6 in managing National Forest System lands, with respect  
7 to any of the activities described in subsection (c), shall  
8 not be considered a major Federal action for the purposes  
9 of section 102(2)(C) of the National Environmental Policy  
10 Act of 1969 (42 U.S.C. 4332(2)(C)), if the activity is con-  
11 ducted pursuant to the Mineral Leasing Act (30 U.S.C.  
12 181 et seq.) for the purpose of exploration or development  
13 of oil or gas.

14 “(b) APPLICATION.—This section shall not apply to  
15 an action of the Secretary of the Interior or the Secretary  
16 of Agriculture on Indian lands or resources managed in  
17 trust for the benefit of Indian Tribes.

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

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

22 “(2) The following activities, provided that any  
23 new surface disturbance is contiguous with the foot-  
24 print of the original authorization and does not ex-  
25 ceed 20 acres or the acreage has previously been  
26 evaluated in a document previously prepared under



1 section 102(2)(C) of the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with re-  
3 spect to such activity:

4 “(A) Drilling an oil or gas well at a well  
5 pad site at which drilling has occurred pre-  
6 viously.

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

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

12 “(3) Drilling of an oil or gas well at a new well  
13 pad site, provided that the new surface disturbance  
14 does not exceed 20 acres and the acreage evaluated  
15 in a document previously prepared under section  
16 102(2)(C) of the National Environmental Policy Act  
17 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such  
18 activity, whichever is greater.

19 “(4) Construction or realignment of a road,  
20 pipeline, or utility within an existing right-of-way or  
21 within a right-of-way corridor established in a land  
22 use plan.

23 “(5) The following activities when conducted  
24 from non-Federal surface into federally owned min-  
25 erals, provided that the operator submits to the Sec-

1       retary concerned certification of a surface use agree-  
2       ment with the non-Federal landowner:

3               “(A) Drilling an oil or gas well at a well  
4       pad site at which drilling has occurred pre-  
5       viously.

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

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

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

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

17              “(8) Construction of up to 3 miles of individual  
18      pipelines or utilities, regardless of surface owner-  
19      ship.”.

20   **SEC. 20214. ACCESS TO FEDERAL ENERGY RESOURCES**  
21                           **FROM NON-FEDERAL SURFACE ESTATE.**

22       (a) OIL AND GAS PERMITS.—Section 17 of the Min-  
23      eral Leasing Act (30 U.S.C. 226) (as amended by section  
24      20212(b)) is further amended by adding at the end the  
25      following:

1       “(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND  
2 GAS ACTIVITIES ON CERTAIN LAND.—

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

8           “(A) the United States holds an ownership  
9 interest of less than 50 percent of the sub-  
10 surface mineral estate to be accessed by the  
11 proposed action; and

12           “(B) the operator submits to the Secretary  
13 a State permit to conduct oil and gas explo-  
14 ration and production activities on the non-Fed-  
15 eral surface estate.

16           “(2) NO FEDERAL ACTION.—An oil and gas ex-  
17 ploration and production activity carried out under  
18 paragraph (1)—

19           “(A) shall not be considered a major Fed-  
20 eral action for the purposes of section  
21 102(2)(C) of the National Environmental Policy  
22 Act of 1969 (42 U.S.C. 4332(2)(C));

23           “(B) shall require no additional Federal  
24 action;

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

3           “(D) shall not be subject to—

4                   “(i) section 306108 of title 54, United  
5                   States Code (commonly known as the ‘Na-  
6                   tional Historic Preservation Act of 1966’);

7                   or

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

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

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

22           “(4) EXCEPTIONS.—This subsection shall not  
23           apply to actions on Indian lands or resources man-  
24           aged in trust for the benefit of Indian tribes.

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

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

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

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

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

15 or

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

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

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

23       “(a) IN GENERAL.—The Secretary shall not require  
24 an operator to obtain a Federal drilling permit for geo-

1 thermal exploration and production activities conducted on  
2 a non-Federal surface estate, provided that—

3 “(1) the United States holds an ownership in-  
4 terest of less than 50 percent of the subsurface geo-  
5 thermal estate to be accessed by the proposed action;  
6 and

7 “(2) the operator submits to the Secretary a  
8 State permit to conduct geothermal exploration and  
9 production activities on the non-Federal surface es-  
10 tate.

11 “(b) NO FEDERAL ACTION.—A geothermal explo-  
12 ration and production activity carried out under sub-  
13 section (a)—

14 “(1) shall not be considered a major Federal  
15 action for the purposes of section 102(2)(C) of the  
16 National Environmental Policy Act of 1969 (42  
17 U.S.C. 4332(2)(C));

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

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

21 “(4) shall not be subject to—

22 “(A) section 306108 of title 54, United  
23 States Code (commonly known as the ‘National  
24 Historic Preservation Act of 1966’); or

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

3           “(c) ROYALTIES AND PRODUCTION ACCOUNT-  
4 ABILITY.—(1) Nothing in this section shall affect the  
5 amount of royalties due to the United States under this  
6 Act from the production of electricity using geothermal re-  
7 sources (other than direct use of geothermal resources) or  
8 the production of any byproducts.

9           “(2) The Secretary may conduct onsite reviews and  
10 inspections to ensure proper accountability, measurement,  
11 and reporting of the production described in paragraph  
12 (1), and payment of royalties.

13           “(d) EXCEPTIONS.—This section shall not apply to  
14 actions on Indian lands or resources managed in trust for  
15 the benefit of Indian tribes.

16           “(e) INDIAN LAND.—In this section, the term ‘Indian  
17 land’ means—

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

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

23                           “(A) in trust by the United States for the  
24 benefit of an Indian tribe or an individual In-  
25 dian;

1           “(B) by an Indian tribe or an individual  
2           Indian, subject to restriction against alienation  
3           under laws of the United States; or

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

5 **SEC. 20215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**  
6           **AND GAS LEASES.**

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

11           (1) shall apply only to areas that are within or  
12           immediately adjacent to the lease plot or plots and  
13           that are directly affected by the proposed action;  
14           and

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

17 **SEC. 20216. EXPEDITING APPROVAL OF GATHERING LINES.**

18          Section 11318(b)(1) of the Infrastructure Investment  
19          and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by  
20          striking “to be an action that is categorically excluded (as  
21          defined in section 1508.1 of title 40, Code of Federal Reg-  
22          ulations (as in effect on the date of enactment of this  
23          Act))” and inserting “to not be a major Federal action”.



1 **SEC. 20217. LEASE SALE LITIGATION.**

2 Notwithstanding any other provision of law, any oil  
3 and gas lease sale held under section 17 of the Mineral  
4 Leasing Act (26 U.S.C. 226) or the Outer Continental  
5 Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be  
6 vacated and activities on leases awarded in the sale shall  
7 not be otherwise limited, delayed, or enjoined unless the  
8 court concludes allowing development of the challenged  
9 lease will pose a risk of an imminent and substantial envi-  
10 ronmental harm and there is no other equitable remedy  
11 available as a matter of law. No court, in response to an  
12 action brought pursuant to the National Environmental  
13 Policy Act of 1969 (42 U.S.C. 4321 et seq.), may enjoin  
14 or issue any order preventing the award of leases to a bid-  
15 der in a lease sale conducted pursuant to section 17 of  
16 the Mineral Leasing Act (26 U.S.C. 226) or the Outer  
17 Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) if  
18 the Department of the Interior has previously opened bids  
19 for such leases or disclosed the high bidder for any tract  
20 that was included in such lease sale.

21 **SEC. 20218. LIMITATION ON CLAIMS.**

22 (a) IN GENERAL.—Notwithstanding any other provi-  
23 sion of law, a claim arising under Federal law seeking ju-  
24 dicial review of a permit, license, or approval issued by  
25 a Federal agency for a mineral project, energy facility, or  
26 energy storage device shall be barred unless—

1           (1) the claim is filed within 120 days after pub-  
2           lication of a notice in the Federal Register announc-  
3           ing that the permit, license, or approval is final pur-  
4           suant to the law under which the agency action is  
5           taken, unless a shorter time is specified in the Fed-  
6           eral law pursuant to which judicial review is allowed;  
7           and

8           (2) the claim is filed by a party that submitted  
9           a comment during the public comment period for  
10          such permit, license, or approval and such comment  
11          was sufficiently detailed to put the agency on notice  
12          of the issue upon which the party seeks judicial re-  
13          view.

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

18          (c) TRANSPORTATION PROJECTS.—Subsection (a)  
19          shall not apply to or supersede a claim subject to section  
20          139(l)(1) of title 23, United States Code.

21          (d) MINERAL PROJECT.—In this section, the term  
22          “mineral project” means a project—

23                 (1) located on—

24                         (A) a mining claim, millsite claim, or tun-  
25                         nel site claim for any mineral;

1 (B) lands open to mineral entry; or

2 (C) a Federal mineral lease; and

3 (2) for the purposes of exploring for or pro-  
4 ducing minerals.

5 **SEC. 20219. GOVERNMENT ACCOUNTABILITY OFFICE RE-**  
6 **PORT ON PERMITS TO DRILL.**

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

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

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

16 (3) the causes of delays resulting in applica-  
17 tions for permits to drill pending beyond the 30-day  
18 deadline required under section 17(p)(2) of the Min-  
19 eral Leasing Act (30 U.S.C. 226(p)(2)).

20 (b) RECOMMENDATIONS.—The report issued under  
21 subsection (a) shall include recommendations with respect  
22 to—

23 (1) actions the Bureau of Land Management  
24 can take to streamline the approval process for ap-  
25 plications for permits to drill to approve applications

1 for permits to drill within 30 days of receipt of a  
2 completed application;

3 (2) aspects of the Federal permitting process  
4 carried out by the Bureau of Land Management to  
5 issue applications for permits to drill that can be  
6 turned over to States to expedite approval of appli-  
7 cations for permits to drill; and

8 (3) legislative actions that Congress must take  
9 to allow States to administer certain aspects of the  
10 Federal permitting process described in paragraph  
11 (2).

12 **SEC. 20220. E-NEPA.**

13 (a) PERMITTING PORTAL STUDY.—The Council on  
14 Environmental Quality shall conduct a study and submit  
15 a report to Congress within 1 year of the date of enact-  
16 ment of this Act on the potential to create an online per-  
17 mitting portal for permits that require review under sec-  
18 tion 102(2)(C) of the National Environmental Policy Act  
19 of 1969 (42 U.S.C. 4332(2)(C)) that would—

20 (1) allow applicants to—

21 (A) submit required documents or mate-  
22 rials for their application in 1 unified portal;

23 (B) upload additional documents as re-  
24 quired by the applicable agency; and

1 (C) track the progress of individual appli-  
 2 cations;

3 (2) enhance interagency coordination in con-  
 4 sultation by—

5 (A) allowing for comments in 1 unified  
 6 portal;

7 (B) centralizing data necessary for reviews;  
 8 and

9 (C) streamlining communications between  
 10 other agencies and the applicant; and

11 (3) boost transparency in agency decision-  
 12 making.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 14 authorized to be appropriated \$500,000 for the Council  
 15 of Environmental Quality to carry out the study directed  
 16 by this section.

17 **TITLE III—PERMITTING FOR**  
 18 **MINING NEEDS**

19 **SEC. 20301. DEFINITIONS.**

20 In this title:

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

24 (2) INDIAN TRIBE.—The term “Indian Tribe”  
 25 has the meaning given such term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 5304).

3 (3) 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 (4) SECRETARY.—Except as otherwise provided,  
11 the term “Secretary” means the Secretary of the In-  
12 terior.

13 (5) STATE.—The term “State” means—

14 (A) a State;

15 (B) the District of Columbia;

16 (C) the Commonwealth of Puerto Rico;

17 (D) Guam;

18 (E) American Samoa;

19 (F) the Commonwealth of the Northern  
20 Mariana Islands; and

21 (G) the United States Virgin Islands.

22 **SEC. 20302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

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

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

3 (2) by amending subsection (a) to read as fol-  
4 lows:

5 “(a) DEFINITIONS.—In this section:

6 “(1) LEAD AGENCY.—The term ‘lead agency’  
7 means the Federal agency with primary responsi-  
8 bility for issuing a mineral exploration or mine per-  
9 mit or lease for a mineral project.

10 “(2) MINERAL.—The term ‘mineral’ has the  
11 meaning given such term in section 20301 of the  
12 TAPP American Resources Act.

13 “(3) MINERAL EXPLORATION OR MINE PER-  
14 MIT.—The term ‘mineral exploration or mine permit’  
15 means—

16 “(A) an authorization of the Bureau of  
17 Land Management or the Forest Service, as ap-  
18 plicable, for exploration for minerals that re-  
19 quires analysis under the National Environ-  
20 mental Policy Act of 1969 (42 U.S.C. 4321 et  
21 seq.);

22 “(B) a plan of operations for a mineral  
23 project approved by the Bureau of Land Man-  
24 agement or the Forest Service; or

1           “(C) any other Federal permit or author-  
2           zation for a mineral project.

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

5           “(A) located on—

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

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

9           “(iii) a Federal mineral lease; and

10          “(B) for the purposes of exploring for or  
11          producing minerals.”;

12          (3) in subsection (b), by striking “critical” each  
13          place such term appears;

14          (4) in subsection (c)—

15           (A) by striking “critical mineral production  
16           on Federal land” and inserting “mineral  
17           projects”;

18           (B) by inserting “, and in accordance with  
19           subsection (h)” after “to the maximum extent  
20           practicable”;

21           (C) by striking “shall complete the” and  
22           inserting “shall complete such”;

23           (D) in paragraph (1), by striking “critical  
24           mineral-related activities on Federal land” and  
25           inserting “mineral projects”;



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

3 (F) in paragraph (9), by striking “proce-  
4 dures.” and inserting “procedures; and”; and

5 (G) by adding at the end the following:

6 “(10) deferring to and relying on baseline data,  
7 analyses, and reviews performed by State agencies  
8 with jurisdiction over the environmental or reclama-  
9 tion permits for the proposed mineral project.”;

10 (5) in subsection (d)—

11 (A) by striking “critical” each place such  
12 term appears; and

13 (B) in paragraph (3), by striking “mineral-  
14 related activities on Federal land” and inserting  
15 “mineral projects”;

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

17 (7) in subsection (f), by striking “critical” each  
18 place such term appears;

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

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

21 “(h) OTHER REQUIREMENTS.—

22 “(1) MEMORANDUM OF AGREEMENT.—For pur-  
23 poses of maximizing efficiency and effectiveness of  
24 the Federal permitting and review processes de-  
25 scribed under subsection (c), the lead agency in the

1 Federal permitting and review processes of a min-  
2 eral project shall (in consultation with any other  
3 Federal agency involved in such Federal permitting  
4 and review processes, and upon request of the  
5 project applicant, an affected State government,  
6 local government, or an Indian Tribe, or other entity  
7 such lead agency determines appropriate) enter into  
8 a memorandum of agreement with a project appli-  
9 cant where requested by the applicant to carry out  
10 the activities described in subsection (c).

11 “(2) TIMELINES AND SCHEDULES FOR NEPA  
12 REVIEWS.—

13 “(A) EXTENSION.—A project applicant  
14 may enter into 1 or more agreements with a  
15 lead agency to extend the deadlines described in  
16 subparagraphs (A) and (B) of subsection (h)(1)  
17 of section 107 of title I of the National Envi-  
18 ronmental Policy Act of 1969 by, with respect  
19 to each such agreement, not more than 6  
20 months.

21 “(B) ADJUSTMENT OF TIMELINES.—At  
22 the request of a project applicant, the lead  
23 agency and any other entity which is a signa-  
24 tory to a memorandum of agreement under

1 paragraph (1) may, by unanimous agreement,  
2 adjust—

3 “(i) any deadlines described in sub-  
4 paragraph (A); and

5 “(ii) any deadlines extended under  
6 subparagraph (B).

7 “(3) EFFECT ON PENDING APPLICATIONS.—

8 Upon a written request by a project applicant, the  
9 requirements of this subsection shall apply to any  
10 application for a mineral exploration or mine permit  
11 or mineral lease that was submitted before the date  
12 of enactment of the TAPP American Resources  
13 Act.”.

14 **SEC. 20303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

15 Section 7002(f) of the Energy Act of 2020 (30  
16 U.S.C. 1606(f)) is amended—

17 (1) in paragraph (2), by striking “critical” both  
18 places such term appears; and

19 (2) by striking paragraph (4).

20 **SEC. 20304. DESIGNATION OF MINING AS A COVERED SEC-**  
21 **TOR FOR FEDERAL PERMITTING IMPROVE-**  
22 **MENT PURPOSES.**

23 Section 41001(6)(A) of the FAST Act (42 U.S.C.  
24 4370m(6)(A)) is amended by inserting “mineral produc-  
25 tion,” before “or any other sector”.

1 **SEC. 20305. TREATMENT OF ACTIONS UNDER PRESI-**  
2 **DENTIAL DETERMINATION 2022-11 FOR FED-**  
3 **ERAL PERMITTING IMPROVEMENT PUR-**  
4 **POSES.**

5 (a) IN GENERAL.—Except as provided by subsection  
6 (c), an action described in subsection (b) shall be—

7 (1) treated as a covered project, as defined in  
8 section 41001(6) of the FAST Act (42 U.S.C.  
9 4370m(6)), without regard to the requirements of  
10 that section; and

11 (2) included in the Permitting Dashboard main-  
12 tained pursuant to section 41003(b) of that Act (42  
13 U.S.C. 4370m-2(b)).

14 (b) ACTIONS DESCRIBED.—An action described in  
15 this subsection is an action taken by the Secretary of De-  
16 fense pursuant to Presidential Determination 2022-11  
17 (87 Fed. Reg. 19775; relating to certain actions under  
18 section 303 of the Defense Production Act of 1950) or  
19 the Presidential Memorandum of February 27, 2023, enti-  
20 tled “Presidential Waiver of Statutory Requirements Pur-  
21 suant to Section 303 of the Defense Production Act of  
22 1950, as amended, on Department of Defense Supply  
23 Chains Resilience” (88 Fed. Reg. 13015) to create, main-  
24 tain, protect, expand, or restore sustainable and respon-  
25 sible domestic production capabilities through—

1           (1) supporting feasibility studies for mature  
2 mining, beneficiation, and value-added processing  
3 projects;

4           (2) byproduct and co-product production at ex-  
5 isting mining, mine waste reclamation, and other in-  
6 dustrial facilities;

7           (3) modernization of mining, beneficiation, and  
8 value-added processing to increase productivity, envi-  
9 ronmental sustainability, and workforce safety; or

10           (4) any other activity authorized under section  
11 303(a)(1) of the Defense Production Act of 1950 15  
12 (50 U.S.C. 4533(a)(1)).

13       (c) EXCEPTION.—An action described in subsection  
14 (b) may not be treated as a covered project or be included  
15 in the Permitting Dashboard under subsection (a) if the  
16 project sponsor (as defined in section 41001(18) of the  
17 FAST Act (42 U.S.C. 4370m(18))) requests that the ac-  
18 tion not be treated as a covered project.

19 **SEC. 20306. NOTICE FOR MINERAL EXPLORATION ACTIVI-**  
20 **TIES WITH LIMITED SURFACE DISTURBANCE.**

21       (a) IN GENERAL.—Not later than 15 days before  
22 commencing an exploration activity with a surface disturb-  
23 ance of not more than 5 acres of public lands, the operator  
24 of such exploration activity shall submit to the Secretary  
25 concerned a complete notice of such exploration activity.

1 (b) INCLUSIONS.—Notice submitted under subsection  
2 (a) shall include such information the Secretary concerned  
3 may require, including the information described in sec-  
4 tion 3809.301 of title 43, Code of Federal Regulations (or  
5 any successor regulation).

6 (c) REVIEW.—Not later than 15 days after the Sec-  
7 retary concerned receives notice submitted under sub-  
8 section (a), the Secretary concerned shall—

9 (1) review and determine completeness of the  
10 notice; and

11 (2) allow exploration activities to proceed if—

12 (A) the surface disturbance of such explo-  
13 ration activities on such public lands will not  
14 exceed 5 acres;

15 (B) the Secretary concerned determines  
16 that the notice is complete; and

17 (C) the operator provides financial assur-  
18 ance that the Secretary concerned determines is  
19 adequate.

20 (d) DEFINITIONS.—In this section:

21 (1) EXPLORATION ACTIVITY.—The term “explo-  
22 ration activity”—

23 (A) means creating surface disturbance  
24 greater than casual use that includes sampling,  
25 drilling, or developing surface or underground

1 workings to evaluate the type, extent, quantity,  
2 or quality of mineral values present;

3 (B) includes constructing drill roads and  
4 drill pads, drilling, trenching, excavating test  
5 pits, and conducting geotechnical tests and geo-  
6 physical surveys; and

7 (C) does not include activities where mate-  
8 rial is extracted for commercial use or sale.

9 (2) SECRETARY CONCERNED.—The term “Sec-  
10 retary concerned” means—

11 (A) with respect to lands administered by  
12 the Secretary, the Secretary; and

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

15 **SEC. 20307. USE OF MINING CLAIMS FOR ANCILLARY AC-**  
16 **TIVITIES.**

17 Section 10101 of the Omnibus Budget Reconciliation  
18 Act of 1993 (30 U.S.C. 28f) is amended by adding at the  
19 end the following:

20 “(e) SECURITY OF TENURE.—

21 “(1) IN GENERAL.—

22 “(A) IN GENERAL.—A claimant shall have  
23 the right to use, occupy, and conduct operations  
24 on public land, with or without the discovery of  
25 a valuable mineral deposit, if—

1           “(i) such claimant makes a timely  
2           payment of the location fee required by  
3           section 10102 and the claim maintenance  
4           fee required by subsection (a); or

5           “(ii) in the case of a claimant who  
6           qualifies for a waiver under subsection (d),  
7           such claimant makes a timely payment of  
8           the location fee and complies with the re-  
9           quired assessment work under the general  
10          mining laws.

11          “(B) OPERATIONS DEFINED.—For the  
12          purposes of this paragraph, the term ‘oper-  
13          ations’ means—

14                 “(i) any activity or work carried out  
15                 in connection with prospecting, exploration,  
16                 processing, discovery and assessment, de-  
17                 velopment, or extraction with respect to a  
18                 locatable mineral;

19                 “(ii) the reclamation of any disturbed  
20                 areas; and

21                 “(iii) any other reasonably incident  
22                 uses, whether on a mining claim or not, in-  
23                 cluding the construction and maintenance  
24                 of facilities, roads, transmission lines, pipe-  
25                 lines, and any other necessary infrastruc-



1           ture or means of access on public land for  
2           support facilities.

3           “(2) FULFILLMENT OF FEDERAL LAND POLICY  
4           AND MANAGEMENT ACT.—A claimant that fulfills  
5           the requirements of this section and section 10102  
6           shall be deemed to satisfy the requirements of any  
7           provision of the Federal Land Policy and Manage-  
8           ment Act of 1976 (43 U.S.C. 1701 et seq.) that re-  
9           quires the payment of fair market value to the  
10          United States for use of public lands and resources  
11          relating to use of such lands and resources author-  
12          ized by the general mining laws.

13          “(3) SAVINGS CLAUSE.—Nothing in this sub-  
14          section may be construed to diminish the rights of  
15          entry, use, and occupancy, or any other right, of a  
16          claimant under the general mining laws.”.

17 **SEC. 20308. ENSURING CONSIDERATION OF URANIUM AS A**  
18 **CRITICAL MINERAL.**

19          (a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the  
20          Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is  
21          amended to read as follows:

22                         “(i) oil, oil shale, coal, or natural  
23                         gas;”.

24          (b) UPDATE.—Not later than 60 days after the date  
25          of enactment of this Act, the Secretary, acting through

1 the Director of the United States Geological Survey, shall  
 2 publish in the Federal Register an update to the final list  
 3 established in section 7002(c)(3) of the Energy Act of  
 4 2020 (30 U.S.C. 1606(c)(3)) in accordance with the  
 5 amendment made by subsection (a) of this section.

6 **SEC. 20309. BARRING FOREIGN BAD ACTORS FROM OPER-**  
 7 **ATING ON FEDERAL LANDS.**

8 A mining claimant shall be barred from the right to  
 9 use, occupy, and conduct operations on Federal land if the  
 10 Secretary finds the claimant has a foreign parent company  
 11 that has (including through a subsidiary)—

12 (1) a known record of human rights violations;

13 or

14 (2) knowingly operated an illegal mine in an-  
 15 other country.

16 **TITLE IV—FEDERAL LAND USE**  
 17 **PLANNING**

18 **SEC. 20401. FEDERAL LAND USE PLANNING AND WITH-**  
 19 **DRAWALS.**

20 (a) **RESOURCE ASSESSMENTS REQUIRED.**—Federal  
 21 lands and waters may not be withdrawn from entry under  
 22 the mining laws or operation of the mineral leasing and  
 23 mineral materials laws unless—

24 (1) a quantitative and qualitative geophysical  
 25 and geological mineral resource assessment of the

1 impacted area has been completed during the 10-  
2 year period ending on the date of such withdrawal;

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

9 (3) the Secretary conducts an assessment of the  
10 reduction in future Federal revenues to the Treas-  
11 ury, States, the Land and Water Conservation  
12 Fund, the Historic Preservation Fund, and the Na-  
13 tional Parks and Public Land Legacy Restoration  
14 Fund resulting from the proposed mineral with-  
15 drawal;

16 (4) the Secretary, in consultation with the Sec-  
17 retary of Defense, conducts an assessment of mili-  
18 tary readiness and training activities in the proposed  
19 withdrawal area; and

20 (5) the Secretary submits a report to the Com-  
21 mittees on Natural Resources, Agriculture, Energy  
22 and Commerce, and Foreign Affairs of the House of  
23 Representatives and the Committees on Energy and  
24 Natural Resources, Agriculture, Nutrition, and for-  
25 estry, and Foreign Affairs of the Senate, that in-

1 includes the results of the assessments completed pur-  
2 suant to this subsection.

3 (b) LAND USE PLANS.—Before a resource manage-  
4 ment plan under the Federal Land Policy and Manage-  
5 ment Act of 1976 (43 U.S.C. 1701 et seq.) or a forest  
6 management plan under the Forest and Rangeland Re-  
7 newable Resources Planning Act of 1974 (16 U.S.C. 1600  
8 et seq.) is updated or completed, the Secretary or Sec-  
9 retary of Agriculture, as applicable, in consultation with  
10 the Director of the United States Geological Survey,  
11 shall—

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

20 (2) in consultation with the Secretary of Com-  
21 merce, the Secretary of Energy, and the Secretary  
22 of Defense, conducts an assessment of the economic,  
23 energy, strategic, and national security value of min-  
24 eral deposits identified in such mineral resource as-  
25 sessment; and

1           (3) submit a report to the Committees on Nat-  
2           ural Resources, Agriculture, Energy and Commerce,  
3           and Foreign Affairs of the House of Representatives  
4           and the Committees on Energy and Natural Re-  
5           sources, Agriculture, Nutrition, and Forestry, and  
6           Foreign Affairs of the Senate, that includes the re-  
7           sults of the assessment completed pursuant to this  
8           subsection.

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

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

3 (2) chapter 3203 of title 54, United States  
4 Code.

5 **SEC. 20402. PROHIBITIONS ON DELAY OF MINERAL DEVELOP-**  
6 **MENT OF CERTAIN FEDERAL LAND.**

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

13 (1) New oil and gas lease sales, oil and gas  
14 leases, drill permits, or associated approvals or au-  
15 thorizations of any kind associated with oil and gas  
16 leases.

17 (2) New coal leases (including leases by applica-  
18 tion in process, renewals, modifications, or expan-  
19 sions of existing leases), permits, approvals, or au-  
20 thorizations.

21 (3) New leases, claims, permits, approvals, or  
22 authorizations for development or exploration of  
23 minerals.

24 (b) PROHIBITION ON RESCISSION OF LEASES, PER-  
25 MITS, OR CLAIMS.—The President, the Secretary, or Sec-

1 reitary of Agriculture as applicable, may not rescind any  
2 existing lease, permit, or claim for the extraction and pro-  
3 duction of any mineral under the mining laws or mineral  
4 leasing and mineral materials laws on National Forest  
5 System land or land under the jurisdiction of the Bureau  
6 of Land Management, unless specifically authorized by  
7 Federal statute, or upon the lessee’s, permittee’s, or claim-  
8 ant’s failure to comply with any of the provisions of the  
9 applicable lease, permit, or claim.

10 (c) MINERAL DEFINED.—In subsection (a)(3), the  
11 term “mineral” means any mineral subject to sections  
12 2319 through 2344 of the Revised Statutes (commonly  
13 known as the “Mining Law of 1872”) (30 U.S.C. 22 et  
14 seq.) and any mineral located on lands acquired by the  
15 United States (as defined in section 2 of the Mineral Leas-  
16 ing Act for Acquired Lands (30 U.S.C. 351)).

17 **SEC. 20403. DEFINITIONS.**

18 In this title:

19 (1) FEDERAL LAND.—The term “Federal land”  
20 means—

21 (A) National Forest System land;

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

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

4 (D) land managed by the Secretary of En-  
5 ergy.

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

8 (A) the President; and

9 (B) any designee of the President, includ-  
10 ing—

11 (i) the Secretary of Agriculture;

12 (ii) the Secretary of Commerce;

13 (iii) the Secretary of Energy; and

14 (iv) the Secretary.

15 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—  
16 The term “previously undiscovered mineral deposit”  
17 means—

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



1 (B) a mineral deposit that has not pre-  
 2 viously been evaluated by the United States Ge-  
 3 ological Survey.

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

6 **TITLE V—ENSURING COMPETI-**  
 7 **TIVENESS ON FEDERAL**  
 8 **LANDS**

9 **SEC. 20501. INCENTIVIZING DOMESTIC PRODUCTION.**

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

13 (1) in subparagraph (A), by striking “not less  
 14 than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,  
 15 during the 10-year period beginning on the date of  
 16 enactment of the Act titled ‘An Act to provide for  
 17 reconciliation pursuant to title II of S. Con. Res.  
 18 14’, and not less than 16<sup>2</sup>/<sub>3</sub> percent thereafter,” and  
 19 inserting “not less than 12.5 percent”;

20 (2) in subparagraph (C), by striking “not less  
 21 than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,  
 22 during the 10-year period beginning on the date of  
 23 enactment of the Act titled ‘An Act to provide for  
 24 reconciliation pursuant to title II of S. Con. Res.

1 14', and not less than  $16\frac{2}{3}$  percent thereafter," and  
2 inserting "not less than 12.5 percent";

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

10 (4) in subparagraph (H), by striking "not less  
11 than  $16\frac{2}{3}$  percent, but not more than  $18\frac{3}{4}$  percent,  
12 during the 10-year period beginning on the date of  
13 enactment of the Act titled 'An Act to provide for  
14 reconciliation pursuant to title II of S. Con. Res.  
15 14', and not less than  $16\frac{2}{3}$  percent thereafter," and  
16 inserting "not less than 12.5 percent".

17 (b) MINERAL LEASING ACT.—

18 (1) ONSHORE OIL AND GAS ROYALTY RATES.—  
19 Section 17 of the Mineral Leasing Act (30 U.S.C.  
20 226) is amended—

21 (A) in subsection (b)(1)(A)—

22 (i) by striking "not less than  $16\frac{2}{3}$ "  
23 and inserting "not less than 12.5"; and

24 (ii) by striking "or, in the case of a  
25 lease issued during the 10-year period be-

1           ginning on the date of enactment of the  
2           Act titled ‘An Act to provide for reconcili-  
3           ation pursuant to title II of S. Con. Res.  
4           14’, 16<sup>2</sup>/<sub>3</sub> percent in amount or value of  
5           the production removed or sold from the  
6           lease’; and

7           (B) by striking “16<sup>2</sup>/<sub>3</sub> percent” each place  
8           it appears and inserting “12.5 percent”.

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

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

20           (B) in paragraph (2)(C), by striking “\$10  
21           per acre” and inserting “\$2 per acre”.

22           (3) FOSSIL FUEL RENTAL RATES.—Section  
23          17(d) of the Mineral Leasing Act (30 U.S.C.  
24          226(d)) is amended to read as follows:

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

12           (4) EXPRESSION OF INTEREST FEE.—Section  
13 17 of the Mineral Leasing Act (30 U.S.C. 226) is  
14 further amended by repealing subsection (q).

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

18           (A) in subsection (b)—

19           (i) in paragraph (1)(A)—

20           (I) in the first sentence, by strik-  
21 ing “paragraph (2)” and inserting  
22 “paragraphs (2) and (3)”; and

23           (II) by adding at the end “Lands  
24 for which no bids are received or for  
25 which the highest bid is less than the

1 national minimum acceptable bid shall  
2 be offered promptly within 30 days  
3 for leasing under subsection (c) of this  
4 section and shall remain available for  
5 leasing for a period of 2 years after  
6 the competitive lease sale.”; and

7 (ii) by adding at the end the fol-  
8 lowing:

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

20 “(B) An election under this paragraph is effec-  
21 tive—

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

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

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

9           (B) by striking subsection (c) and insert-  
10          ing the following:

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

13           “(1) If the lands to be leased are not leased  
14          under subsection (b)(1) of this section or are not  
15          subject to competitive leasing under subsection  
16          (b)(2) of this section, the person first making appli-  
17          cation for the lease who is qualified to hold a lease  
18          under this chapter shall be entitled to a lease of  
19          such lands without competitive bidding, upon pay-  
20          ment of a non-refundable application fee of at least  
21          \$75. A lease under this subsection shall be condi-  
22          tioned upon the payment of a royalty at a rate of  
23          12.5 percent in amount or value of the production  
24          removed or sold from the lease. Leases shall be  
25          issued within 60 days of the date on which the Sec-

1       retary identifies the first responsible qualified appli-  
2       cant.

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

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

19              (C) by striking subsection (e) and inserting  
20      the following:

21              “(e) PRIMARY TERM.—Competitive and noncompeti-  
22      tive leases issued under this section shall be for a primary  
23      term of 10 years: Provided, however, That competitive  
24      leases issued in special tar sand areas shall also be for  
25      a primary term of 10 years. Each such lease shall continue

1 so long after its primary term as oil or gas is produced  
2 in paying quantities. Any lease issued under this section  
3 for land on which, or for which under an approved cooper-  
4 ative or unit plan of development or operation, actual drill-  
5 ing operations were commenced prior to the end of its pri-  
6 mary term and are being diligently prosecuted at that time  
7 shall be extended for 2 years and so long thereafter as  
8 oil or gas is produced in paying quantities.”.

9 (6) CONFORMING AMENDMENTS.—Section 31 of  
10 the Mineral Leasing Act (30 U.S.C. 188) is amend-  
11 ed—

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

15 (B) in subsection (e)—

16 (i) in paragraph (2)—

17 (I) by inserting “either” after  
18 “rentals and”; and

19 (II) by inserting “or the inclusion  
20 in a reinstated lease issued pursuant  
21 to the provisions of section 17(c) of  
22 this Act of a requirement that future  
23 rentals shall be at a rate not less than  
24 \$5 per acre per year, all” before “as  
25 determined by the Secretary”; and



1 (ii) by amending paragraph (3) to  
2 read as follows:

3 “(3)(A) payment of back royalties and the in-  
4 clusion in a reinstated lease issued pursuant to the  
5 provisions of section 17(b) of this Act of a require-  
6 ment for future royalties at a rate of not less than  
7  $16\frac{2}{3}$  percent computed on a sliding scale based  
8 upon the average production per well per day, at a  
9 rate which shall be not less than 4 percentage points  
10 greater than the competitive royalty schedule then in  
11 force and used for royalty determination for com-  
12 petitive leases issued pursuant to such section as de-  
13 termined by the Secretary: *Provided*, That royalty on  
14 such reinstated lease shall be paid on all production  
15 removed or sold from such lease subsequent to the  
16 termination of the original lease;

17 “(B) payment of back royalties and inclusion in  
18 a reinstated lease issued pursuant to the provisions  
19 of section 17(c) of this Act of a requirement for fu-  
20 ture royalties at a rate not less than  $16\frac{2}{3}$  percent:  
21 *Provided*, That royalty on such reinstated lease shall  
22 be paid on all production removed or sold from such  
23 lease subsequent to the cancellation or termination  
24 of the original lease; and”;

25 (C) in subsection (f)—

1 (i) in paragraph (1), by striking “in  
2 the same manner as the original lease  
3 issued pursuant to section 17” and insert-  
4 ing “as a competitive or a noncompetitive  
5 oil and gas lease in the same manner as  
6 the original lease issued pursuant to sub-  
7 section (b) or (c) of section 17 of this  
8 Act”;

9 (ii) by redesignating paragraphs (2)  
10 and (3) as paragraph (3) and (4), respec-  
11 tively; and

12 (iii) by inserting after paragraph (1)  
13 the following:

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

19 (D) in subsection (g), by striking “sub-  
20 section (d)” and inserting “subsections (d) and  
21 (f)”;

22 (E) by amending subsection (h) to read as  
23 follows:

24 “(h) ROYALTY REDUCTIONS.—

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

10           “(2) In acting on a petition for reinstatement  
11 pursuant to subsection (d) of this section or in re-  
12 sponse to a request filed after reinstatement, or  
13 both, the Secretary is authorized to reduce the roy-  
14 alty in that reinstated lease on the entire leasehold  
15 or any tract or portion thereof segregated for royalty  
16 purposes if, in his judgment, there are uneconomic  
17 or other circumstances which could cause undue  
18 hardship or premature termination of production; or  
19 because of any written action of the United States,  
20 its agents or employees, which preceded, and was a  
21 major consideration in, the lessee’s expenditure of  
22 funds to develop the property under the lease after  
23 the rent had become due and had not been paid; or  
24 if in the judgment of the Secretary it is equitable to  
25 do so for any reason.”;

1           (F) by redesignating subsections (f)  
2           through (i) as subsections (g) through (j), re-  
3           spectively; and

4           (G) by inserting after subsection (e) the  
5           following:

6           “(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS  
7 LEASE; CONDITIONS.—Where an unpatented oil placer  
8 mining claim validly located prior to February 24, 1920,  
9 which has been or is currently producing or is capable of  
10 producing oil or gas, has been or is hereafter deemed con-  
11 clusively abandoned for failure to file timely the required  
12 instruments or copies of instruments required by section  
13 314 of the Federal Land Policy and Management Act of  
14 1976 (43 U.S.C. 1744), and it is shown to the satisfaction  
15 of the Secretary that such failure was inadvertent, justifi-  
16 able, or not due to lack of reasonable diligence on the part  
17 of the owner, the Secretary may issue, for the lands cov-  
18 ered by the abandoned unpatented oil placer mining claim,  
19 a noncompetitive oil and gas lease, consistent with the pro-  
20 visions of section 17(e) of this Act, to be effective from  
21 the statutory date the claim was deemed conclusively  
22 abandoned. Issuance of such a lease shall be conditioned  
23 upon—

24           “(1) a petition for issuance of a noncompetitive  
25           oil and gas lease, together with the required rental

1 and royalty, including back rental and royalty accru-  
2 ing from the statutory date of abandonment of the  
3 oil placer mining claim, being filed with the Sec-  
4 retary (A) with respect to any claim deemed conclu-  
5 sively abandoned on or before January 12, 1983, on  
6 or before the 120th day after January 12, 1983, or  
7 (B) with respect to any claim deemed conclusively  
8 abandoned after January 12, 1983, on or before the  
9 120th day after final notification by the Secretary or  
10 a court of competent jurisdiction of the determina-  
11 tion of the abandonment of the oil placer mining  
12 claim;

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

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

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

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

## 12           **TITLE VI—ENERGY REVENUE** 13                           **SHARING**

### 14           **SEC. 20601. GULF OF MEXICO OUTER CONTINENTAL SHELF** 15                           **REVENUE.**

16           (a) DISTRIBUTION OF OUTER CONTINENTAL SHELF  
 17           REVENUE TO GULF PRODUCING STATES.—Section 105 of  
 18           the Gulf of Mexico Energy Security Act of 2006 (43  
 19           U.S.C. 1331 note; Public Law 109–432) is amended—

20                   (1) in subsection (a)—

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

23                           (B) in paragraph (2)—

24                                   (i) by striking “50” and inserting  
 25                                   “62.5”;

1 (ii) in subparagraph (A), by striking  
2 “75” and inserting “80”; and

3 (iii) in subparagraph (B), by striking  
4 “25” and inserting “20”; and

5 (2) by striking subsection (f) and inserting the  
6 following:

7 “(f) TREATMENT OF AMOUNTS.—Amounts disbursed  
8 to a Gulf producing State under this section shall be treat-  
9 ed as revenue sharing and not as a Federal award or grant  
10 for the purposes of part 200 of title 2, Code of Federal  
11 Regulations.”.

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

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

19 “Payments to States pursuant to section  
20 105(a)(2)(A) of the Gulf of Mexico Energy Security  
21 Act of 2006 (43 U.S.C. 1331 note; Public Law 109–  
22 432) (014–5535–0–2–302).”.

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

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

3 **SEC. 20602. PARITY IN OFFSHORE WIND REVENUE SHAR-**  
4 **ING.**

5 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of  
6 the Outer Continental Shelf Lands Act (43 U.S.C.  
7 1337(p)(2)) is amended—

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

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

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

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

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

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

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

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



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

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

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

21 “(ii) REQUIREMENT.—

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

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

1 nues in the general fund of the  
2 Treasury;

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

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

14 “(II) ALLOCATION.—

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

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

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

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

15 “(AA) IN GENERAL.—

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

23 “(BB) ALLOCATION.—

24 The amount paid by the  
25 Secretary to coastal political

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

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

15 “(iv) AUTHORIZED USES.—

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

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

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

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

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

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

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

22 “(ff) Infrastructure improve-  
23 ments at ports, including modi-  
24 fications to Federal navigation

1 channels, to support installation  
2 of offshore wind energy projects.

3 “(II) LIMITATION.—Of the  
4 amounts received by an eligible State  
5 under clause (ii)(II), not more than 3  
6 percent shall be used for the purposes  
7 described in subclause (I)(ee).

8 “(v) ADMINISTRATION.—Subject to  
9 clause (vi)(III), amounts made available  
10 under items (aa) and (cc) of clause (ii)(I)  
11 shall—

12 “(I) be made available, without  
13 further appropriation, in accordance  
14 with this subparagraph;

15 “(II) remain available until ex-  
16 pended; and

17 “(III) be in addition to any  
18 amount appropriated under any other  
19 Act.

20 “(vi) REPORTING REQUIREMENT.—

21 “(I) IN GENERAL.—Not later  
22 than 180 days after the end of each  
23 fiscal year, the Governor of each eligi-  
24 ble State that receives amounts under  
25 clause (ii)(II) for the applicable fiscal

1 year shall submit to the Secretary a  
2 report that describes the use of the  
3 amounts by the eligible State during  
4 the period covered by the report.

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

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

21 “(vii) TREATMENT OF AMOUNTS.—  
22 Amounts disbursed to an eligible State  
23 under this subsection shall be treated as  
24 revenue sharing and not as a Federal  
25 award or grant for the purposes of part

1                   200 of title 2, Code of Federal Regula-  
2                   tions.”.

3           (b) WIND LEASE SALES FOR AREAS OF THE OUTER  
4 CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF  
5 THE UNITED STATES.—Section 33 of the Outer Conti-  
6 nental Shelf Lands Act (43 U.S.C. 1356e) is amended by  
7 adding at the end the following:

8           “(b) WIND LEASE SALE PROCEDURE.—Any wind  
9 lease granted pursuant to this section shall be considered  
10 a wind lease granted under section 8(p), including for pur-  
11 poses of the disposition of revenues pursuant to subpara-  
12 graphs (B) and (C) of section 8(p)(2).”.

13           (c) EXEMPTION OF CERTAIN PAYMENTS FROM SE-  
14 QUESTRATION.—

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

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

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



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

3 **SEC. 20603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**  
4 **THE MINERAL LEASING ACT.**

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

7 (1) in subsection (a), in the first sentence, by  
8 striking “and, subject to the provisions of subsection  
9 (b),”;

10 (2) by striking subsection (b);

11 (3) by redesignating subsections (c) and (d) as  
12 subsections (b) and (c), respectively;

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

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

19 (b) CONFORMING AMENDMENTS.—

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

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

1 (B) in the second sentence, by striking “of  
2 the Act of February 25, 1920 (41 Stat. 450; 30  
3 U.S.C. 191),” and inserting “of the Mineral  
4 Leasing Act (30 U.S.C. 191)”.

5 (2) Section 20(a) of the Geothermal Steam Act  
6 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-  
7 ond sentence of the matter preceding paragraph (1),  
8 by striking “the provisions of subsection (b) of sec-  
9 tion 35 of the Mineral Leasing Act (30 U.S.C.  
10 191(b)) and section 5(a)(2) of this Act” and insert-  
11 ing “section 5(a)(2)”.

12 (3) Section 205(f) of the Federal Oil and Gas  
13 Royalty Management Act of 1982 (30 U.S.C.  
14 1735(f)) is amended—

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

17 (B) by striking the fourth, fifth, and sixth  
18 sentences.

19 **DIVISION C—WATER QUALITY**  
20 **CERTIFICATION AND ENERGY**  
21 **PROJECT IMPROVEMENT**

22 **SEC. 30001. SHORT TITLE; TABLE OF CONTENTS.**

23 (a) SHORT TITLE.—This division may be cited as the  
24 “Water Quality Certification and Energy Project Improve-  
25 ment Act of 2023”.

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

DIVISION C—WATER QUALITY CERTIFICATION AND ENERGY  
 PROJECT IMPROVEMENT

Sec. 30001. Short title; table of contents.

Sec. 30002. Certification.

3 **SEC. 30002. CERTIFICATION.**

4 Section 401 of the Federal Water Pollution Control  
 5 Act (33 U.S.C. 1341) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in the first sentence, by striking  
 9 “may result” and inserting “may directly  
 10 result”;

11 (ii) in the second sentence, by striking  
 12 “activity” and inserting “discharge”;

13 (iii) in the third sentence, by striking  
 14 “applications” each place it appears and  
 15 inserting “requests”;

16 (iv) in the fifth sentence, by striking  
 17 “act on” and inserting “grant or deny”;  
 18 and

19 (v) by inserting after the fourth sen-  
 20 tence the following: “Not later than 30  
 21 days after the date of enactment of the  
 22 Water Quality Certification and Energy  
 23 Project Improvement Act of 2023, each

1 State and interstate agency that has au-  
2 thority to give such a certification, and the  
3 Administrator, shall publish requirements  
4 for certification to demonstrate to such  
5 State, such interstate agency, or the Ad-  
6 ministrator, as the case may be, compli-  
7 ance with the applicable provisions of sec-  
8 tions 301, 302, 303, 306, and 307. A deci-  
9 sion to grant or deny a request for certifi-  
10 cation shall be based only on the applicable  
11 provisions of sections 301, 302, 303, 306,  
12 and 307, and the grounds for the decision  
13 shall be set forth in writing and provided  
14 to the applicant. Not later than 90 days  
15 after receipt of a request for certification,  
16 the State, interstate agency, or Adminis-  
17 trator, as the case may be, shall identify in  
18 writing all specific additional materials or  
19 information that are necessary to grant or  
20 deny the request.”;

21 (B) in paragraph (2)—

22 (i) in the second sentence, by striking  
23 “notice of application for such Federal li-  
24 cense or permit” and inserting “receipt of  
25 a notice under the preceding sentence”;

1 (ii) in the third sentence, by striking  
2 “any water quality requirement” and in-  
3 serting “any applicable provision of section  
4 301, 302, 303, 306, or 307”;

5 (iii) in the fifth sentence, by striking  
6 “insure compliance with applicable water  
7 quality requirements.” and inserting “en-  
8 sure compliance with the applicable provi-  
9 sions of sections 301, 302, 303, 306, and  
10 307.”;

11 (iv) in the final sentence, by striking  
12 “insure” and inserting “ensure”; and

13 (v) by striking the first sentence and  
14 inserting “On receipt of a request for cer-  
15 tification, the certifying State or interstate  
16 agency, as applicable, shall immediately  
17 notify the Administrator of the request.”;

18 (C) in paragraph (3), in the second sen-  
19 tence, by striking “section” and inserting “any  
20 applicable provision of section”;

21 (D) in paragraph (4)—

22 (i) in the first sentence, by striking  
23 “assuring that applicable effluent limita-  
24 tions or other limitations or other applica-  
25 ble water quality requirements will not be

1 violated” and inserting “ensuring that no  
2 applicable provision of section 301, 302,  
3 303, 306, or 307 will be violated”;

4 (ii) in the second sentence, by striking  
5 “will violate applicable effluent limitations  
6 or other limitations or other water quality  
7 requirements” and inserting “will directly  
8 result in a discharge that violates an appli-  
9 cable provision of section 301, 302, 303,  
10 306, or 307,”; and

11 (iii) in the third sentence, by striking  
12 “such facility or activity will not violate the  
13 applicable provisions” and inserting “oper-  
14 ation of such facility or activity will not di-  
15 rectly result in a discharge that violates  
16 any applicable provision”; and

17 (E) in paragraph (5), by striking “the ap-  
18 plicable provisions” and inserting “any applica-  
19 ble provision”;

20 (2) in subsection (d), by striking “any applica-  
21 ble effluent limitations and other limitations, under  
22 section 301 or 302 of this Act, standard of perform-  
23 ance under section 306 of this Act, or prohibition,  
24 effluent standard, or pretreatment standard under  
25 section 307 of this Act, and with any other appro-

1        piate requirement of State law set forth in such  
2        certification, and” and inserting “the applicable pro-  
3        visions of sections 301, 302, 303, 306, and 307, and  
4        any such limitations or requirements”; and

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

6                “(e) For purposes of this section, the applicable pro-  
7        visions of sections 301, 302, 303, 306, and 307 are any  
8        applicable effluent limitations and other limitations under  
9        section 301 or 302, standard of performance under section  
10       306, prohibition, effluent standard, or pretreatment stand-  
11       ard under section 307, and requirement of State law im-  
12       plementing water quality criteria under section 303 nec-  
13       essary to support the designated use or uses of the receiv-  
14       ing navigable waters.”.

○