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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

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 HOUSE OF REPRESENTATIVES

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

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Lower Energy Costs Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 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.
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 Sec. 10009. Interim hazardous waste permits for critical energy resource facilities.
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 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—

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

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

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

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

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

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

16 (3) in section 203(a), by adding at the end the
17 following:

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

22 “(A) the development and use of energy
23 technologies; and

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

1 (b) SECURING CRITICAL ENERGY RESOURCE SUPPLY
2 CHAINS.—

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

9 (A) conduct ongoing assessments of—

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

14 (ii) the critical energy resource supply
15 chain of the United States;

16 (iii) the vulnerability of such supply
17 chain; and

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

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

1 (i) diversifying the sources of the sup-
2 ply of critical energy resources; and

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

6 (C) develop substitutes and alternatives to
7 critical energy resources; and

8 (D) improve technology that reuses and re-
9 cycles critical energy resources.

10 (2) CRITICAL ENERGY RESOURCE DEFINED.—

11 In this section, the term “critical energy resource”
12 has the meaning given such term in section 2 of the
13 Department of Energy Organization Act (42 U.S.C.
14 7101).

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

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

20 (b) PROHIBITION ON DECLARATION OF A MORATO-
21 RIUM ON HYDRAULIC FRACTURING.—Notwithstanding
22 any other provision of law, the President may not declare
23 a moratorium on the use of hydraulic fracturing unless
24 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) two 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 for the siting, construction, or operation of any
23 facility to import or export natural gas.

24 (C) OIL PIPELINES.—Nothing in this sub-
25 section or subsection (d) shall affect the author-

1 ity of the Federal Energy Regulatory Commis-
2 sion with respect to oil pipelines under section
3 60502 of title 49, United States Code.

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

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

9 (2) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

20 (2) an oil or natural gas pipeline or electric
21 transmission facility for which a Presidential permit
22 (or similar permit) has been issued pursuant to any
23 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 No.
8 13337 (3 U.S.C. 301 note), Executive Order No. 11423
9 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed.
10 Reg. 4957), Executive Order No. 10485 (18 Fed. Reg.
11 5397), or any other Executive order for the construction,
12 connection, operation, or maintenance of an oil or natural
13 gas pipeline or electric transmission facility, or any bor-
14 der-crossing facility thereof, unless such revocation is au-
15 thorized by an Act 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 of the Federal
5 Power Act (16 U.S.C. 824o).

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 renaiss-
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 subsections (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: “(1) The
24 Federal Energy Regulatory Commission (in this sub-
25 section referred to as the ‘Commission’) shall have

1 the exclusive authority to approve or deny an appli-
2 cation for authorization for the siting, construction,
3 expansion, or operation of a facility to export nat-
4 ural gas from the United States to a foreign country
5 or import natural gas from a foreign country, in-
6 cluding an LNG terminal. In determining whether to
7 approve or deny an application under this para-
8 graph, the Commission shall deem the exportation or
9 importation of natural gas to be consistent with the
10 public interest. Except as specifically provided in
11 this Act, nothing in this Act is intended to affect
12 otherwise applicable law related to any Federal
13 agency’s authorities or responsibilities related to fa-
14 cilities to import or export natural gas, including
15 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. 4318(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 or a certificate of public con-
10 venience and necessity under section 7 of such Act.

11 (b) COMMISSION NEPA REVIEW RESPONSIBIL-
12 ITIES.—In acting as the lead agency under section
13 15(b)(1) of the Natural Gas Act for the purposes of com-
14 plying with the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.) with respect to an author-
16 ization under section 3 of the Natural Gas Act or a certifi-
17 cate of public convenience and necessity under section 7
18 of such Act, the Commission shall, in accordance with this
19 section and other applicable Federal law—

20 (1) be the only lead agency;

21 (2) coordinate as early as practicable with each
22 agency designated as a participating agency under
23 subsection (d)(3) to ensure that the Commission de-
24 velops information in conducting its project-related
25 NEPA review that is usable by the participating

1 agency in considering an aspect of an application for
2 a Federal authorization for which the agency is re-
3 sponsible; and

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

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

15 (d) PARTICIPATING AGENCIES.—

16 (1) IDENTIFICATION.—The Commission shall
17 identify, not later than 30 days after the Commis-
18 sion receives an application for an authorization
19 under section 3 of the Natural Gas Act or a certifi-
20 cate of public convenience and necessity under sec-
21 tion 7 of such Act, any Federal or State agency,
22 local government, or Indian Tribe that may issue a
23 Federal authorization or is required by Federal law
24 to consult with the Commission in conjunction with

1 the issuance of a Federal authorization required for
2 such authorization or certificate.

3 (2) INVITATION.—

4 (A) IN GENERAL.—Not later than 45 days
5 after the Commission receives an application for
6 an authorization under section 3 of the Natural
7 Gas Act or a certificate of public convenience
8 and necessity under section 7 of such Act, the
9 Commission shall invite any agency identified
10 under paragraph (1) to participate in the review
11 process for the applicable Federal authorization.

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

17 (3) DESIGNATION AS PARTICIPATING AGEN-
18 CIES.—Not later than 60 days after the Commission
19 receives an application for an authorization under
20 section 3 of the Natural Gas Act or a certificate of
21 public convenience and necessity under section 7 of
22 such Act, the Commission shall designate an agency
23 identified under paragraph (1) as a participating
24 agency with respect to an application for authoriza-
25 tion under section 3 of the Natural Gas Act or a

1 certificate of public convenience and necessity under
2 section 7 of such Act unless the agency informs the
3 Commission, in writing, by the deadline established
4 pursuant to paragraph (2)(B), that the agency—

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

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

9 (C) does not intend to submit comments
10 for the record for the project-related NEPA re-
11 view conducted by the Commission.

12 (4) EFFECT OF NON-DESIGNATION.—

13 (A) EFFECT ON AGENCY.—Any agency
14 that is not designated as a participating agency
15 under paragraph (3) with respect to an applica-
16 tion for an authorization under section 3 of the
17 Natural Gas Act or a certificate of public con-
18 venience and necessity under section 7 of such
19 Act may not request or conduct a NEPA review
20 that is supplemental to the project-related
21 NEPA review conducted by the Commission,
22 unless the agency—

23 (i) demonstrates that such review is
24 legally necessary for the agency to carry
25 out responsibilities in considering an as-

1 pect of an application for a Federal au-
2 thorization; and

3 (ii) requires information that could
4 not have been obtained during the project-
5 related NEPA review conducted by the
6 Commission.

7 (B) COMMENTS; RECORD.—The Commis-
8 sion shall not, with respect to an agency that is
9 not designated as a participating agency under
10 paragraph (3) with respect to an application for
11 an authorization under section 3 of the Natural
12 Gas Act or a certificate of public convenience
13 and necessity under section 7 of such Act—

14 (i) consider any comments or other in-
15 formation submitted by such agency for
16 the project-related NEPA review conducted
17 by the Commission; or

18 (ii) include any such comments or
19 other information in the record for such
20 project-related NEPA review.

21 (e) WATER QUALITY IMPACTS.—

22 (1) IN GENERAL.—Notwithstanding section 401
23 of the Federal Water Pollution Control Act (33
24 U.S.C. 1341), an applicant for a Federal authoriza-
25 tion shall not be required to provide a certification

1 under such section with respect to the Federal au-
2 thorization.

3 (2) COORDINATION.—With respect to any
4 NEPA review for a Federal authorization to conduct
5 an activity that will directly result in a discharge
6 into the navigable waters (within the meaning of the
7 Federal Water Pollution Control Act), the Commis-
8 sion shall identify as an agency under subsection
9 (d)(1) the State in which the discharge originates or
10 will originate, or, if appropriate, the interstate water
11 pollution control agency having jurisdiction over the
12 navigable waters at the point where the discharge
13 originates or will originate.

14 (3) PROPOSED CONDITIONS.—A State or inter-
15 state agency designated as a participating agency
16 pursuant to paragraph (2) may propose to the Com-
17 mission terms or conditions for inclusion in an au-
18 thorization under section 3 of the Natural Gas Act
19 or a certificate of public convenience and necessity
20 under section 7 of such Act that the State or inter-
21 state agency determines are necessary to ensure that
22 any activity described in paragraph (2) conducted
23 pursuant to such authorization or certification will
24 comply with the applicable provisions of sections

1 301, 302, 303, 306, and 307 of the Federal Water
2 Pollution Control Act.

3 (4) COMMISSION CONSIDERATION OF CONDI-
4 TIONS.—The Commission may include a term or
5 condition in an authorization under section 3 of the
6 Natural Gas Act or a certificate of public conven-
7 ience and necessity under section 7 of such Act pro-
8 posed by a State or interstate agency under para-
9 graph (3) only if the Commission finds that the term
10 or condition is necessary to ensure that any activity
11 described in paragraph (2) conducted pursuant to
12 such authorization or certification will comply with
13 the applicable provisions of sections 301, 302, 303,
14 306, and 307 of the Federal Water Pollution Con-
15 trol Act.

16 (f) SCHEDULE.—

17 (1) DEADLINE FOR FEDERAL AUTHORIZA-
18 TIONS.—A deadline for a Federal authorization re-
19 quired with respect to an application for authoriza-
20 tion under section 3 of the Natural Gas Act or a
21 certificate of public convenience and necessity under
22 section 7 of such Act set by the Commission under
23 section 15(c)(1) of such Act shall be not later than
24 90 days after the Commission completes its project-

1 related NEPA review, unless an applicable schedule
2 is otherwise established by Federal law.

3 (2) CONCURRENT REVIEWS.—Each Federal and
4 State agency—

5 (A) that may consider an application for a
6 Federal authorization required with respect to
7 an application for authorization under section 3
8 of the Natural Gas Act or a certificate of public
9 convenience and necessity under section 7 of
10 such Act shall formulate and implement a plan
11 for administrative, policy, and procedural mech-
12 anisms to enable the agency to ensure comple-
13 tion of Federal authorizations in compliance
14 with schedules established by the Commission
15 under section 15(c)(1) of such Act; and

16 (B) in considering an aspect of an applica-
17 tion for a Federal authorization required with
18 respect to an application for authorization
19 under section 3 of the Natural Gas Act or a
20 certificate of public convenience and necessity
21 under section 7 of such Act, shall—

22 (i) formulate and implement a plan to
23 enable the agency to comply with the
24 schedule established by the Commission
25 under section 15(c)(1) of such Act;

1 (ii) carry out the obligations of that
2 agency under applicable law concurrently,
3 and in conjunction with, the project-related
4 NEPA review conducted by the Commis-
5 sion, and in compliance with the schedule
6 established by the Commission under sec-
7 tion 15(c)(1) of such Act, unless the agen-
8 cy notifies the Commission in writing that
9 doing so would impair the ability of the
10 agency to conduct needed analysis or oth-
11 erwise carry out such obligations;

12 (iii) transmit to the Commission a
13 statement—

14 (I) acknowledging receipt of the
15 schedule established by the Commis-
16 sion under section 15(c)(1) of the
17 Natural Gas Act; and

18 (II) setting forth the plan formu-
19 lated under clause (i) of this subpara-
20 graph;

21 (iv) not later than 30 days after the
22 agency receives such application for a Fed-
23 eral authorization, transmit to the appli-
24 cant a notice—

1 (I) indicating whether such appli-
2 cation is ready for processing; and

3 (II) if such application is not
4 ready for processing, that includes a
5 comprehensive description of the in-
6 formation needed for the agency to
7 determine that the application is
8 ready for processing;

9 (v) determine that such application
10 for a Federal authorization is ready for
11 processing for purposes of clause (iv) if
12 such application is sufficiently complete for
13 the purposes of commencing consideration,
14 regardless of whether supplemental infor-
15 mation is necessary to enable the agency to
16 complete the consideration required by law
17 with respect to such application; and

18 (vi) not less often than once every 90
19 days, transmit to the Commission a report
20 describing the progress made in consid-
21 ering such application for a Federal au-
22 thorization.

23 (3) FAILURE TO MEET DEADLINE.—If a Fed-
24 eral or State agency, including the Commission, fails
25 to meet a deadline for a Federal authorization set

1 forth in the schedule established by the Commission
2 under section 15(c)(1) of the Natural Gas Act, not
3 later than 5 days after such deadline, the head of
4 the relevant Federal agency (including, in the case
5 of a failure by a State agency, the Federal agency
6 overseeing the delegated authority) shall notify Con-
7 gress and the Commission of such failure and set
8 forth a recommended implementation plan to ensure
9 completion of the action to which such deadline ap-
10 plied.

11 (g) CONSIDERATION OF APPLICATIONS FOR FED-
12 ERAL AUTHORIZATION.—

13 (1) ISSUE IDENTIFICATION AND RESOLU-
14 TION.—

15 (A) IDENTIFICATION.—Federal and State
16 agencies that may consider an aspect of an ap-
17 plication for a Federal authorization shall iden-
18 tify, as early as possible, any issues of concern
19 that may delay or prevent an agency from
20 working with the Commission to resolve such
21 issues and granting such authorization.

22 (B) ISSUE RESOLUTION.—The Commission
23 may forward any issue of concern identified
24 under subparagraph (A) to the heads of the rel-
25 evant agencies (including, in the case of an

1 issue of concern that is a failure by a State
2 agency, the Federal agency overseeing the dele-
3 gated authority, if applicable) for resolution.

4 (2) REMOTE SURVEYS.—If a Federal or State
5 agency considering an aspect of an application for a
6 Federal authorization requires the person applying
7 for such authorization to submit data, the agency
8 shall consider any such data gathered by aerial or
9 other remote means that the person submits. The
10 agency may grant a conditional approval for the
11 Federal authorization based on data gathered by
12 aerial or remote means, conditioned on the
13 verification of such data by subsequent onsite in-
14 spection.

15 (3) APPLICATION PROCESSING.—The Commis-
16 sion, and Federal and State agencies, may allow a
17 person applying for a Federal authorization to fund
18 a third-party contractor to assist in reviewing the
19 application for such authorization.

20 (h) ACCOUNTABILITY, TRANSPARENCY, EFFI-
21 CIENCY.—For an application for an authorization under
22 section 3 of the Natural Gas Act or a certificate of public
23 convenience and necessity under section 7 of such Act that
24 requires multiple Federal authorizations, the Commission,
25 with input from any Federal or State agency considering

1 an aspect of the application, shall track and make avail-
2 able to the public on the Commission's website information
3 related to the actions required to complete the Federal au-
4 thorizations. Such information shall include the following:

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

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

11 (3) The expected completion date for each such
12 action.

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

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

18 (i) PIPELINE SECURITY.—In considering an applica-
19 tion for an authorization under section 3 of the Natural
20 Gas Act or a certificate of public convenience and neces-
21 sity under section 7 of such Act, the Federal Energy Reg-
22 ulatory Commission shall consult with the Administrator
23 of the Transportation Security Administration regarding
24 the applicant's compliance with security guidance and best
25 practice recommendations of the Administration regarding

1 pipeline infrastructure security, pipeline cybersecurity,
2 pipeline personnel security, and other pipeline security
3 measures.

4 **SEC. 10009. INTERIM HAZARDOUS WASTE PERMITS FOR**
5 **CRITICAL ENERGY RESOURCE FACILITIES.**

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

8 (1) in paragraph (1)(A)—

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

11 (B) in clause (ii), by inserting “or” after
12 “this section,”;

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

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

15 and

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

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

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

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

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

1 “(B) 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. 10010. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY**
6 **RESOURCE FACILITIES.**

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

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

19 (2) facilitate flexible, market-responsive oper-
20 ations (as described in the final rule identified in
21 paragraph (1)) with respect to critical energy re-
22 source facilities.

23 (b) DEFINITIONS.—In this section:

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

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

6 (B) the supply chain of which is vulnerable
7 to disruption.

8 (2) CRITICAL ENERGY RESOURCE FACILITY.—
9 The term “critical energy resource facility” means a
10 facility that processes or refines a critical energy re-
11 source.

12 **SEC. 10011. NATIONAL SECURITY OR ENERGY SECURITY**
13 **WAIVERS TO PRODUCE CRITICAL ENERGY**
14 **RESOURCES.**

15 (a) CLEAN AIR ACT REQUIREMENTS.—

16 (1) IN GENERAL.—If the Administrator of the
17 Environmental Protection Agency, in consultation
18 with the Secretary of Energy, determines that, by
19 reason of a sudden increase in demand for, or a
20 shortage of, a critical energy resource, or another
21 cause, the processing or refining of a critical energy
22 resource at a critical energy resource facility is nec-
23 essary to meet the national security or energy secu-
24 rity needs of the United States, then the Adminis-
25 trator may, with or without notice, hearing, or other

1 report, issue a temporary waiver of any requirement
2 under the Clean Air Act (42 U.S.C. 7401 et seq.)
3 with respect to such critical energy resource facility
4 that, in the judgment of the Administrator, will
5 allow for such processing or refining at such critical
6 energy resource facility as necessary to best meet
7 such needs and serve the public interest.

8 (2) CONFLICT WITH OTHER ENVIRONMENTAL
9 LAWS.—The Administrator shall ensure that any
10 waiver of a requirement under the Clean Air Act
11 under this subsection, to the maximum extent prac-
12 ticable, does not result in a conflict with a require-
13 ment of any other applicable Federal, State, or local
14 environmental law or regulation and minimizes any
15 adverse environmental impacts.

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

1 (4) EXPIRATION AND RENEWAL OF WAIVERS.—
2 A waiver issued under this subsection shall expire
3 not later than 90 days after it is issued. The Admin-
4 istrator may renew or reissue such waiver pursuant
5 to paragraphs (1) and (2) for subsequent periods,
6 not to exceed 90 days for each period, as the Admin-
7 istrator determines necessary to meet the national
8 security or energy security needs described in para-
9 graph (1) and serve the public interest. In renewing
10 or reissuing a waiver under this paragraph, the Ad-
11 ministrator shall include in any such renewed or re-
12 issued waiver such conditions as are necessary to
13 minimize any adverse environmental impacts to the
14 extent practicable.

15 (5) SUBSEQUENT ACTION BY COURT.—If a
16 waiver issued under this subsection is subsequently
17 stayed, modified, or set aside by a court pursuant a
18 provision of law, any omission or action previously
19 taken by a party under the waiver while the waiver
20 was in effect shall remain subject to paragraph (3).

21 (6) CRITICAL ENERGY RESOURCE; CRITICAL EN-
22 ERGY RESOURCE FACILITY DEFINED.—The terms
23 “critical energy resource” and “critical energy re-
24 source facility” have the meanings given such terms

1 in section 3025(f) of the Solid Waste Disposal Act
2 (as added by this section).

3 (b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

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

8 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**
9 **FACILITIES.**

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

24 “(b) CONFLICT WITH OTHER ENVIRONMENTAL
25 LAWS.—The Administrator shall ensure that any waiver

1 of a covered requirement under this section, to the max-
2 imum extent practicable, does not result in a conflict with
3 a requirement of any other applicable Federal, State, or
4 local environmental law or regulation and minimizes any
5 adverse environmental impacts.

6 “(c) VIOLATIONS OF OTHER ENVIRONMENTAL
7 LAWS.—To the extent any omission or action taken by
8 a party under a waiver issued under this section is in con-
9 flict with any requirement of a Federal, State, or local
10 environmental law or regulation, such omission or action
11 shall not be considered a violation of such environmental
12 law or regulation, or subject such party to any require-
13 ment, civil or criminal liability, or a citizen suit under such
14 environmental law or regulation.

15 “(d) EXPIRATION AND RENEWAL OF WAIVERS.—A
16 waiver issued under this section shall expire not later than
17 90 days after it is issued. The Administrator may renew
18 or reissue such waiver pursuant to subsections (a) and (b)
19 for subsequent periods, not to exceed 90 days for each pe-
20 riod, as the Administrator determines necessary to meet
21 the national security or energy security needs described
22 in subsection (a) and serve the public interest. In renewing
23 or reissuing a waiver under this subsection, the Adminis-
24 trator shall include in any such renewed or reissued waiver

1 such conditions as are necessary to minimize any adverse
2 environmental impacts to the extent practicable.

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

9 “(f) DEFINITIONS.—In this section:

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

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

14 “(B) the permit requirement under section
15 3005; or

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

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

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

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

1 “(3) 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 (2) TABLE OF CONTENTS.—The table of con-
6 tents of the Solid Waste Disposal Act is amended by
7 inserting after the item relating to section 3024 the
8 following:

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

9 **SEC. 10012. ENDING FUTURE DELAYS IN CHEMICAL SUB-**
10 **STANCE REVIEW FOR CRITICAL ENERGY RE-**
11 **SOURCES.**

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

15 “(6) CRITICAL ENERGY RESOURCES.—

16 “(A) STANDARD.—For purposes of a de-
17 termination under paragraph (3) with respect
18 to a chemical substance that is a critical energy
19 resource, the Administrator shall take into con-
20 sideration economic, societal, and environmental
21 costs and benefits, notwithstanding any require-
22 ment of this section to not take such factors
23 into consideration.

24 “(B) FAILURE TO RENDER DETERMINA-
25 TION.—

1 “(i) ACTIONS AUTHORIZED.—If, with
2 respect to a chemical substance that is a
3 critical energy resource, the Administrator
4 fails to make a determination on a notice
5 under paragraph (3) by the end of the ap-
6 plicable review period and the notice has
7 not been withdrawn by the submitter, the
8 submitter may take the actions described
9 in paragraph (1)(A) with respect to the
10 chemical substance, and the Administrator
11 shall be relieved of any requirement to
12 make such determination.

13 “(ii) NON-DUPLICATION.—A refund of
14 applicable fees under paragraph (4)(A)
15 shall not be made if a submitter takes an
16 action described in paragraph (1)(A) under
17 this subparagraph.

18 “(C) PREREQUISITE FOR SUGGESTION OF
19 WITHDRAWAL OR SUSPENSION.—The Adminis-
20 trator may not suggest to, or request of, a sub-
21 mitter of a notice under this subsection for a
22 chemical substance that is a critical energy re-
23 source that such submitter withdraw such no-
24 tice, or request a suspension of the running of

1 the applicable review period with respect to
2 such notice, unless the Administrator has—

3 “(i) conducted a preliminary review of
4 such notice; and

5 “(ii) provided to the submitter a draft
6 of a determination under paragraph (3),
7 including any supporting information.

8 “(D) DEFINITION.—For purposes of this
9 paragraph, the term ‘critical energy resource’
10 means, as determined by the Secretary of En-
11 ergy, any energy resource—

12 “(i) that is essential to the energy sec-
13 tor and energy systems of the United
14 States; and

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

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

18 (a) REPEAL.—Section 136 of the Clean Air Act (42
19 U.S.C. 7436)(relating to methane emissions and waste re-
20 duction incentive program for petroleum and natural gas
21 systems) is repealed.

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

1 **SEC. 10014. REPEAL OF GREENHOUSE GAS REDUCTION**
2 **FUND.**

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

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

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

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

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

23 (b) STATIONARY SOURCE DESCRIBED.—A stationary
24 source described in this subsection is a stationary source
25 (as defined in section 112(r)(2)(C) of the Clean Air Act

1 (42 U.S.C. 7412(r)(2)(C)) in North American Industry
2 Classification System code 324—

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

6 (2) for which the owner or operator dem-
7 onstrates to the Administrator of the Environmental
8 Protection Agency that such stationary source con-
9 forms or will conform to the most recent version of
10 American Petroleum Institute Recommended Prac-
11 tice 751.

12 **SEC. 10016. HOMEOWNER ENERGY FREEDOM.**

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

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

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

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

23 (b) RESCISSIONS.—The unobligated balances of any
24 amounts made available under each of sections 50122,
25 50123, and 50131 of Public Law 117–169 (42 U.S.C.

1 18795a, 18795b; 136 Stat. 2041) (as in effect on the day
2 before the date of enactment of this Act) are rescinded.

3 (c) CONFORMING AMENDMENT.—Section
4 50121(c)(7) of Public Law 117–169 (42 U.S.C.
5 18795(c)(7)) is amended by striking “, including a rebate
6 provided under a high-efficiency electric home rebate pro-
7 gram (as defined in section 50122(d)),”.

8 **DIVISION B—TRANSPARENCY,**
9 **ACCOUNTABILITY, PERMIT-**
10 **TING, AND PRODUCTION OF**
11 **AMERICAN RESOURCES**

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

13 (a) SHORT TITLE.—This division may be cited as the
14 “Transparency, Accountability, Permitting, and Produc-
15 tion of American Resources Act” or the “TAPP American
16 Resources Act”.

17 (b) TABLE OF CONTENTS.—The table of contents for
18 this division is as follows:

DIVISION B—TAPP 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).

1 (3) LEASE OF OIL AND GAS LANDS.—Section
2 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
3 226(b)(1)(A)) is amended by inserting “Eligible
4 lands comprise all lands subject to leasing under this
5 Act and not excluded from leasing by a statutory or
6 regulatory prohibition. Available lands are those
7 lands that have been designated as open for leasing
8 under a land use plan developed under section 202
9 of the Federal Land Policy and Management Act of
10 1976 and that have been nominated for leasing
11 through the submission of an expression of interest,
12 are subject to drainage in the absence of leasing, or
13 are otherwise designated as available pursuant to
14 regulations adopted by the Secretary.” after “sales
15 are necessary.”.

16 (b) QUARTERLY LEASE SALES.—

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

22 (A) Wyoming.

23 (B) New Mexico.

24 (C) Colorado.

25 (D) Utah.

1 (E) Montana.

2 (F) North Dakota.

3 (G) Oklahoma.

4 (H) Nevada.

5 (I) Alaska.

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

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

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

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

24 (B) during a lease sale under paragraph
25 (1) the percentage of acreage that does not re-

1 ceive a bid is equal to or greater than 25 per-
2 cent of the acreage offered.

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

12 **SEC. 20102. LEASE REINSTATEMENT.**

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

19 **SEC. 20103. PROTESTED LEASE SALES.**

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

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 the enactment of this section, and annually thereafter,
10 the Secretary of the Interior shall submit to the Com-
11 mittee on Natural Resources of the House of Representa-
12 tives and the Committee on Energy and Natural Re-
13 sources of the 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 applicable 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 the en-
21 actment of this section, the Secretary of the Interior
22 shall—

23 (1) complete all requirements under the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.) and other applicable law that must be

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

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

6 (c) PUBLIC AVAILABILITY OF DATA.—

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

10 “(t) PUBLIC AVAILABILITY OF DATA.—

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

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

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

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

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

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

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

18 “(q) PUBLIC AVAILABILITY OF DATA.—

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

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

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

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

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

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

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

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

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

18 **SEC. 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 the enactment of this Act by not later than September
24 30, 2023.

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

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

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

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

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

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

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

4 **SEC. 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 two Gulf of Mexico region-wide lease sales per
16 year.”; and

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

19 (2) by redesignating subsections (f) through (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 the enactment of
23 this Act), for which the environmental review proc-
24 ess 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 the
3 enactment 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 titled
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 titled
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 titled
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) by striking “the responsible Federal
8 official” and inserting “the head of the lead
9 agency”;

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

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

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

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

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

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

24 “(G) consistent with the provisions of this Act,
25 study, develop, and describe technically and economi-

1 cally feasible alternatives within the jurisdiction and
2 authority of the agency;” and

3 (8) in subparagraph (H), as amended, by in-
4 sserting “consistent with the provisions of this Act,”
5 before “recognize”.

6 (b) NEW SECTIONS.—Title I of the National Envi-
7 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
8 is amended by adding at the end the following:

9 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**
10 **REVIEW.**

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

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

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

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

23 “(4) the proposed agency action is, in whole or
24 in part, a nondiscretionary action with respect to
25 which such agency does not have authority to take

1 environmental factors into consideration in deter-
2 mining whether to take the proposed action;

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

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

11 “(b) LEVELS OF REVIEW.—

12 “(1) ENVIRONMENTAL IMPACT STATEMENT.—
13 An agency shall issue an environmental impact
14 statement with respect to a proposed agency action
15 that has a significant effect on the quality of the
16 human environment.

17 “(2) ENVIRONMENTAL ASSESSMENT.—An agen-
18 cy shall prepare an environmental assessment with
19 respect to a proposed agency action that is not likely
20 to have a significant effect on the quality of the
21 human environment, or if the significance of such ef-
22 fect is unknown, unless the agency finds that a cat-
23 egorical exclusion established by the agency, another
24 Federal agency, or another provision of law applies.
25 Such environmental assessment shall be a concise

1 public document prepared by a Federal agency to set
2 forth the basis of such agency's finding of no signifi-
3 cant impact.

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

6 “(A) may make use of any reliable data
7 source; and

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

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

11 “(a) LEAD AGENCY.—

12 “(1) DESIGNATION.—

13 “(A) IN GENERAL.—If there are two or
14 more involved Federal agencies, such agencies
15 shall determine, by letter or memorandum,
16 which agency shall be the lead agency based on
17 consideration of the following factors:

18 “(i) Magnitude of agency's involve-
19 ment.

20 “(ii) Project approval or disapproval
21 authority.

22 “(iii) Expertise concerning the ac-
23 tion's environmental effects.

24 “(iv) Duration of agency's involve-
25 ment.

1 “(v) Sequence of agency’s involve-
2 ment.

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

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

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

16 “(A) supervise the preparation of an envi-
17 ronmental document if, with respect to such
18 proposed agency action, there is more than one
19 involved Federal agency;

20 “(B) request the participation of each co-
21 operating agency at the earliest practicable
22 time;

23 “(C) in preparing an environmental docu-
24 ment, give consideration to any analysis or pro-
25 posal created by a cooperating agency with ju-

1 jurisdiction by law or a cooperating agency with
2 special expertise;

3 “(D) develop a schedule, in consultation
4 with each involved cooperating agency, the ap-
5 plicant, and such other entities as the lead
6 agency determines appropriate, for completion
7 of any environmental review, permit, or author-
8 ization required to carry out the proposed agen-
9 cy action;

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

19 “(F) meet with a cooperating agency that
20 requests such a meeting.

21 “(3) COOPERATING AGENCY.—The lead agency
22 may, with respect to a proposed agency action, des-
23 ignate any involved Federal agency or a State, Trib-
24 al, or local agency as a cooperating agency. A co-
25 operating agency may, not later than a date speci-

1 fied by the lead agency, submit comments to the
2 lead agency. Such comments shall be limited to mat-
3 ters relating to the proposed agency action with re-
4 spect to which such agency has special expertise or
5 jurisdiction by law with respect to an environmental
6 issue.

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

16 “(5) COUNCIL DESIGNATION.—

17 “(A) REQUEST.—Not earlier than 45 days
18 after the date on which a request is submitted
19 under paragraph (4), if no designation has been
20 made under paragraph (1), a Federal, State,
21 Tribal, or local agency or person that is sub-
22 stantially affected by the lack of a designation
23 of a lead agency may request that the Council
24 designate a lead agency. Such request shall con-
25 sist of—

1 “(i) a precise description of the nature
2 and extent of the proposed agency action;
3 and

4 “(ii) a detailed statement with respect
5 to each involved Federal agency and each
6 factor listed in paragraph (1) regarding
7 which agency should serve as lead agency.

8 “(B) TRANSMISSION.—The Council shall
9 transmit a request received under subparagraph
10 (A) to each involved Federal agency.

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

16 “(D) DESIGNATION.—Not later than 40
17 days after the date of the submission of a re-
18 quest under subparagraph (A), the Council
19 shall designate the lead agency with respect to
20 the relevant proposed agency action.

21 “(b) ONE DOCUMENT.—

22 “(1) DOCUMENT.—To the extent practicable, if
23 there are 2 or more involved Federal agencies with
24 respect to a proposed agency action and the lead
25 agency has determined that an environmental docu-

1 ment is required, such requirement shall be deemed
2 satisfied with respect to all involved Federal agencies
3 if the lead agency issues such an environmental doc-
4 ument.

5 “(2) CONSIDERATION TIMING.—In developing
6 an environmental document for a proposed agency
7 action, no involved Federal agency shall be required
8 to consider any information that becomes available
9 after the sooner of, as applicable—

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

12 “(B) publication of a notice of intent or
13 decision to prepare an environmental impact
14 statement for such proposed agency action.

15 “(3) SCOPE OF REVIEW.—In developing an en-
16 vironmental document for a proposed agency action,
17 the lead agency and any other involved Federal
18 agencies shall only consider the effects of the pro-
19 posed agency action that—

20 “(A) occur on Federal land; or

21 “(B) are subject to Federal control and re-
22 sponsibility.

23 “(c) REQUEST FOR PUBLIC COMMENT.—Each notice
24 of intent to prepare an environmental impact statement
25 under section 102 shall include a request for public com-

1 ment on alternatives or impacts and on relevant informa-
2 tion, studies, or analyses with respect to the proposed
3 agency action.

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

8 “(e) ESTIMATED TOTAL COST.—The cover sheet for
9 each environmental impact statement shall include a state-
10 ment of the estimated total cost of preparing such environ-
11 mental impact statement, including the costs of agency
12 full-time equivalent personnel hours, contractor costs, and
13 other direct costs.

14 “(f) PAGE LIMITS.—

15 “(1) ENVIRONMENTAL IMPACT STATEMENTS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), an environmental impact
18 statement shall not exceed 150 pages, not in-
19 cluding any citations or appendices.

20 “(B) EXTRAORDINARY COMPLEXITY.—An
21 environmental impact statement for a proposed
22 agency action of extraordinary complexity shall
23 not exceed 300 pages, not including any cita-
24 tions or appendices.

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

4 “(g) SPONSOR PREPARATION.—A lead agency shall
5 allow a project sponsor to prepare an environmental as-
6 sessment or an environmental impact statement upon re-
7 quest of the project sponsor. Such agency may provide
8 such sponsor with appropriate guidance and assist in the
9 preparation. The lead agency shall independently evaluate
10 the environmental document and shall take responsibility
11 for the contents upon adoption.

12 “(h) DEADLINES.—

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

16 “(A) the environmental impact statement
17 not later than the date that is 2 years after the
18 sooner of, as applicable—

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

23 “(ii) the date on which such agency
24 notifies the applicant that the application

1 to establish a right-of-way for such action
2 is complete; and

3 “(iii) the date on which such agency
4 issues a notice of intent to prepare the en-
5 vironmental impact statement for such ac-
6 tion; and

7 “(B) the environmental assessment not
8 later than the date that is 1 year after the
9 sooner of, as applicable—

10 “(i) the date on which such agency
11 determines that section 106(b)(2) requires
12 the preparation of an environmental as-
13 sessment with respect to such action;

14 “(ii) the date on which such agency
15 notifies the applicant that the application
16 to establish a right-of-way for such action
17 is complete; and

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

21 “(2) DELAY.—A lead agency that determines it
22 is not able to meet the deadline described in para-
23 graph (1) may extend such deadline with the ap-
24 proval of the applicant. If the applicant approves
25 such an extension, the lead agency shall establish a

1 new deadline that provides only so much additional
2 time as is necessary to complete such environmental
3 impact statement or environmental assessment.

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

17 “(i) REPORT.—

18 “(1) IN GENERAL.—The head of each lead
19 agency shall annually submit to the Committee on
20 Natural Resources of the House of Representatives
21 and the Committee on Environment and Public
22 Works of the Senate a report that—

23 “(A) identifies any environmental assess-
24 ment and environmental impact statement that

1 such lead agency did not complete by the dead-
2 line described in subsection (h); and

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

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

7 “(A) the office, bureau, division, unit, or
8 other entity within the Federal agency respon-
9 sible for each such environmental assessment
10 and environmental impact statement;

11 “(B) the date on which—

12 “(i) such lead agency notified the ap-
13 plicant that the application to establish a
14 right-of-way for the major Federal action
15 is complete;

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

18 “(iii) such lead agency issued a notice
19 of intent to prepare the environmental as-
20 sessment or environmental impact state-
21 ment for the major Federal action; and

22 “(C) when such environmental assessment
23 and environmental impact statement is expected
24 to be complete.

1 **“SEC. 108. JUDICIAL REVIEW.**

2 “(a) LIMITATIONS ON CLAIMS.—Notwithstanding
3 any other provision of law, a claim arising under Federal
4 law seeking judicial review of compliance with this Act,
5 of a determination made under this Act, or of Federal ac-
6 tion resulting from a determination made under this Act,
7 shall be barred unless—

8 “(1) in the case of a claim pertaining to a pro-
9 posed agency action for which—

10 “(A) an environmental document was pre-
11 pared and an opportunity for comment was pro-
12 vided;

13 “(B) the claim is filed by a party that par-
14 ticipated in the administrative proceedings re-
15 garding such environmental document; and

16 “(C) the claim—

17 “(i) is filed by a party that submitted
18 a comment during the public comment pe-
19 riod for such administrative proceedings
20 and such comment was sufficiently detailed
21 to put the lead agency on notice of the
22 issue upon which the party seeks judicial
23 review; and

24 “(ii) is related to such comment;

25 “(2) except as provided in subsection (b), such
26 claim is filed not later than 120 days after the date

1 of publication of a notice in the Federal Register of
2 agency intent to carry out the proposed agency ac-
3 tion;

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

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

10 “(5) such claim concerns—

11 “(A) an alternative included in the envi-
12 ronmental document; or

13 “(B) an environmental effect considered in
14 the environmental document.

15 “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT
16 STATEMENT.—

17 “(1) SEPARATE FINAL AGENCY ACTION.—The
18 issuance of a Federal action resulting from a final
19 supplemental environmental impact statement shall
20 be considered a final agency action for the purposes
21 of chapter 5 of title 5, United States Code, separate
22 from the issuance of any previous environmental im-
23 pact statement with respect to the same proposed
24 agency action.

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

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

10 “(B) such claim is based on information
11 contained in such supplemental environmental
12 impact statement that was not contained in a
13 previous environmental document pertaining to
14 the same proposed agency action.

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

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

22 “(e) REMAND.—Notwithstanding any other provision
23 of law, no proposed agency action for which an environ-
24 mental document is required shall be vacated or otherwise
25 limited, delayed, or enjoined unless a court concludes al-

1 lowing such proposed action will pose a risk of an immi-
2 nent and substantial environmental harm and there is no
3 other equitable remedy available as a matter of law.

4 **“SEC. 109. DEFINITIONS.**

5 “In this title:

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

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

15 “(3) COUNCIL.—The term ‘Council’ means the
16 Council on Environmental Quality established in
17 title II.

18 “(4) ENVIRONMENTAL ASSESSMENT.—The
19 term ‘environmental assessment’ means an environ-
20 mental assessment prepared under section
21 106(b)(2).

22 “(5) ENVIRONMENTAL DOCUMENT.—The term
23 ‘environmental document’ means an environmental
24 impact statement, an environmental assessment, or
25 a finding of no significant impact.

1 “(6) ENVIRONMENTAL IMPACT STATEMENT.—
2 The term ‘environmental impact statement’ means a
3 detailed written statement that is required by section
4 102(2)(C).

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

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

13 “(A) proposed such action; or

14 “(B) is involved in such action because
15 such action is directly related, through func-
16 tional interdependence or geographic proximity,
17 to an action such agency has taken or has pro-
18 posed to take.

19 “(9) LEAD AGENCY.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the term ‘lead agency’
22 means, with respect to a proposed agency ac-
23 tion—

24 “(i) the agency that proposed such ac-
25 tion; or

1 “(ii) if there are 2 or more involved
2 Federal agencies with respect to such ac-
3 tion, the agency designated under section
4 107(a)(1).

5 “(B) SPECIFICATION FOR MINERAL EX-
6 PLORATION OR MINE PERMITS.—With respect
7 to a proposed mineral exploration or mine per-
8 mit, the term ‘lead agency’ has the meaning
9 given such term in section 40206(a) of the In-
10 frastructure Investment and Jobs Act.

11 “(10) MAJOR FEDERAL ACTION.—

12 “(A) IN GENERAL.—The term ‘major Fed-
13 eral action’ means an action that the agency
14 carrying out such action determines is subject
15 to substantial Federal control and responsi-
16 bility.

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

19 “(i) a non-Federal action—

20 “(I) with no or minimal Federal
21 funding;

22 “(II) with no or minimal Federal
23 involvement where a Federal agency
24 cannot control the outcome of the
25 project; or

1 “(III) that does not include Fed-
2 eral land;

3 “(ii) funding assistance solely in the
4 form of general revenue sharing funds
5 which do not provide Federal agency com-
6 pliance or enforcement responsibility over
7 the subsequent use of such funds;

8 “(iii) loans, loan guarantees, or other
9 forms of financial assistance where a Fed-
10 eral agency does not exercise sufficient
11 control and responsibility over the effect of
12 the action;

13 “(iv) farm ownership and operating
14 loan guarantees by the Farm Service
15 Agency pursuant to sections 305 and 311
16 through 319 of the Consolidated Farmers
17 Home Administration Act of 1961 (7
18 U.S.C. 1925 and 1941 through 1949);

19 “(v) business loan guarantees pro-
20 vided by the Small Business Administra-
21 tion pursuant to section 7(a) or (b) and of
22 the Small Business Act (15 U.S.C.
23 636(a)), or title V of the Small Business
24 Investment Act of 1958 (15 U.S.C. 695 et
25 seq.);

1 “(vi) bringing judicial or administra-
2 tive civil or criminal enforcement actions;
3 or

4 “(vii) extraterritorial activities or deci-
5 sions, which means agency activities or de-
6 cisions with effects located entirely outside
7 of the jurisdiction of the United States.

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

11 “(i) an interstate effect of the action
12 or related project; or

13 “(ii) the provision of Federal funds
14 for the action or related project.

15 “(11) MINERAL EXPLORATION OR MINE PER-
16 MIT.—The term ‘mineral exploration or mine permit’
17 has the meaning given such term in section
18 40206(a) of the Infrastructure Investment and Jobs
19 Act.

20 “(12) PROPOSAL.—The term ‘proposal’ means
21 a proposed action at a stage when an agency has a
22 goal, is actively preparing to make a decision on one
23 or more alternative means of accomplishing that
24 goal, and can meaningfully evaluate its effects.

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

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

6 “(B) in an area directly affected by the
7 proposed agency action such that an individual
8 of ordinary prudence would take such occur-
9 rence into account in reaching a decision.

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

13 **SEC. 20203. CODIFICATION OF NATIONAL ENVIRONMENTAL**
14 **POLICY ACT REGULATIONS.**

15 The revisions to the Code of Federal Regulations
16 made pursuant to the final rule of the Council on Environ-
17 mental Quality titled “Update to the Regulations Imple-
18 menting the Procedural Provisions of the National Envi-
19 ronmental Policy Act” and published on July 16, 2020
20 (85 Fed. Reg. 43304), shall have the same force and effect
21 of law as if enacted by an Act of Congress.

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

23 (a) EXEMPTION.—An action by the Secretary con-
24 cerned with respect to a covered activity shall be not con-
25 sidered a major Federal action under section 102(2)(C)

1 of the National Environmental Policy Act of 1969 (42
2 U.S.C. 4332(2)(C)).

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

5 (1) geotechnical investigations;

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

7 (3) construction of meteorological towers where
8 the total surface disturbance at the location is less
9 than 5 acres;

10 (4) adding a battery or other energy storage de-
11 vice to an existing or planned energy facility, if that
12 storage resource is located within the physical foot-
13 print of the existing or planned energy facility;

14 (5) drilling temperature gradient wells and
15 other geothermal exploratory wells, including con-
16 struction or making improvements for such activi-
17 ties, where—

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

20 (B) the total unreclaimed surface disturb-
21 ance at any one time within the project area is
22 less than 5 acres;

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

1 (A) operation, maintenance, or repair of
2 power equipment and structures within existing
3 substations, switching stations, transmission,
4 and distribution lines;

5 (B) the addition, modification, retirement,
6 or replacement of breakers, transmission tow-
7 ers, transformers, bushings, or relays;

8 (C) the voltage uprating, modification,
9 reconductoring with conventional or advanced
10 conductors, and clearance resolution of trans-
11 mission lines;

12 (D) activities to minimize fire risk, includ-
13 ing vegetation management, routine fire mitiga-
14 tion, inspection, and maintenance activities, and
15 removal of hazard trees and other hazard vege-
16 tation within or adjacent to an existing right-of-
17 way;

18 (E) improvements to or construction of
19 structure pads for such infrastructure; and

20 (F) access and access route maintenance
21 and repairs associated with any activity de-
22 scribed in subparagraph (A) through (E);

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

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

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

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

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

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

13 **SEC. 20205. NO NET LOSS DETERMINATION FOR EXISTING**
14 **RIGHTS-OF-WAY.**

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

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

7 **SEC. 20206. DETERMINATION OF NATIONAL ENVIRON-**
8 **MENTAL POLICY ACT ADEQUACY.**

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 20209. FUNDING TO PROCESS PERMITS AND DEVELOP**
2 **INFORMATION TECHNOLOGY.**

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

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

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

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

5 **SEC. 20210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL**
6 **SURVEY LICENSING.**

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

1 **SEC. 20211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**
2 **DRILL.**

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

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

12 **SEC. 20212. PROCESSING AND TERMS OF APPLICATIONS**
13 **FOR PERMITS TO DRILL.**

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

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

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

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

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

12 **SEC. 20213. AMENDMENTS TO THE ENERGY POLICY ACT OF**
13 **2005.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 20214. ACCESS TO FEDERAL ENERGY RESOURCES**
14 **FROM NON-FEDERAL SURFACE ESTATE.**

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

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

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

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

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

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

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

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

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

20 “(D) shall not be subject to—

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

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

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

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

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

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

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

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

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

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

7 or

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

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

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

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

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

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

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

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

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

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

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

12 “(4) shall not be subject to—

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

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

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

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

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

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

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

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

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

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

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

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

20 **SEC. 20215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**
21 **AND GAS LEASES.**

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

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

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

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

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

14 **SEC. 20217. LEASE SALE LITIGATION.**

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

1 Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue
2 any order preventing the award of leases to a bidder in
3 a lease sale conducted pursuant to section 17 of the Min-
4 eral Leasing Act (26 U.S.C. 226) or the Outer Continental
5 Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Depart-
6 ment of the Interior has previously opened bids for such
7 leases or disclosed the high bidder for any tract that was
8 included in such lease sale.

9 **SEC. 20218. LIMITATION ON CLAIMS.**

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

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

22 (2) the claim is filed by a party that submitted
23 a comment during the public comment period for
24 such permit, license, or approval and such comment
25 was sufficiently detailed to put the agency on notice

1 of the issue upon which the party seeks judicial re-
2 view.

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

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

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

12 (1) located on—

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

15 (B) lands open to mineral entry; or

16 (C) a Federal mineral lease; and

17 (2) for the purposes of exploring for or pro-
18 ducing minerals.

19 **SEC. 20219. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
20 **PORT ON PERMITS TO DRILL.**

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

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

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

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

11 (b) RECOMMENDATIONS.—The report issued under
12 subsection (a) shall include recommendations with respect
13 to—

14 (1) actions the Bureau of Land Management
15 can take to streamline the approval process for ap-
16 plications for permits to drill to approve applications
17 for permits to drill within 30 days of receipt of a
18 completed application;

19 (2) aspects of the Federal permitting process
20 carried out by the Bureau of Land Management to
21 issue applications for permits to drill that can be
22 turned over to States to expedite approval of appli-
23 cations for permits to drill; and

24 (3) legislative actions that Congress must take
25 to allow States to administer certain aspects of the

1 Federal permitting process described in paragraph
2 (2).

3 **SEC. 20220. E-NEPA.**

4 (a) PERMITTING PORTAL STUDY.—The Council on
5 Environmental Quality shall conduct a study and submit
6 a report to Congress within 1 year of the enactment of
7 this Act on the potential to create an online permitting
8 portal for permits that require review under section
9 102(2)(C) of the National Environmental Policy Act of
10 1969 (42 U.S.C. 4332(2)(C)) that would—

11 (1) allow applicants to—

12 (A) submit required documents or mate-
13 rials for their application in one unified portal;

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

16 (C) track the progress of individual appli-
17 cations;

18 (2) enhance interagency coordination in con-
19 sultation by—

20 (A) allowing for comments in one unified
21 portal;

22 (B) centralizing data necessary for reviews;
23 and

24 (C) streamlining communications between
25 other agencies and the applicant; and

1 (3) boost transparency in agency decision-
2 making.

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

7 **TITLE III—PERMITTING FOR**
8 **MINING NEEDS**

9 **SEC. 20301. DEFINITIONS.**

10 In this title:

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

14 (2) INDIAN TRIBE.—The term “Indian Tribe”
15 has the meaning given such term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 5304).

18 (3) MINERAL.—The term “mineral” means any
19 mineral of a kind that is locatable (including, but
20 not limited to, such minerals located on “lands ac-
21 quired by the United States”, as such term is de-
22 fined in section 2 of the Mineral Leasing Act for Ac-
23 quired Lands) under the Act of May 10, 1872
24 (Chapter 152; 17 Stat. 91).

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

4 (5) STATE.—The term “State” means—

5 (A) a State;

6 (B) the District of Columbia;

7 (C) the Commonwealth of Puerto Rico;

8 (D) Guam;

9 (E) American Samoa;

10 (F) the Commonwealth of the Northern
11 Mariana Islands; and

12 (G) the United States Virgin Islands.

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

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

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

18 (2) by amending subsection (a) to read as fol-
19 lows:

20 “(a) DEFINITIONS.—In this section:

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

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

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

7 “(A) an authorization of the Bureau of
8 Land Management or the Forest Service, as ap-
9 plicable, for exploration for minerals that re-
10 quires analysis under the National Environ-
11 mental Policy Act of 1969;

12 “(B) a plan of operations for a mineral
13 project approved by the Bureau of Land Man-
14 agement or the Forest Service; or

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

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

19 “(A) located on—

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

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

23 “(iii) a Federal mineral lease; and

24 “(B) for the purposes of exploring for or
25 producing minerals.”.

1 (3) in subsection (b), by striking “critical” each
2 place such term appears;

3 (4) in subsection (c)—

4 (A) by striking “critical mineral production
5 on Federal land” and inserting “mineral
6 projects”;

7 (B) by inserting “, and in accordance with
8 subsection (h)” after “to the maximum extent
9 practicable”;

10 (C) by striking “shall complete the” and
11 inserting “shall complete such”;

12 (D) in paragraph (1), by striking “critical
13 mineral-related activities on Federal land” and
14 inserting “mineral projects”;

15 (E) in paragraph (8), by striking the
16 “and” at the end;

17 (F) in paragraph (9), by striking “proce-
18 dures.” and inserting “procedures; and”; and

19 (G) by adding at the end the following:

20 “(10) deferring to and relying on baseline data,
21 analyses, and reviews performed by State agencies
22 with jurisdiction over the environmental or reclama-
23 tion permits for the proposed mineral project.”;

24 (5) in subsection (d)—

1 (A) by striking “critical” each place such
2 term appears; and

3 (B) in paragraph (3), by striking “mineral-
4 related activities on Federal land” and inserting
5 “mineral projects”;

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

7 (7) in subsection (f), by striking “critical” each
8 place such term appears;

9 (8) in subsection (g), by striking “critical” each
10 place such term appears; and

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

12 “(h) OTHER REQUIREMENTS.—

13 “(1) MEMORANDUM OF AGREEMENT.—For pur-
14 poses of maximizing efficiency and effectiveness of
15 the Federal permitting and review processes de-
16 scribed under subsection (c), the lead agency in the
17 Federal permitting and review processes of a min-
18 eral project shall (in consultation with any other
19 Federal agency involved in such Federal permitting
20 and review processes, and upon request of the
21 project applicant, an affected State government,
22 local government, or an Indian Tribe, or other entity
23 such lead agency determines appropriate) enter into
24 a memorandum of agreement with a project appli-

1 cant where requested by the applicant to carry out
2 the activities described in subsection (e).

3 “(2) TIMELINES AND SCHEDULES FOR NEPA
4 REVIEWS.—

5 “(A) EXTENSION.—A project applicant
6 may enter into 1 or more agreements with a
7 lead agency to extend the deadlines described in
8 subparagraphs (A) and (B) of subsection (h)(1)
9 of section 107 of title I of the National Envi-
10 ronmental Policy Act of 1969 by, with respect
11 to each such agreement, not more than 6
12 months.

13 “(B) ADJUSTMENT OF TIMELINES.—At
14 the request of a project applicant, the lead
15 agency and any other entity which is a signa-
16 tory to a memorandum of agreement under
17 paragraph (1) may, by unanimous agreement,
18 adjust—

19 “(i) any deadlines described in sub-
20 paragraph (A); and

21 “(ii) any deadlines extended under
22 subparagraph (B).

23 “(3) EFFECT ON PENDING APPLICATIONS.—
24 Upon a written request by a project applicant, the
25 requirements of this subsection shall apply to any

1 application for a mineral exploration or mine permit
2 or mineral lease that was submitted before the date
3 of the enactment of the TAPP American Resources
4 Act.”.

5 **SEC. 20303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

6 Section 7002(f) of the Energy Act of 2020 (30
7 U.S.C. 1606(f)) is amended—

8 (1) in paragraph (2), by striking “critical” both
9 places such term appears; and

10 (2) by striking paragraph (4).

11 **SEC. 20304. DESIGNATION OF MINING AS A COVERED SEC-**
12 **TOR FOR FEDERAL PERMITTING IMPROVE-**
13 **MENT PURPOSES.**

14 Section 41001(6)(A) of the FAST Act (42 U.S.C.
15 4370m(6)(A)) is amended by inserting “mineral produc-
16 tion,” before “or any other sector”.

17 **SEC. 20305. TREATMENT OF ACTIONS UNDER PRESI-**
18 **DENTIAL DETERMINATION 2022–11 FOR FED-**
19 **ERAL PERMITTING IMPROVEMENT PUR-**
20 **POSES.**

21 (a) IN GENERAL.—Except as provided by subsection
22 (c), an action described in subsection (b) shall be—

23 (1) treated as a covered project, as defined in
24 section 41001(6) of the FAST Act (42 U.S.C.

1 4370m(6)), without regard to the requirements of
2 that section; and

3 (2) included in the Permitting Dashboard main-
4 tained pursuant to section 41003(b) of that Act (42
5 13 U.S.C. 4370m–2(b)).

6 (b) ACTIONS DESCRIBED.—An action described in
7 this subsection is an action taken by the Secretary of De-
8 fense pursuant to Presidential Determination 2022–11
9 (87 Fed. Reg. 19775; relating to certain actions under
10 section 303 of the Defense Production Act of 1950) or
11 the Presidential Memorandum of February 27, 2023, ti-
12 tled “Presidential Waiver of Statutory Requirements Pur-
13 suant to Section 303 of the Defense Production Act of
14 1950, as amended, on Department of Defense Supply
15 Chains Resilience” (88 Fed. Reg. 13015) to create, main-
16 tain, protect, expand, or restore sustainable and respon-
17 sible domestic production capabilities through—

18 (1) supporting feasibility studies for mature
19 mining, beneficiation, and value-added processing
20 projects;

21 (2) byproduct and co-product production at ex-
22 isting mining, mine waste reclamation, and other in-
23 dustrial facilities;

1 (3) modernization of mining, beneficiation, and
2 value-added processing to increase productivity, envi-
3 ronmental sustainability, and workforce safety; or

4 (4) any other activity authorized under section
5 303(a)(1) of the Defense Production Act of 1950 15
6 (50 U.S.C. 4533(a)(1)).

7 (c) EXCEPTION.—An action described in subsection
8 (b) may not be treated as a covered project or be included
9 in the Permitting Dashboard under subsection (a) if the
10 project sponsor (as defined in section 41001(18) of the
11 FAST Act (42 U.S.C. 21 4370m(18))) requests that the
12 action not be treated as a covered project.

13 **SEC. 20306. NOTICE FOR MINERAL EXPLORATION ACTIVI-**
14 **TIES WITH LIMITED SURFACE DISTURBANCE.**

15 (a) IN GENERAL.—Not later than 15 days before
16 commencing an exploration activity with a surface disturb-
17 ance of not more than 5 acres of public lands, the operator
18 of such exploration activity shall submit to the Secretary
19 concerned a complete notice of such exploration activity.

20 (b) INCLUSIONS.—Notice submitted under subsection
21 (a) shall include such information the Secretary concerned
22 may require, including the information described in sec-
23 tion 3809.301 of title 43, Code of Federal Regulations (or
24 any successor regulation).

1 (c) REVIEW.—Not later than 15 days after the Sec-
2 retary concerned receives notice submitted under sub-
3 section (a), the Secretary concerned shall—

4 (1) review and determine completeness of the
5 notice; and

6 (2) allow exploration activities to proceed if—

7 (A) the surface disturbance of such explo-
8 ration activities on such public lands will not
9 exceed 5 acres;

10 (B) the Secretary concerned determines
11 that the notice is complete; and

12 (C) the operator provides financial assur-
13 ance that the Secretary concerned determines is
14 adequate.

15 (d) DEFINITIONS.—In this section:

16 (1) EXPLORATION ACTIVITY.—The term “explo-
17 ration activity”—

18 (A) means creating surface disturbance
19 greater than casual use that includes sampling,
20 drilling, or developing surface or underground
21 workings to evaluate the type, extent, quantity,
22 or quality of mineral values present;

23 (B) includes constructing drill roads and
24 drill pads, drilling, trenching, excavating test

1 pits, and conducting geotechnical tests and geo-
2 physical surveys; and

3 (C) does not include activities where mate-
4 rial is extracted for commercial use or sale.

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

7 (A) with respect to lands administered by
8 the Secretary of the Interior, the Secretary of
9 the Interior; and

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

12 **SEC. 20307. USE OF MINING CLAIMS FOR ANCILLARY AC-**
13 **TIVITIES.**

14 Section 10101 of the Omnibus Budget Reconciliation
15 Act of 1993 (30 U.S.C. 28f) is amended by adding at the
16 end the following:

17 “(e) SECURITY OF TENURE.—

18 “(1) IN GENERAL.—

19 “(A) IN GENERAL.—A claimant shall have
20 the right to use, occupy, and conduct operations
21 on public land, with or without the discovery of
22 a valuable mineral deposit, if—

23 “(i) such claimant makes a timely
24 payment of the location fee required by

1 section 10102 and the claim maintenance
2 fee required by subsection (a); or

3 “(ii) in the case of a claimant who
4 qualifies for a waiver under subsection (d),
5 such claimant makes a timely payment of
6 the location fee and complies with the re-
7 quired assessment work under the general
8 mining laws.

9 “(B) OPERATIONS DEFINED.—For the
10 purposes of this paragraph, the term ‘oper-
11 ations’ means—

12 “(i) any activity or work carried out
13 in connection with prospecting, exploration,
14 processing, discovery and assessment, de-
15 velopment, or extraction with respect to a
16 locatable mineral;

17 “(ii) the reclamation of any disturbed
18 areas; and

19 “(iii) any other reasonably incident
20 uses, whether on a mining claim or not, in-
21 cluding the construction and maintenance
22 of facilities, roads, transmission lines, pipe-
23 lines, and any other necessary infrastruc-
24 ture or means of access on public land for
25 support facilities.

1 “(2) FULFILLMENT OF FEDERAL LAND POLICY
2 AND MANAGEMENT ACT.—A claimant that fulfills
3 the requirements of this section and section 10102
4 shall be deemed to satisfy the requirements of any
5 provision of the Federal Land Policy and Manage-
6 ment Act that requires the payment of fair market
7 value to the United States for use of public lands
8 and resources relating to use of such lands and re-
9 sources authorized by the general mining laws.

10 “(3) SAVINGS CLAUSE.—Nothing in this sub-
11 section may be construed to diminish the rights of
12 entry, use, and occupancy, or any other right, of a
13 claimant under the general mining laws.”.

14 **SEC. 20308. ENSURING CONSIDERATION OF URANIUM AS A**
15 **CRITICAL MINERAL.**

16 (a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the
17 Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is
18 amended to read as follows:

19 “(i) oil, oil shale, coal, or natural
20 gas;”.

21 (b) UPDATE.—Not later than 60 days after the date
22 of the enactment of this section, the Secretary, acting
23 through the Director of the United States Geological Sur-
24 vey, shall publish in the Federal Register an update to
25 the final list established in section 7002(c)(3) of the En-

1 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance
2 with subsection (a) of this section.

3 **SEC. 20309. BARRING FOREIGN BAD ACTORS FROM OPER-**
4 **ATING ON FEDERAL LANDS.**

5 A mining claimant shall be barred from the right to
6 use, occupy, and conduct operations on Federal land if the
7 Secretary of the Interior finds the claimant has a foreign
8 parent company that has (including through a sub-
9 sidiary)—

10 (1) a known record of human rights violations;

11 or

12 (2) knowingly operated an illegal mine in an-
13 other country.

14 **TITLE IV—FEDERAL LAND USE**
15 **PLANNING**

16 **SEC. 20401. FEDERAL LAND USE PLANNING AND WITH-**
17 **DRAWALS.**

18 (a) **RESOURCE ASSESSMENTS REQUIRED.**—Federal
19 lands and waters may not be withdrawn from entry under
20 the mining laws or operation of the mineral leasing and
21 mineral materials laws unless—

22 (1) a quantitative and qualitative geophysical
23 and geological mineral resource assessment of the
24 impacted area has been completed during the 10-
25 year period ending on the date of such withdrawal;

1 (2) the Secretary, in consultation with the Sec-
2 retary of Commerce, the Secretary of Energy, and
3 the Secretary of Defense, conducts an assessment of
4 the economic, energy, strategic, and national secu-
5 rity value of mineral deposits identified in such min-
6 eral resource assessment;

7 (3) the Secretary conducts an assessment of the
8 reduction in future Federal revenues to the Treas-
9 ury, States, the Land and Water Conservation
10 Fund, the Historic Preservation Fund, and the Na-
11 tional Parks and Public Land Legacy Restoration
12 Fund resulting from the proposed mineral with-
13 drawal;

14 (4) the Secretary, in consultation with the Sec-
15 retary of Defense, conducts an assessment of mili-
16 tary readiness and training activities in the proposed
17 withdrawal area; and

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

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

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

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

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

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

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

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

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

1 **SEC. 20402. PROHIBITIONS ON DELAY OF MINERAL DEVELOP-**
2 **MENT OF CERTAIN FEDERAL LAND.**

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

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

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

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

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

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

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

12 **SEC. 20403. DEFINITIONS.**

13 In this title:

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

16 (A) National Forest System land;

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

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

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

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

3 (A) the President; and

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

6 (i) the Secretary of Agriculture;

7 (ii) the Secretary of Commerce;

8 (iii) the Secretary of Energy; and

9 (iv) the Secretary of the Interior.

10 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—

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

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

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

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

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

4 **SEC. 20501. INCENTIVIZING DOMESTIC PRODUCTION.**

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

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

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

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

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

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

13 (b) MINERAL LEASING ACT.—

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

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

18 (i) in subsection (b)(1)(A)—

19 (I) by striking “not less than
20 $16\frac{2}{3}$ ” and inserting “not less than
21 12.5”; and

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

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

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

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

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

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

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

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

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

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

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

21 (A) in subsection (b)—

22 (i) in paragraph (1)(A)—

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

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

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

23 “(B) An election under this paragraph is effec-
24 tive—

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (B) in subsection (e)—

21 (i) in paragraph (2)—

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

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

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

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

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

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

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

5 (C) in subsection (f)—

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

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

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

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

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

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

3 “(h) ROYALTY REDUCTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

18 **SEC. 20601. GULF OF MEXICO OUTER CONTINENTAL SHELF** 19 **REVENUE.**

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

24 (1) in subsection (a)—

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

3 (B) in paragraph (2)—

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

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

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

10 (2) by striking subsection (f) and inserting the
11 following:

12 “(f) TREATMENT OF AMOUNTS.—Amounts disbursed
13 to a Gulf producing State under this section shall be treat-
14 ed as revenue sharing and not as a Federal award or grant
15 for the purposes of part 200 of title 2, Code of Federal
16 Regulations.”.

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

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

24 “Payments to States pursuant to section
25 105(a)(2)(A) of the Gulf of Mexico Energy Security

1 Act of 2006 (Public Law 109–432; 43 U.S.C. 1331
2 note) (014–5535–0–2–302).”.

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

8 **SEC. 20602. PARITY IN OFFSHORE WIND REVENUE SHAR-**
9 **ING.**

10 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of
11 the Outer Continental Shelf Lands Act (43 U.S.C.
12 1337(p)(2)) is amended—

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

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

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

19 “(B) DISPOSITION OF REVENUES FOR
20 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES
21 SEAWARD OF STATE SUBMERGED LAND.—The
22 Secretary”; and

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

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

1 “(i) DEFINITIONS.—In this subpara-
2 graph:

3 “(I) COVERED OFFSHORE WIND
4 PROJECT.—The term ‘covered off-
5 shore wind project’ means a wind
6 powered electric generation project in
7 a wind energy area on the outer Con-
8 tinental Shelf that is not wholly or
9 partially located within an area sub-
10 ject to subparagraph (B).

11 “(II) ELIGIBLE STATE.—The
12 term ‘eligible State’ means a State a
13 point on the coastline of which is lo-
14 cated within 75 miles of the geo-
15 graphic center of a covered offshore
16 wind project.

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

1 “(ii) REQUIREMENT.—

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

4 “(aa) 12.5 percent of quali-
5 fied outer Continental Shelf reve-
6 nues in the general fund of the
7 Treasury;

8 “(bb) 37.5 percent of quali-
9 fied outer Continental Shelf reve-
10 nues in the North American Wet-
11 lands Conservation Fund; and

12 “(cc) 50 percent of qualified
13 outer Continental Shelf revenues
14 in a special account in the Treas-
15 ury from which the Secretary
16 shall disburse to each eligible
17 State an amount determined pur-
18 suant to subclause (II).

19 “(II) ALLOCATION.—

20 “(aa) IN GENERAL.—Sub-
21 ject to item (bb), for each fiscal
22 year beginning after the date of
23 enactment of this subparagraph,
24 the amount made available under
25 subclause (I)(cc) shall be allo-

1 cated to each eligible State in
2 amounts (based on a formula es-
3 tablished by the Secretary by
4 regulation) that are inversely
5 proportional to the respective dis-
6 tances between the point on the
7 coastline of each eligible State
8 that is closest to the geographic
9 center of the applicable leased
10 tract and the geographic center
11 of the leased tract.

12 “(bb) MINIMUM ALLOCA-
13 TION.—The amount allocated to
14 an eligible State each fiscal year
15 under item (aa) shall be at least
16 10 percent of the amounts made
17 available under subclause (I)(cc).

18 “(cc) PAYMENTS TO COAST-
19 AL POLITICAL SUBDIVISIONS.—

20 “(AA) IN GENERAL.—
21 The Secretary shall pay 20
22 percent of the allocable
23 share of each eligible State,
24 as determined pursuant to
25 item (aa), to the coastal po-

1 litical subdivisions of the eli-
2 gible State.

3 “(BB) ALLOCATION.—

4 The amount paid by the
5 Secretary to coastal political
6 subdivisions under subitem
7 (AA) shall be allocated to
8 each coastal political sub-
9 division in accordance with
10 subparagraphs (B) and (C)
11 of section 31(b)(4) of this
12 Act.

13 “(iii) TIMING.—The amounts required
14 to be deposited under subclause (I) of
15 clause (ii) for the applicable fiscal year
16 shall be made available in accordance with
17 such subclause during the fiscal year im-
18 mediately following the applicable fiscal
19 year.

20 “(iv) AUTHORIZED USES.—

21 “(I) IN GENERAL.—Subject to
22 subclause (II), each eligible State
23 shall use all amounts received under
24 clause (ii)(II) in accordance with all
25 applicable Federal and State laws,

1 only for 1 or more of the following
2 purposes:

3 “(aa) Projects and activities
4 for the purposes of coastal pro-
5 tection and resiliency, including
6 conservation, coastal restoration,
7 estuary management, beach
8 nourishment, hurricane and flood
9 protection, and infrastructure di-
10 rectly affected by coastal wetland
11 losses.

12 “(bb) Mitigation of damage
13 to fish, wildlife, or natural re-
14 sources, including through fish-
15 eries science and research.

16 “(cc) Implementation of a
17 federally approved marine, coast-
18 al, or comprehensive conservation
19 management plan.

20 “(dd) Mitigation of the im-
21 pact of outer Continental Shelf
22 activities through the funding of
23 onshore infrastructure projects.

1 “(ee) Planning assistance
2 and the administrative costs of
3 complying with this section.

4 “(ff) Infrastructure improve-
5 ments at ports, including modi-
6 fications to Federal navigation
7 channels, to support installation
8 of offshore wind energy projects.

9 “(II) LIMITATION.—Of the
10 amounts received by an eligible State
11 under clause (ii)(II), not more than 3
12 percent shall be used for the purposes
13 described in subclause (I)(ee).

14 “(v) ADMINISTRATION.—Subject to
15 clause (vi)(III), amounts made available
16 under items (aa) and (cc) of clause (ii)(I)
17 shall—

18 “(I) be made available, without
19 further appropriation, in accordance
20 with this subparagraph;

21 “(II) remain available until ex-
22 pended; and

23 “(III) be in addition to any
24 amount appropriated under any other
25 Act.

1 “(vi) REPORTING REQUIREMENT.—

2 “(I) IN GENERAL.—Not later
3 than 180 days after the end of each
4 fiscal year, the Governor of each eligi-
5 ble State that receives amounts under
6 clause (ii)(II) for the applicable fiscal
7 year shall submit to the Secretary a
8 report that describes the use of the
9 amounts by the eligible State during
10 the period covered by the report.

11 “(II) PUBLIC AVAILABILITY.—On
12 receipt of a report submitted under
13 subclause (I), the Secretary shall
14 make the report available to the pub-
15 lic on the website of the Department
16 of the Interior.

17 “(III) LIMITATION.—If the Gov-
18 ernor of an eligible State that receives
19 amounts under clause (ii)(II) fails to
20 submit the report required under sub-
21 clause (I) by the deadline specified in
22 that subclause, any amounts that
23 would otherwise be provided to the eli-
24 gible State under clause (ii)(II) for

1 the succeeding fiscal year shall be de-
2 posited in the Treasury.

3 “(vii) TREATMENT OF AMOUNTS.—
4 Amounts disbursed to an eligible State
5 under this subsection shall be treated as
6 revenue sharing and not as a Federal
7 award or grant for the purposes of part
8 200 of title 2, Code of Federal Regula-
9 tions.”.

10 (b) WIND LEASE SALES FOR AREAS OF THE OUTER
11 CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF
12 THE UNITED STATES.—Section 33 of the Outer Conti-
13 nental Shelf Lands Act (43 U.S.C. 1356c) is amended by
14 adding at the end the following:

15 “(b) WIND LEASE SALE PROCEDURE.—Any wind
16 lease granted pursuant to this section shall be considered
17 a wind lease granted under section 8(p), including for pur-
18 poses of the disposition of revenues pursuant to subpara-
19 graphs (B) and (C) of section 8(p)(2).”.

20 (c) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
21 QUESTRATION.—

22 (1) IN GENERAL.—Section 255(g)(1)(A) of the
23 Balanced Budget and Emergency Deficit Control
24 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by

1 inserting after “Payments to Social Security Trust
2 Funds (28–0404–0–1–651).” the following:

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

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

11 **SEC. 20603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**
12 **THE MINERAL LEASING ACT.**

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

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

18 (2) by striking subsection (b);

19 (3) by redesignating subsections (c) and (d) as
20 subsections (b) and (c), respectively;

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

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

4 (b) CONFORMING AMENDMENTS.—

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

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

11 (B) in the second sentence, by striking “of
12 the Act of February 25, 1920 (41 Stat. 450; 30
13 U.S.C. 191),” and inserting “of the Mineral
14 Leasing Act (30 U.S.C. 191)”.

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

22 (3) Section 205(f) of the Federal Oil and Gas
23 Royalty Management Act of 1982 (30 U.S.C.
24 1735(f)) is amended—

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

3 (B) by striking the fourth, fifth, and sixth
4 sentences.

5 **DIVISION C—WATER QUALITY**
6 **CERTIFICATION AND ENERGY**
7 **PROJECT IMPROVEMENT**

8 **SEC. 30001. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) **SHORT TITLE.**—This division may be cited as the
10 “Water Quality Certification and Energy Project Improve-
11 ment Act of 2023”.

12 (b) **TABLE OF CONTENTS.**—The table of contents of
13 this division is as follows:

DIVISION C—WATER QUALITY CERTIFICATION AND ENERGY
PROJECT IMPROVEMENT

Sec. 30001. Short title; table of contents.

Sec. 30002. Certification.

14 **SEC. 30002. CERTIFICATION.**

15 Section 401 of the Federal Water Pollution Control
16 Act (33 U.S.C. 1341) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) in the first sentence, by striking
20 “may result” and inserting “may directly
21 result”;

22 (ii) in the second sentence, by striking
23 “activity” and inserting “discharge”;

1 (iii) in the third sentence, by striking
2 “applications” each place it appears and
3 inserting “requests”;

4 (iv) in the fifth sentence, by striking
5 “act on” and inserting “grant or deny”;
6 and

7 (v) by inserting after the fourth sen-
8 tence the following: “Not later than 30
9 days after the date of enactment of the
10 Water Quality Certification and Energy
11 Project Improvement Act of 2023, each
12 State and interstate agency that has au-
13 thority to give such a certification, and the
14 Administrator, shall publish requirements
15 for certification to demonstrate to such
16 State, such interstate agency, or the Ad-
17 ministrator, as the case may be, compli-
18 ance with the applicable provisions of sec-
19 tions 301, 302, 303, 306, and 307. A deci-
20 sion to grant or deny a request for certifi-
21 cation shall be based only on the applicable
22 provisions of sections 301, 302, 303, 306,
23 and 307, and the grounds for the decision
24 shall be set forth in writing and provided
25 to the applicant. Not later than 90 days

1 after receipt of a request for certification,
2 the State, interstate agency, or Adminis-
3 trator, as the case may be, shall identify in
4 writing all specific additional materials or
5 information that are necessary to grant or
6 deny the request.”;

7 (B) in paragraph (2)—

8 (i) in the second sentence, by striking
9 “notice of application for such Federal li-
10 cense or permit” and inserting “receipt of
11 a notice under the preceding sentence”;

12 (ii) in the third sentence, by striking
13 “any water quality requirement” and in-
14 serting “any applicable provision of section
15 301, 302, 303, 306, or 307”;

16 (iii) in the fifth sentence, by striking
17 “insure compliance with applicable water
18 quality requirements.” and inserting “en-
19 sure compliance with the applicable provi-
20 sions of sections 301, 302, 303, 306, and
21 307.”;

22 (iv) in the final sentence, by striking
23 “insure” and inserting “ensure”; and

24 (v) by striking the first sentence and
25 inserting “On receipt of a request for cer-

1 tification, the certifying State or interstate
2 agency, as applicable, shall immediately
3 notify the Administrator of the request.”;

4 (C) in paragraph (3), in the second sen-
5 tence, by striking “section” and inserting “any
6 applicable provision of section”;

7 (D) in paragraph (4)—

8 (i) in the first sentence, by striking
9 “applicable effluent limitations or other
10 limitations or other applicable water qual-
11 ity requirements will not be violated” and
12 inserting “no applicable provision of sec-
13 tion 301, 302, 303, 306, or 307 will be vio-
14 lated”;

15 (ii) in the second sentence, by striking
16 “will violate applicable effluent limitations
17 or other limitations or other water quality
18 requirements” and inserting “will directly
19 result in a discharge that violates an appli-
20 cable provision of section 301, 302, 303,
21 306, or 307,”; and

22 (iii) in the third sentence, by striking
23 “such facility or activity will not violate the
24 applicable provisions” and inserting “oper-
25 ation of such facility or activity will not di-

1 rectly result in a discharge that violates
2 any applicable provision”; and

3 (E) in paragraph (5), by striking “the ap-
4 plicable provisions” and inserting “any applica-
5 ble provision”;

6 (2) in subsection (d), by striking “any applica-
7 ble effluent limitations and other limitations, under
8 section 301 or 302 of this Act, standard of perform-
9 ance under section 306 of this Act, or prohibition,
10 effluent standard, or pretreatment standard under
11 section 307 of this Act, and with any other appro-
12 priate requirement of State law set forth in such
13 certification, and” and inserting “the applicable pro-
14 visions of sections 301, 302, 303, 306, and 307, and
15 any such limitations or requirements”; and

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

17 “(e) For purposes of this section, the applicable pro-
18 visions of sections 301, 302, 303, 306, and 307 are any
19 applicable effluent limitations and other limitations, under
20 section 301 or 302, standard of performance under section
21 306, prohibition, effluent standard, or pretreatment stand-
22 ard under section 307, and requirement of State law im-
23 plementing water quality criteria under section 303 nec-
24 essary to support the designated use or uses of the receiv-
25 ing navigable waters.”.