

118TH CONGRESS
1ST SESSION

H. R. 1335

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

Mr. WESTERMAN (for himself, Mr. GRAVES of Louisiana, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Transparency, Accountability, Permitting, and Produc-

1 tion of American Resources Act” or the “TAPP American
 2 Resources Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

Sec. 101. Onshore oil and gas leasing.
 Sec. 102. Lease reinstatement.
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 Sec. 107. Offshore oil and gas leasing.
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TITLE III—PERMITTING FOR MINING NEEDS

Sec. 301. Definitions.
 Sec. 302. Minerals supply chain and reliability.
 Sec. 303. Federal register process improvement.
 Sec. 304. Designation of mining as a covered sector for Federal permitting improvement purposes.
 Sec. 305. Treatment of actions under presidential determination 2022–11 for Federal permitting improvement purposes.

Sec. 306. Notice for mineral exploration activities with limited surface disturbance.

Sec. 307. Use of mining claims for ancillary activities.

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Sec. 402. Prohibitions on delay of mineral development of certain Federal land.

Sec. 403. Definitions.

TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS

Sec. 501. Incentivizing domestic production.

TITLE VI—ENERGY REVENUE SHARING

Sec. 601. Gulf of Mexico Outer Continental Shelf revenue.

Sec. 602. Parity in offshore wind revenue sharing.

Sec. 603. Elimination of administrative fee under the Mineral Leasing Act.

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

4 SEC. 101. 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 Inter-
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 Inter-
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

1 U.S.C. 181 et seq.) and the National Environmental
2 Policy Act of 1969 (42 U.S.C. 4321 et
3 seq.); and

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

7 (3) LEASE OF OIL AND GAS LANDS.—Section
8 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
9 226(b)(1)(A)) is amended by inserting “Eligible
10 lands comprise all lands subject to leasing under this
11 Act and not excluded from leasing by a statutory or
12 regulatory prohibition. Available lands are those
13 lands that have been designated as open for leasing
14 under a land use plan developed under section 202
15 of the Federal Land Policy and Management Act of
16 1976 and that have been nominated for leasing
17 through the submission of an expression of interest,
18 are subject to drainage in the absence of leasing, or
19 are otherwise designated as available pursuant to
20 regulations adopted by the Secretary.” after “sales
21 are necessary.”.

22 (b) QUARTERLY LEASE SALES.—

23 (1) IN GENERAL.—In accordance with the Min-
24 eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal
25 year, the Secretary of the Interior shall conduct a

1 minimum of four oil and gas lease sales in each of
2 the following States:

- 3 (A) Wyoming.
4 (B) New Mexico.
5 (C) Colorado.
6 (D) Utah.
7 (E) Montana.
8 (F) North Dakota.
9 (G) Oklahoma.
10 (H) Nevada.
11 (I) Alaska.
12 (J) Any other State in which there is land
13 available for oil and gas leasing under the Min-
14 eral Leasing Act (30 U.S.C. 181 et seq.) or any
15 other mineral leasing law.

16 (2) REQUIREMENT.—In conducting a lease sale
17 under paragraph (1) in a State described in that
18 paragraph, the Secretary of the Interior shall offer
19 all parcels nominated and eligible pursuant to the
20 requirements of the Mineral Leasing Act (30 U.S.C.
21 181 et seq.) for oil and gas exploration, develop-
22 ment, and production under the resource manage-
23 ment plan in effect for the State.

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

20 SEC. 102. LEASE REINSTATEMENT.

21 The reinstatement of a lease entered into under the
22 Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-
23 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by
24 the Secretary shall be not considered a major Federal ac-

1 tion under section 102(2)(C) of the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

3 **SEC. 103. PROTESTED LEASE SALES.**

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

9 **SEC. 104. SUSPENSION OF OPERATIONS.**

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

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

1 **SEC. 105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

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

5 “(s) PROTEST FILING FEE.—

6 “(1) IN GENERAL.—Before processing any pro-
7 test filed under this section, the Secretary shall col-
8 lect a filing fee in the amount described in para-
9 graph (2) from the protestor to recover the cost for
10 processing documents filed for each administrative
11 protest.

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

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

17 “(B) For each submission exceeding 10
18 pages in length, in addition to the base filing
19 fee, an assessment of \$5 per page in excess of
20 10 pages shall apply.

21 “(C) For protests that include more than
22 one oil and gas lease parcel, right-of-way, or ap-
23 plication for permit to drill in a submission, an
24 additional assessment of \$10 per additional
25 lease parcel, right-of-way, or application for
26 permit to drill shall apply.

1 “(3) ADJUSTMENT.—

2 “(A) IN GENERAL.—Beginning on January
3 1, 2022, and annually thereafter, the Secretary
4 shall adjust the filing fees established in this
5 subsection to whole dollar amounts to reflect
6 changes in the Producer Price Index, as pub-
7 lished by the Bureau of Labor Statistics, for
8 the previous 12 months.

9 “(B) PUBLICATION OF ADJUSTED FILING
10 FEES.—At least 30 days before the filing fees
11 as adjusted under this paragraph take effect,
12 the Secretary shall publish notification of the
13 adjustment of such fees in the Federal Reg-
14 ister.”.

15 **SEC. 106. LEASING AND PERMITTING TRANSPARENCY.**

16 (a) REPORT.—Not later than 30 days after the date
17 of the enactment of this section, and annually thereafter,
18 the Secretary of the Interior shall submit to the Com-
19 mittee on Natural Resources of the House of Representa-
20 tives and the Committee on Energy and Natural Re-
21 sources of the Senate a report that describes—

22 (1) the status of nominated parcels for future
23 onshore oil and gas and geothermal lease sales, in-
24 cluding—

- 1 (A) the number of expressions of interest
2 received each month during the period of 365
3 days that ends on the date on which the report
4 is submitted with respect to which the Bureau
5 of Land Management—
6 (i) has not taken any action to review;
7 (ii) has not completed review; or
8 (iii) has completed review and deter-
9 mined that the relevant area meets all ap-
10 plicable requirements for leasing, but has
11 not offered the relevant area in a lease
12 sale;
- 13 (B) how long expressions of interest de-
14 scribed in subparagraph (A) have been pending;
15 and
- 16 (C) a plan, including timelines, for how the
17 Secretary of the Interior plans to—
18 (i) work through future expressions of
19 interest to prevent delays;
20 (ii) put expressions of interest de-
21 scribed in subparagraph (A) into a lease
22 sale; and
23 (iii) complete review for expressions of
24 interest described in clauses (i) and (ii) of
25 subparagraph (A);

1 (2) the status of each pending application for
2 permit to drill received during the period of 365
3 days that ends on the date on which the report is
4 submitted, including the number of applications re-
5 ceived each month, by each Bureau of Land Man-
6 agement office, including—

7 (A) a description of the cause of delay for
8 pending applications, including as a result of
9 staffing shortages, technical limitations, incom-
10 plete applications, and incomplete review pursu-
11 ant to the National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
13 plicable laws;

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

18 (C) a plan for how the office intends to
19 come into compliance with the requirements of
20 section 17(p)(2) of the Mineral Leasing Act (30
21 U.S.C. 226(p)(2));

22 (3) the number of permits to drill issued each
23 month by each Bureau of Land Management office
24 during the 5-year period ending on the date on
25 which the report is submitted;

1 (4) the status of each pending application for a
2 license for offshore geological and geophysical sur-
3 veys received during the period of 365 days that
4 ends on the date on which the report is submitted,
5 including the number of applications received each
6 month, by each Bureau of Ocean Energy manage-
7 ment regional office, including—

8 (A) a description of any cause of delay for
9 pending applications, including as a result of
10 staffing shortages, technical limitations, incom-
11 plete applications, and incomplete review pursu-
12 ant to the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
14 plicable laws;

15 (B) the number of days an application has
16 been pending; and

17 (C) a plan for how the Bureau of Ocean
18 Energy Management intends to complete review
19 of each application;

20 (5) the number of licenses for offshore geologi-
21 cal and geophysical surveys issued each month by
22 each Bureau of Ocean Energy Management regional
23 office during the 5-year period ending on the date on
24 which the report is submitted;

- 1 (6) the status of each pending application for a
2 permit to drill received during the period of 365
3 days that ends on the date on which the report is
4 submitted, including the number of applications re-
5 ceived each month, by each Bureau of Safety and
6 Environmental Enforcement regional office, includ-
7 ing—
8 (A) a description of any cause of delay for
9 pending applications, including as a result of
10 staffing shortages, technical limitations, incom-
11 plete applications, and incomplete review pursu-
12 ant to the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
14 plicable laws;
15 (B) the number of days an application has
16 been pending; and
17 (C) steps the Bureau of Safety and Envi-
18 ronmental Enforcement is taking to complete
19 review of each application;
- 20 (7) the number of permits to drill issued each
21 month by each Bureau of Safety and Environmental
22 Enforcement regional office during the period of 365
23 days that ends on the date on which the report is
24 submitted;

1 (8) how, as applicable, the Bureau of Land
2 Management, the Bureau of Ocean Energy Manage-
3 ment, and the Bureau of Safety and Environmental
4 Enforcement determines whether to—

5 (A) issue a license for geological and geo-
6 physical surveys;

7 (B) issue a permit to drill; and

8 (C) issue, extend, or suspend an oil and
9 gas lease;

10 (9) when determinations described in paragraph
11 (8) are sent to the national office of the Bureau of
12 Land Management, the Bureau of Ocean Energy
13 Management, or the Bureau of Safety and Environ-
14 mental Enforcement for final approval;

15 (10) the degree to which Bureau of Land Man-
16 agement, Bureau of Ocean Energy Management,
17 and Bureau of Safety and Environmental Enforce-
18 ment field, State, and regional offices exercise dis-
19 cretion on such final approval;

20 (11) during the period of 365 days that ends on
21 the date on which the report is submitted, the num-
22 ber of auctioned leases receiving accepted bids that
23 have not been issued to winning bidders and the
24 number of days such leases have not been issued;
25 and

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

5 (b) PENDING APPLICATIONS FOR PERMITS TO
6 DRILL.—Not later than 30 days after the date of the en-
7 actment of this section, the Secretary of the Interior
8 shall—

9 (1) complete all requirements under the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C.
11 4321 et seq.) and other applicable law that must be
12 met before issuance of a permit to drill described in
13 paragraph (2); and

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

17 (c) PUBLIC AVAILABILITY OF DATA.—

21 "(t) PUBLIC AVAILABILITY OF DATA.—

“(1) EXPRESSIONS OF INTEREST.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of

1 the Interior the number of pending, approved, and
2 not approved expressions of interest in nominated
3 parcels for future onshore oil and gas lease sales in
4 the preceding month.

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

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

18 “(A) the number of approved and not ap-
19 proved expressions of interest for onshore oil
20 and gas lease sales during such 5-year period;
21 and

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

1 (2) OUTER CONTINENTAL SHELF LANDS ACT.—

2 Section 8 of the Outer Continental Shelf Lands Act
3 (43 U.S.C. 1337) is amended by adding at the end
4 the following:

5 “(q) PUBLIC AVAILABILITY OF DATA.—

6 “(1) OFFSHORE GEOLOGICAL AND GEO-
7 PHYSICAL SURVEY LICENSES.—Not later than 30
8 days after the date of the enactment of this sub-
9 section, and each month thereafter, the Secretary
10 shall publish on the website of the Department of
11 the Interior the number of pending and approved
12 applications for licenses for offshore geological
13 and geophysical surveys in the preceding month.

14 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
15 Not later than 30 days after the date of the enact-
16 ment of this subsection, and each month thereafter,
17 the Secretary shall publish on the website of the De-
18 partment of the Interior the number of pending and
19 approved applications for permits to drill on the
20 outer Continental Shelf in the preceding month in
21 each regional office.

22 “(3) PAST DATA.—Not later than 30 days after
23 the date of the enactment of this subsection, the
24 Secretary shall publish on the website of the Depart-
25 ment of the Interior, with respect each month during

1 the 5-year period ending on the date of the enact-
2 ment of this subsection—

3 “(A) the number of approved applications
4 for licenses for offshore geological and geo-
5 physical surveys; and

6 “(B) the number of approved applications
7 for permits to drill on the outer Continental
8 Shelf.”.

9 (d) REQUIREMENT TO SUBMIT DOCUMENTS AND
10 COMMUNICATIONS.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date of the enactment of this section, the Sec-
13 retary of the Interior shall submit to the Committee
14 on Energy and Natural Resources of the Senate and
15 the Committee on Natural Resources of the House
16 of Representatives all documents and communica-
17 tions relating to the comprehensive review of Federal
18 oil and gas permitting and leasing practices required
19 under section 208 of Executive Order 14008 (86
20 Fed. Reg. 7624; relating to tackling the climate cri-
21 sis at home and abroad).

22 (2) INCLUSIONS.—The submission under para-
23 graph (1) shall include all documents and commu-
24 nications submitted to the Secretary of the Interior
25 by members of the public in response to any public

1 meeting or forum relating to the comprehensive re-
2 view described in that paragraph.

3 **SEC. 107. OFFSHORE OIL AND GAS LEASING.**

4 (a) IN GENERAL.—The Secretary shall conduct all
5 lease sales described in the 2017–2022 Outer Continental
6 Shelf Oil and Gas Leasing Proposed Final Program (No-
7 vember 2016) that have not been conducted as of the date
8 of the enactment of this Act by not later than September
9 30, 2023.

10 (b) GULF OF MEXICO REGION ANNUAL LEASE
11 SALES.—Notwithstanding any other provision of law, and
12 except within areas subject to existing oil and gas leasing
13 moratoria beginning in fiscal year 2023, the Secretary of
14 the Interior shall annually conduct a minimum of 2 re-
15 gion-wide oil and gas lease sales in the following planning
16 areas of the Gulf of Mexico region, as described in the
17 2017–2022 Outer Continental Shelf Oil and Gas Leasing
18 Proposed Final Program (November 2016):

- 19 (1) The Central Gulf of Mexico Planning Area.
20 (2) The Western Gulf of Mexico Planning Area.

21 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-
22 withstanding any other provision of law, beginning in fis-
23 cal year 2023, the Secretary of the Interior shall annually
24 conduct a minimum of 2 region-wide oil and gas lease
25 sales in the Alaska region of the Outer Continental Shelf,

1 as described in the 2017–2022 Outer Continental Shelf
2 Oil and Gas Leasing Proposed Final Program (November
3 2016).

4 (d) REQUIREMENTS.—In conducting lease sales
5 under subsections (b) and (c), the Secretary of the Interior
6 shall—

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

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

13 **SEC. 108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS
14 LEASING.**

15 Section 18 of the Outer Continental Shelf Lands Act
16 (43 U.S.C. 1344) is amended—

17 (1) in subsection (a)—

18 (A) by striking “subsection (c) and (d) of
19 this section, shall prepare and periodically re-
20 vise,” and inserting “this section, shall issue
21 every five years”;

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

23 “(5) Each five-year program shall include at
24 least two Gulf of Mexico region-wide lease sales per
25 year.”; and

7 “(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The
8 Secretary shall issue the five-year oil and gas leasing pro-
9 gram for 2023 through 2028 and issue the Record of De-
10 cision on the Final Programmatic Environmental Impact
11 Statement by not later than July 1, 2023.

12 "(g) SUBSEQUENT LEASING PROGRAMS.—

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

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

1 **SEC. 109. GEOTHERMAL LEASING.**

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

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

7 (2) by redesignating paragraphs (3) and (4) as
8 paragraphs (5) and (6), respectively; and

9 (3) after paragraph (2), by inserting the fol-
10 lowing:

11 “(3) REPLACEMENT SALES.—If a lease sale
12 under paragraph (1) for a year is canceled or de-
13 layed, the Secretary of the Interior shall conduct a
14 replacement sale during the same year.

15 “(4) REQUIREMENT.—In conducting a lease
16 sale under paragraph (2) in a State described in
17 that paragraph, the Secretary of the Interior shall
18 offer all nominated parcels eligible for geothermal
19 development and utilization under the resource man-
20 agement plan in effect for the State.”.

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

25 “(h) DEADLINES FOR CONSIDERATION OF GEO-
26 THERMAL DRILLING PERMITS.—

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

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

7 “(B) notify the applicant that information
8 is missing and specify any information that is
9 required to be submitted for the application to
10 be complete.

11 “(2) ISSUANCE OF DECISION.—If the Secretary
12 determines that an application for a geothermal
13 drilling permit is complete under paragraph (1)(A),
14 the Secretary shall issue a final decision on the ap-
15 plication not later than 30 days after the Secretary
16 notifies the applicant that the application is com-
17 plete.”.

18 **SEC. 110. LEASING FOR CERTAIN QUALIFIED COAL APPLI-**
19 **CATIONS.**

20 (a) DEFINITIONS.—In this section:

21 (1) COAL LEASE.—The term “coal lease”
22 means a lease entered into by the United States as
23 lessor, through the Bureau of Land Management,
24 and the applicant on Bureau of Land Management
25 Form 3400–012.

(2) QUALIFIED APPLICATION.—The term “qualified application” means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this Act), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

11 (b) MANDATORY LEASING AND OTHER REQUIRED

12 APPROVALS.—As soon as practicable after the date of the
13 enactment of this Act, the Secretary shall promptly—

14 (1) with respect to each qualified application—

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

24 (C) take all intermediate actions necessary
25 to grant the qualified application; and

1 (D) grant the qualified application; and
2 (2) with respect to previously awarded coal
3 leases, grant any additional approvals of the Depart-
4 ment of the Interior or any bureau, agency, or divi-
5 sion of the Department of the Interior required for
6 mining activities to commence.

7 **SEC. 111. FUTURE COAL LEASING.**

8 Notwithstanding any judicial decision to the contrary
9 or a departmental review of the Federal coal leasing pro-
10 gram, Secretarial Order 3338, issued by the Secretary of
11 the Interior on January 15, 2016, shall have no force or
12 effect.

13 **SEC. 112. STAFF PLANNING REPORT.**

14 The Secretary of the Interior and the Secretary of
15 Agriculture shall each annually submit to the Committee
16 on Natural Resources of the House of Representatives and
17 the Committee on Energy and Natural Resources of the
18 Senate a report on the staffing capacity of each respective
19 agency with respect to issuing oil, gas, hardrock mining,
20 coal, and renewable energy leases, rights-of-way, claims,
21 easements, and permits. Each such report shall include—
22 (1) the number of staff assigned to process and
23 issue oil, gas, hardrock mining, coal, and renewable
24 energy leases, rights-of-way, claims, easements, and
25 permits;

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

5 (3) how, as applicable, the Department of the
6 Interior or the Department of Agriculture plans to
7 address staffing shortfalls and turnover to ensure
8 adequate staffing to process and issue such oil, gas,
9 hardrock mining, coal, and renewable energy leases,
10 rights-of-way, claims, easements, and permits.

TITLE II—PERMITTING STREAMLINING

SEC. 201. DEFINITIONS.

14 In this title:

15 (1) ENERGY FACILITY.—The term “energy fa-
16 cility” means a facility the primary purpose of which
17 is the exploration for, or the development, produc-
18 tion, conversion, gathering, storage, transfer, proc-
19 essing, or transportation of, any energy resource.

20 (2) ENERGY STORAGE DEVICE.—The term “en-
21 ergy storage device”—

22 (A) means any equipment that stores en-
23 ergy, including electricity, compressed air,
24 pumped water, heat, and hydrogen, which may

1 be converted into, or used to produce, elec-
2 tricity; and

3 (B) includes a battery, regenerative fuel
4 cell, flywheel, capacitor, superconducting mag-
5 net, and any other equipment the Secretary
6 concerned determines may be used to store en-
7 ergy which may be converted into, or used to
8 produce, electricity.

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

15 (A) lands located on the Outer Continental
16 Shelf; and

17 (B) lands held in trust by the United
18 States for the benefit of Indians, Indian Tribes,
19 Aleuts, and Eskimos.

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

22 (A) a right-of-way issued, granted, or re-
23 newed under section 501 of the Federal Land
24 Policy and Management Act of 1976 (43 U.S.C.
25 1761); or

1 (B) a right-of-way granted under section
2 28 of the Mineral Leasing Act (30 U.S.C. 185).

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

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

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

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

11 (A) a land and resource management plan
12 prepared by the Forest Service for a unit of the
13 National Forest System pursuant to section 6
14 of the Forest and Rangeland Renewable Re-
15 sources Planning Act of 1974 (16 U.S.C.
16 1604);

17 (B) a Land Management Plan developed
18 by the Bureau of Land Management under the
19 Federal Land Policy and Management Act of
20 1976 (43 U.S.C. 1701 et seq.); or

21 (C) a comprehensive conservation plan de-
22 veloped by the United States Fish and Wildlife
23 Service under section 4(e)(1)(A) of the National
24 Wildlife Refuge System Administration Act of
25 1966 (16 U.S.C. 668dd(e)(1)(A)).

1 **SEC. 202. BUILDER ACT.**

2 (a) PARAGRAPH (2) OF SECTION 102.—Section
3 102(2) of the National Environmental Policy Act of 1969
4 (42 U.S.C. 4332(2)) is amended—

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

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

9 (3) in subparagraph (C)—

10 (A) by inserting “consistent with the provi-
11 sions of this Act and except as provided by
12 other provisions of law,” before “include in
13 every”;

14 (B) by striking clauses (i) through (v) and
15 inserting the following:

16 “(i) reasonably foreseeable environmental
17 effects with a reasonably close causal relation-
18 ship to the proposed agency action;

19 “(ii) any reasonably foreseeable adverse en-
20 vironmental effects which cannot be avoided
21 should the proposal be implemented;

22 “(iii) a reasonable number of alternatives
23 to the proposed agency action, including an
24 analysis of any negative environmental impacts
25 of not implementing the proposed agency action
26 in the case of a no action alternative, that are

1 technically and economically feasible, are within
2 the jurisdiction of the agency, meet the purpose
3 and need of the proposal, and, where applicable,
4 meet the goals of the applicant;

5 “(iv) the relationship between local short-
6 term uses of man’s environment and the main-
7 tenance and enhancement of long-term produc-
8 tivity; and

9 “(v) any irreversible and irretrievable com-
10 mitments of Federal resources which would be
11 involved in the proposed agency action should it
12 be implemented.”; and

13 (C) by striking “the responsible Federal
14 official” and inserting “the head of the lead
15 agency”;

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

18 (5) by redesignating subparagraphs (D)
19 through (I) as subparagraphs (F) through (K), re-
20 spectively;

21 (6) by inserting after subparagraph (C) the fol-
22 lowing:

23 “(D) ensure the professional integrity, including
24 scientific integrity, of the discussion and analysis in
25 an environmental document;

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

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

5 “(G) consistent with the provisions of this Act,
6 study, develop, and describe technically and economi-
7 cally feasible alternatives within the jurisdiction and
8 authority of the agency;”; and

9 (8) in subparagraph (H), as amended, by in-
10 serting “consistent with the provisions of this Act,”
11 before “recognize”.

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

15 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**
16 **REVIEW.**

17 “(a) THRESHOLD DETERMINATIONS.—An agency is
18 not required to prepare an environmental document with
19 respect to a proposed agency action if—

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

23 “(2) the proposed agency action is covered by
24 a categorical exclusion established by a Federal
25 agency or by another provision of law;

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

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

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

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

17 “(b) LEVELS OF REVIEW.—

18 “(1) ENVIRONMENTAL IMPACT STATEMENT.—
19 An agency shall issue an environmental impact
20 statement with respect to a proposed agency action
21 that has a significant effect on the quality of the
22 human environment.

23 “(2) ENVIRONMENTAL ASSESSMENT.—An agen-
24 cy shall prepare an environmental assessment with
25 respect to a proposed agency action that is not likely

1 to have a significant effect on the quality of the
2 human environment, or if the significance of such ef-
3 fect is unknown. Such environmental assessment
4 shall be a concise public document prepared by a
5 Federal agency to set forth the basis of such agen-
6 cy's finding of no significant impact.

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

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

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

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

14 “(a) LEAD AGENCY.—

15 “(1) DESIGNATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(5) COUNCIL DESIGNATION.—

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

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

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

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

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

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

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

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

3 “(b) ONE DOCUMENT.—

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

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

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

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

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

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

3 “(A) occur on Federal land; or
4 “(B) are subject to Federal control and re-
5 sponsibility.

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

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

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

22 “(f) PAGE LIMITS.—

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

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

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

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

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

19 “(h) DEADLINES.—

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

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

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

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

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

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

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

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

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

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

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

25 “(i) REPORT.—

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

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

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

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

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

18 “(B) the date on which—

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

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

1 “(iii) such lead agency issued a notice
2 of intent to prepare the environmental as-
3 essment or environmental impact state-
4 ment for the major Federal action; and
5 “(C) when such environmental assessment
6 and environmental impact statement is expected
7 to be complete.

8 **“SEC. 108. JUDICIAL REVIEW.**

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

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

17 “(A) an environmental document was pre-
18 pared and an opportunity for comment was pro-
19 vided;

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

23 “(C) the claim—

24 “(i) is filed by a party that submitted
25 a comment during the public comment pe-

1 riod for such administrative proceedings
2 and such comment was sufficiently detailed
3 to put the lead agency on notice of the
4 issue upon which the party seeks judicial
5 review; and

6 “(ii) is related to such comment;

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

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

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

18 “(5) such claim concerns—

19 “(A) an alternative included in the envi-
20 ronmental document; or

21 “(B) an environmental effect considered in
22 the environmental document.

23 “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT
24 STATEMENT.—

1 “(1) SEPARATE FINAL AGENCY ACTION.—The
2 issuance of a Federal action resulting from a final
3 supplemental environmental impact statement shall
4 be considered a final agency action for the purposes
5 of chapter 5 of title 5, United States Code, separate
6 from the issuance of any previous environmental im-
7 pact statement with respect to the same proposed
8 agency action.

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

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

18 “(B) such claim is based on information
19 contained in such supplemental environmental
20 impact statement that was not contained in a
21 previous environmental document pertaining to
22 the same proposed agency action.

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

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

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

12 **“SEC. 109. DEFINITIONS.**

13 “In this title:

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

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

23 “(3) COUNCIL.—The term ‘Council’ means the
24 Council on Environmental Quality established in
25 title II.

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

5 “(5) ENVIRONMENTAL DOCUMENT.—The term
6 ‘environmental document’ means an environmental
7 impact statement, an environmental assessment, or
8 a finding of no significant impact.

9 “(6) ENVIRONMENTAL IMPACT STATEMENT.—
10 The term ‘environmental impact statement’ means a
11 detailed written statement that is required by section
12 102(2)(C).

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

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

21 “(A) proposed such action; or

22 “(B) is involved in such action because
23 such action is directly related, through func-
24 tional interdependence or geographic proximity,

1 to an action such agency has taken or has pro-
2 posed to take.

3 “(9) LEAD AGENCY.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the term ‘lead agency’
6 means, with respect to a proposed agency ac-
7 tion—

8 “(i) the agency that proposed such ac-
9 tion; or

10 “(ii) if there are 2 or more involved
11 Federal agencies with respect to such ac-
12 tion, the agency designated under section
13 107(a)(1).

14 “(B) SPECIFICATION FOR MINERAL EX-
15 PLORATION OR MINE PERMITS.—With respect
16 to a proposed mineral exploration or mine per-
17 mit, the term ‘lead agency’ has the meaning
18 given such term in section 40206(a) of the In-
19 frastructure Investment and Jobs Act.

20 “(10) MAJOR FEDERAL ACTION.—

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

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

3 “(i) a non-Federal action—

4 “(I) with no or minimal Federal
5 funding;

6 “(II) with no or minimal Federal
7 involvement where a Federal agency
8 cannot control the outcome of the
9 project; or

10 “(III) that does not include Fed-
11 eral land;

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

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

22 “(iv) farm ownership and operating
23 loan guarantees by the Farm Service
24 Agency pursuant to sections 305 and 311
25 through 319 of the Consolidated Farmers

1 Home Administration Act of 1961 (7
2 U.S.C. 1925 and 1941 through 1949);

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

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

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

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

20 “(i) an interstate effect of the action
21 or related project; or

22 “(ii) the provision of Federal funds
23 for the action or related project.

24 “(11) MINERAL EXPLORATION OR MINE PER-
25 MIT.—The term ‘mineral exploration or mine permit’

1 has the meaning given such term in section
2 40206(a) of the Infrastructure Investment and Jobs
3 Act.

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

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

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

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

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

21 SEC. 203. CODIFICATION OF NATIONAL ENVIRONMENTAL
22 POLICY ACT REGULATIONS.

23 The revisions to the Code of Federal Regulations
24 made pursuant to the final rule of the Council on Environ-
25 mental Quality titled “Update to the Regulations Imple-

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

5 **SEC. 204. NON-MAJOR FEDERAL ACTIONS.**

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

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

13 (1) geotechnical investigations;
14 (2) off-road travel in an existing right-of-way;
15 (3) construction of meteorological towers where
16 the total surface disturbance at the location is less
17 than 5 acres;

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

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

- 1 (A) the last cemented casing string is less
2 than 12 inches in diameter; and
3 (B) the total unreclaimed surface disturb-
4 ance at any one time within the project area is
5 less than 5 acres;
- 6 (6) any repair, maintenance, upgrade, optimiza-
7 tion, or minor addition to existing transmission and
8 distribution infrastructure, including—
9 (A) operation, maintenance, or repair of
10 power equipment and structures within existing
11 substations, switching stations, transmission,
12 and distribution lines;
13 (B) the addition, modification, retirement,
14 or replacement of breakers, transmission tow-
15 ers, transformers, bushings, or relays;
16 (C) the voltage uprating, modification,
17 reconductoring with conventional or advanced
18 conductors, and clearance resolution of trans-
19 mission lines;
20 (D) activities to minimize fire risk, includ-
21 ing vegetation management, routine fire mitiga-
22 tion, inspection, and maintenance activities, and
23 removal of hazard trees and other hazard vege-
24 tation within or adjacent to an existing right-of-
25 way;

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

(F) access and access route maintenance and repairs associated with any activity described in subparagraph (A) through (E);

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

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

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

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

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

21 SEC. 205. NO NET LOSS DETERMINATION FOR EXISTING
22 RIGHTS-OF-WAY.

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

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

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

14 **SEC. 206. DETERMINATION OF NATIONAL ENVIRONMENTAL
15 POLICY ACT ADEQUACY.**

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

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

5 SEC. 207. DETERMINATION REGARDING RIGHTS-OF-WAY.

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

14 SEC. 208. TERMS OF RIGHTS-OF-WAY.

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

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

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

8 **SEC. 209. FUNDING TO PROCESS PERMITS AND DEVELOP
9 INFORMATION TECHNOLOGY.**

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

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

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

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

14 **SEC. 210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SUR-**

15 **VEY LICENSING.**

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

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

8 **SEC. 211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**
9 **DRILL.**

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

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

19 **SEC. 212. PROCESSING AND TERMS OF APPLICATIONS FOR**
20 **PERMITS TO DRILL.**

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

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

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

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

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

19 SEC. 213. AMENDMENTS TO THE ENERGY POLICY ACT OF
20 2005.

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

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

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

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

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

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

21 “(2) The following activities, provided that any
22 new surface disturbance is contiguous with the foot-
23 print of the original authorization and does not ex-
24 ceed 20 acres or the acreage has previously been
25 evaluated in a document previously prepared under
26 section 102(2)(C) of the National Environmental

1 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with re-
2 spect to such activity:

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **SEC. 214. ACCESS TO FEDERAL ENERGY RESOURCES FROM**
21 **NON-FEDERAL SURFACE ESTATE.**

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

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

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

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

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

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

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

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

1 “(C) may commence 30 days after submis-
2 sion of the State permit to the Secretary; and
3 “(D) shall not be subject to—

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

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

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

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

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

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

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

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

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

“(iii) by a dependent Indian community.”

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

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

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

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

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

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

11 “(b) NO FEDERAL ACTION.—A geothermal explo-
12 ration and production activity carried out under para-
13 graph (1)—

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

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

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

20 “(4) shall not be subject to—

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

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

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

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

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

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

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

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

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

1 “(B) by an Indian tribe or an individual
2 Indian, subject to restriction against alienation
3 under laws of the United States; or
4 “(C) by a dependent Indian community.”.

5 **SEC. 215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL
6 AND GAS LEASES.**

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

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

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

17 **SEC. 216. EXPEDITING APPROVAL OF GATHERING LINES.**

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

1 **SEC. 217. LEASE SALE LITIGATION.**

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

21 **SEC. 218. LIMITATION ON CLAIMS.**

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

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

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

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

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

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

23 (1) located on—
24 (A) a mining claim, millsite claim, or tun-
25 nel site claim for any mineral;

5 SEC. 219. GOVERNMENT ACCOUNTABILITY OFFICE REPORT

6 ON PERMITS TO DRILL.

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

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

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

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

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

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

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

12 **TITLE III—PERMITTING FOR 13 MINING NEEDS**

14 SEC. 301. DEFINITIONS.

15 In this title:

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

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

23 (3) MINERAL.—The term “mineral” means any
24 mineral of a kind that is locatable (including, but
25 not limited to, such minerals located on “lands ac-

1 quired by the United States”, as such term is de-
2 fined in section 2 of the Mineral Leasing Act for Ac-
3 quired Lands) under the Act of May 10, 1872
4 (Chapter 152; 17 Stat. 91).

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

8 (5) STATE.—The term “State” means—
9 (A) a State;
10 (B) the District of Columbia;
11 (C) the Commonwealth of Puerto Rico;
12 (D) Guam;
13 (E) American Samoa;
14 (F) the Commonwealth of the Northern
15 Mariana Islands; and
16 (G) the United States Virgin Islands.

17 **SEC. 302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

18 Section 40206 of the Infrastructure Investment and

19 Jobs Act (30 U.S.C. 1607) is amended—

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

22 (2) by amending subsection (a) to read as fol-
23 lows:

24 “(a) DEFINITIONS.—In this section:

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

5 “(2) MINERAL.—The term ‘mineral’ has the
6 meaning given such term in section 301 of the
7 TAPP American Resources Act.

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

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

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

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

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

23 “(A) located on—

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

- 1 “(ii) lands open to mineral entry; or
2 “(iii) a Federal mineral lease; and
3 “(B) for the purposes of exploring for or
4 producing minerals.”;
5 (3) in subsection (b), by striking “critical” each
6 place such term appears;
7 (4) in subsection (c)—
8 (A) by striking “critical mineral production
9 on Federal land” and inserting “mineral
10 projects”;
11 (B) by inserting “, and in accordance with
12 subsection (h)” after “to the maximum extent
13 practicable”;
14 (C) by striking “shall complete the” and
15 inserting “shall complete such”;
16 (D) in paragraph (1), by striking “critical
17 mineral-related activities on Federal land” and
18 inserting “mineral projects”;
19 (E) in paragraph (8), by striking the
20 “and” at the end;
21 (F) in paragraph (9), by striking “proce-
22 dures.” and inserting “procedures; and”; and
23 (G) by adding at the end the following:
24 “(10) deferring to and relying on baseline data,
25 analyses, and reviews performed by State agencies

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

3 (5) in subsection (d)—

4 (A) by striking “critical” each place such
5 term appears; and

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

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

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

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

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

15 **“(h) OTHER REQUIREMENTS.—**

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

1 such lead agency determines appropriate) enter into
2 a memorandum of agreement with a project appli-
3 cant where requested by applicant to carry out the
4 activities described in subsection (c).

5 “(2) TIMELINES AND SCHEDULES FOR NEPA
6 REVIEWS.—

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

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

21 “(i) any deadlines described in sub-
22 paragraph (A); and

23 “(ii) any deadlines extended under
24 subparagraph (B).

1 “(3) EFFECT ON PENDING APPLICATIONS.—

2 Upon a written request by a project applicant, the
3 requirements of this subsection shall apply to any
4 application for a mineral exploration or mine permit
5 or mineral lease that was submitted before the date
6 of the enactment of the TAPP American Resources
7 Act.”.

8 **SEC. 303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

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

11 (1) in paragraph (2), by striking “critical” both
12 places such term appears; and
13 (2) by striking paragraph (4).

14 **SEC. 304. DESIGNATION OF MINING AS A COVERED SECTOR**

15 **FOR FEDERAL PERMITTING IMPROVEMENT
16 PURPOSES.**

17 Section 41001(6)(A) of the FAST Act (42 U.S.C.
18 4370m(6)(A)) is amended by inserting “mineral produc-
19 tion,” before “or any other sector”.

20 **SEC. 305. TREATMENT OF ACTIONS UNDER PRESIDENTIAL
21 DETERMINATION 2022-11 FOR FEDERAL PER-
22 MITTING IMPROVEMENT PURPOSES.**

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

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act (42 U.S.C. 4370m-2(b)).

8 (b) ACTIONS DESCRIBED.—An action described in
9 this subsection is an action taken by the Secretary of De-
10 fense pursuant to Presidential Determination 2022–11
11 (87 Fed. Reg. 19775; relating to certain actions under
12 section 303 of the Defense Production Act of 1950) to
13 create, maintain, protect, expand, or restore sustainable
14 and responsible domestic production capabilities
15 through—

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

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

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

1 (4) any other activity authorized under section
2 303(a)(1) of the Defense Production Act of 1950 15
3 (50 U.S.C. 4533(a)(1)).

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

10 **SEC. 306. NOTICE FOR MINERAL EXPLORATION ACTIVITIES**

11 **WITH LIMITED SURFACE DISTURBANCE.**

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

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

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

1 (1) review and determine completeness of the
2 notice; and

3 (2) allow exploration activities to proceed if—
4 (A) the surface disturbance of such explo-
5 ration activities on such public lands will not
6 exceed 5 acres;

7 (B) the Secretary concerned determines
8 that the notice is complete; and

9 (C) the operator provides financial assur-
10 ance that the Secretary concerned determines is
11 adequate.

12 (d) DEFINITIONS.—In this section:

13 (1) EXPLORATION ACTIVITY.—The term “explo-
14 ration activity”—

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

20 (B) includes constructing drill roads and
21 drill pads, drilling, trenching, excavating test
22 pits, and conducting geotechnical tests and geo-
23 physical surveys; and

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

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

3 (A) with respect to lands administered by
4 the Secretary of the Interior, the Secretary of
5 the Interior; and
6 (B) with respect to National Forest Sys-
7 tem lands, the Secretary of Agriculture.

8 **SEC. 307. USE OF MINING CLAIMS FOR ANCILLARY ACTIVI-
9 TIES.**

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

13 “(e) SECURITY OF TENURE.—

14 “(1) IN GENERAL.—

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

19 “(i) such claimant makes a timely
20 payment of the location fee required by
21 section 10102 and the claim maintenance
22 fee required by subsection (a); or

23 “(ii) in the case of a claimant who
24 qualifies for a waiver under subsection (d),
25 such claimant makes a timely payment of

1 the location fee and complies with the re-
2 quired assessment work under the general
3 mining laws.

4 “(B) OPERATIONS DEFINED.—For the
5 purposes of this paragraph, the term ‘oper-
6 ations’ means—

7 “(i) any activity or work carried out
8 in connection with prospecting, exploration,
9 processing, discovery and assessment, de-
10 velopment, or extraction with respect to a
11 locatable mineral;

12 “(ii) the reclamation of any disturbed
13 areas; and

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

21 “(2) FULFILLMENT OF FEDERAL LAND POLICY
22 AND MANAGEMENT ACT.—A claimant that fulfills
23 the requirements of this section and section 10102
24 shall be deemed to satisfy the requirements of any
25 provision of the Federal Land Policy and Manage-

1 ment Act that requires the payment of fair market
2 value to the United States for use of public lands
3 and resources relating to use of such lands and re-
4 sources authorized by the general mining laws.

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

9 **SEC. 308. ENSURING CONSIDERATION OF URANIUM AS A**

10 **CRITICAL MINERAL.**

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

14 “(i) oil, oil shale, coal, or natural
15 gas;”.

16 (b) UPDATE.—Not later than 60 days after the date
17 of the enactment of this section, the Secretary, acting
18 through the Director of the United States Geological Sur-
19 vey, shall publish in the Federal Register an update to
20 the final list established in section 7002(c)(3) of the En-
21 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance
22 with subsection (a) of this section.

TITLE IV—FEDERAL LAND USE PLANNING

3 SEC. 401. FEDERAL LAND USE PLANNING AND WITH-
4 DRAWALS.

5 (a) RESOURCE ASSESSMENTS REQUIRED.—Federal
6 lands and waters may not be withdrawn from entry under
7 the mining laws or operation of the mineral leasing and
8 mineral materials laws unless—

1 tary readiness and training activities in the proposed
2 withdrawal area; and

3 (5) the Secretary submits a report to the Com-
4 mittees on Natural Resources, Agriculture, Energy
5 and Commerce, and Foreign Affairs of the House of
6 Representatives and the Committees on Energy and
7 Natural Resources, Agriculture, and Foreign Affairs
8 of the Senate, that includes the results of the assess-
9 ments completed pursuant to this subsection.

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

17 (1) review any quantitative and qualitative min-
18 eral resource assessment that was completed or up-
19 dated during the 10-year period ending on the date
20 that the applicable land management agency pub-
21 lishes a notice to prepare, revise, or amend a land
22 use plan by the Director of the United States Geo-
23 logical Survey for the geographic area affected by
24 the applicable management plan;

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; and

7 (3) submit a report to the Committees on Nat-
8 ural Resources, Agriculture, Energy and Commerce,
9 and Foreign Affairs of the House of Representatives
10 and the Committees on Energy and Natural Re-
11 sources, Agriculture, and Foreign Affairs of the Sen-
12 ate, that includes the results of the assessment com-
13 pleted pursuant to this subsection.

14 (c) NEW INFORMATION.—The Secretary shall provide
15 recommendations to the President on appropriate meas-
16 ures to reduce unnecessary impacts that a withdrawal of
17 Federal lands or waters from entry under the mining laws
18 or operation of the mineral leasing and mineral materials
19 laws may have on mineral exploration, development, and
20 other mineral activities (including authorizing exploration
21 and development of such mineral deposits) not later than
22 180 days after the Secretary has notice that a resource
23 assessment completed by the Director of the United States
24 Geological Survey, in coordination with the State geologi-
25 cal surveys, determines that a previously undiscovered

1 mineral deposit may be present in an area that has been
2 withdrawn from entry under the mining laws or operation
3 of the mineral leasing and mineral materials laws pursu-
4 ant to—

5 (1) section 204 of the Federal Land Policy and
6 Management Act of 1976 (43 U.S.C. 1714), or
7 (2) chapter 3203 of title 54, United States
8 Code.

9 **SEC. 402. PROHIBITIONS ON DELAY OF MINERAL DEVELOP-**

10 **MENT OF CERTAIN FEDERAL LAND.**

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

17 (1) New oil and gas lease sales, oil and gas
18 leases, drill permits, or associated approvals or au-
19 thorizations of any kind associated with oil and gas
20 leases.

21 (2) New coal leases (including leases by applica-
22 tion in process, renewals, modifications, or expan-
23 sions of existing leases), permits, approvals, or au-
24 thorizations.

1 (3) New leases, claims, permits, approvals, or
2 authorizations for development or exploration of
3 minerals.

4 (b) PROHIBITION ON RESCISSION OF LEASES, PER-
5 MITS, OR CLAIMS.—The President, the Secretary, or Sec-
6 retary of Agriculture as applicable, may not rescind any
7 existing lease, permit, or claim for the extraction and pro-
8 duction of any mineral under the mining laws or mineral
9 leasing and mineral materials laws on National Forest
10 System land or land under the jurisdiction of the Bureau
11 of Land Management, unless specifically authorized by
12 Federal statute, or upon the lessee, permittee, or claim-
13 ant's failure to comply with any of the provisions of the
14 applicable lease, permit, or claim.

15 (c) MINERAL DEFINED.—In subsection (a)(3), the
16 term “mineral” means any mineral of a kind that is
17 locatable (including such minerals located on “lands ac-
18 quired by the United States”, as such term is defined in
19 section 2 of the Mineral Leasing Act for Acquired Lands)
20 under the Act of May 10, 1872 (Chapter 152; 17 Stat.
21 91).

22 **SEC. 403. DEFINITIONS.**

23 In this title:

24 (1) FEDERAL LAND.—The term “Federal land”
25 means—

- 1 (A) National Forest System land;
- 2 (B) public lands (as defined in section 103
3 of the Federal Land Policy and Management
4 Act of 1976 (43 U.S.C. 1702));
- 5 (C) the outer Continental Shelf (as defined
6 in section 2 of the Outer Continental Shelf
7 Lands Act (43 U.S.C. 1331)); and
- 8 (D) land managed by the Secretary of En-
9 ergy.

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

- 12 (A) the President; and
- 13 (B) any designee of the President, includ-
14 ing—
- 15 (i) the Secretary of Agriculture;
- 16 (ii) the Secretary of Commerce;
- 17 (iii) the Secretary of Energy; and
- 18 (iv) the Secretary of the Interior.

19 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—
20 The term “previously undiscovered mineral deposit”
21 means—

- 22 (A) a mineral deposit that has been pre-
23 viously evaluated by the United States Geologi-
24 cal Survey and found to be of low mineral po-
25 tential, but upon subsequent evaluation is de-

1 terminated by the United States Geological Sur-
2 vey to have significant mineral potential, or

3 (B) a mineral deposit that has not pre-
4 viously been evaluated by the United States Ge-
5 ological Survey.

6 (4) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 **TITLE V—ENSURING COMPETI-**
9 **TIVENESS ON FEDERAL**
10 **LANDS**

11 **SEC. 501. INCENTIVIZING DOMESTIC PRODUCTION.**

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

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

23 (2) in subparagraph (C), by striking “not less
24 than 16 $\frac{2}{3}$ percent, but not more than 18 $\frac{3}{4}$ percent,
25 during the 10-year period beginning on the date of

1 enactment of the Act titled ‘An Act to provide for
2 reconciliation pursuant to title II of S. Con. Res.
3 14’, and not less than 16 $\frac{2}{3}$ percent thereafter,’
4 each place it appears and inserting “not less than
5 12.5 percent”;

6 (3) in subparagraph (F), 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”; and

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

20 (b) MINERAL LEASING ACT.—

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

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

25 (i) in subsection (b)(1)(A)—

13 (ii) by striking “16 $\frac{2}{3}$ percent” each
14 place it appears and inserting “12.5 per-
15 cent”.

(A) in paragraph (1)(B), by striking “\$10 per acre during the 10-year period beginning on the date of enactment of the Act titled ‘An Act

1 to provide for reconciliation pursuant to title II
2 of S. Con. Res. 14'." and inserting "\$2 per
3 acre for a period of 2 years from the date of
4 the enactment of the Federal Onshore Oil and
5 Gas Leasing Reform Act of 1987."; and

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

8 (3) FOSSIL FUEL RENTAL RATES.—Section
9 17(d) of the Mineral Leasing Act (30 U.S.C.
10 226(d)) is amended to read as follows:

11 "(d) All leases issued under this section, as amended
12 by the Federal Onshore Oil and Gas Leasing Reform Act
13 of 1987, shall be conditioned upon payment by the lessee
14 of a rental of not less than \$1.50 per acre per year for
15 the first through fifth years of the lease and not less than
16 \$2 per acre per year for each year thereafter. A minimum
17 royalty in lieu of rental of not less than the rental which
18 otherwise would be required for that lease year shall be
19 payable at the expiration of each lease year beginning on
20 or after a discovery of oil or gas in paying quantities on
21 the lands leased.".

22 (4) EXPRESSION OF INTEREST FEE.—Section
23 17 of the Mineral Leasing Act (30 U.S.C. 226) is
24 further amended by repealing subsection (q).

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

4 (A) in subsection (b)—
5 (i) in paragraph (1)(A)—
6 (I) in the first sentence, by strik-
7 ing “paragraph (2)” and inserting
8 “paragraphs (2) and (3)”; and
9 (II) by adding at the end “Lands
10 for which no bids are received or for
11 which the highest bid is less than the
12 national minimum acceptable bid shall
13 be offered promptly within 30 days
14 for leasing under subsection (c) of this
15 section and shall remain available for
16 leasing for a period of 2 years after
17 the competitive lease sale.”; and
18 (ii) by adding at the end the fol-
19 lowing:

20 “(3)(A) If the United States held a vested fu-
21 ture interest in a mineral estate that, immediately
22 prior to becoming a vested present interest, was sub-
23 ject to a lease under which oil or gas was being pro-
24 duced, or had a well capable of producing, in paying
25 quantities at an annual average production volume

1 per well per day of either not more than 15 barrels
2 per day of oil or condensate, or not more than
3 60,000 cubic feet of gas, the holder of the lease may
4 elect to continue the lease as a noncompetitive lease
5 under subsection (c)(1).

6 “(B) An election under this paragraph is effec-
7 tive—

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

12 “(ii) in the case of an interest which vests
13 within 1 year after October 24, 1992, if the
14 election is made before the date that is 2 years
15 after October 24, 1992; and

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

20 (B) by striking subsection (c) and insert-
21 ing the following:

22 “(c) LANDS SUBJECT TO LEASING UNDER SUB-
23 SECTION (b); FIRST QUALIFIED APPLICANT.—

24 “(1) If the lands to be leased are not leased
25 under subsection (b)(1) of this section or are not

1 subject to competitive leasing under subsection
2 (b)(2) of this section, the person first making appli-
3 cation for the lease who is qualified to hold a lease
4 under this chapter shall be entitled to a lease of
5 such lands without competitive bidding, upon pay-
6 ment of a non-refundable application fee of at least
7 \$75. A lease under this subsection shall be condi-
8 tioned upon the payment of a royalty at a rate of
9 12.5 percent in amount or value of the production
10 removed or sold from the lease. Leases shall be
11 issued within 60 days of the date on which the Sec-
12 retary identifies the first responsible qualified appli-
13 cant.

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

24 “(B) The land in any lease which is issued
25 under paragraph (1) of this subsection or under sub-

1 section (b)(1) of this section which lease terminates,
2 expires, is cancelled or is relinquished shall again be
3 available for leasing only in accordance with sub-
4 section (b)(1) of this section.”; and

5 (C) by striking subsection (e) and inserting
6 the following:

7 “(e) PRIMARY TERM.—Competitive and noncompeti-
8 tive leases issued under this section shall be for a primary
9 term of 10 years: *Provided, however,* That competitive
10 leases issued in special tar sand areas shall also be for
11 a primary term of ten years. Each such lease shall con-
12 tinue so long after its primary term as oil or gas is pro-
13 duced in paying quantities. Any lease issued under this
14 section for land on which, or for which under an approved
15 cooperative or unit plan of development or operation, ac-
16 tual drilling operations were commenced prior to the end
17 of its primary term and are being diligently prosecuted
18 at that time shall be extended for two years and so long
19 thereafter as oil or gas is produced in paying quantities.”.

20 (6) CONFORMING AMENDMENTS.—Section 31 of
21 the Mineral Leasing Act (30 U.S.C. 188) is amend-
22 ed—

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

- 1 (B) in subsection (e)—
2 (i) in paragraph (2)—
3 (I) insert “either” after “rentals
4 and”; and
5 (II) insert “or the inclusion in a
6 reinstated lease issued pursuant to the
7 provisions of section 17(c) of this Act
8 of a requirement that future rentals
9 shall be at a rate not less than \$5 per
10 acre per year, all” before “as deter-
11 mined by the Secretary”; and
12 (ii) by amending paragraph (3) to
13 read as follows:
14 “(3)(A) payment of back royalties and the in-
15 clusion in a reinstated lease issued pursuant to the
16 provisions of section 17(b) of this Act of a require-
17 ment for future royalties at a rate of not less than
18 16 $\frac{2}{3}$ percent computed on a sliding scale based
19 upon the average production per well per day, at a
20 rate which shall be not less than 4 percentage points
21 greater than the competitive royalty schedule then
22 in force and used for royalty determination for com-
23 petitive leases issued pursuant to such section as de-
24 termined by the Secretary: *Provided*, That royalty on
25 such reinstated lease shall be paid on all production

1 removed or sold from such lease subsequent to the
2 termination of the original lease;

3 “(B) payment of back royalties and inclusion in
4 a reinstated lease issued pursuant to the provisions
5 of section 17(c) of this Act of a requirement for fu-
6 ture royalties at a rate not less than 16 $\frac{2}{3}$ percent;
7 *Provided*, That royalty on such reinstated lease shall
8 be paid on all production removed or sold from such
9 lease subsequent to the cancellation or termination
10 of the original lease; and”;

11 (C) in subsection (f)—

12 (i) in paragraph (1), strike “in the
13 same manner as the original lease issued
14 pursuant to section 17” and insert “as a
15 competitive or a noncompetitive oil and gas
16 lease in the same manner as the original
17 lease issued pursuant to subsection (b) or
18 (c) of section 17 of this Act”;

19 (ii) by redesignating paragraphs (2)
20 and (3) as paragraphs (3) and (4), respec-
21 tively; and

22 (iii) by inserting after paragraph (1)
23 the following:

24 “(2) Except as otherwise provided in this sec-
25 tion, the issuance of a lease in lieu of an abandoned

1 patented oil placer mining claim shall be treated as
2 a noncompetitive oil and gas lease issued pursuant
3 to section 17(c) of this Act.”;

4 (D) in subsection (g), by striking “sub-
5 section (d)” and inserting “subsections (d) and
6 (f)”;

7 (E) by amending subsection (h) to read as
8 follows:

9 “(h) ROYALTY REDUCTIONS.—

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

19 “(2) In acting on a petition for reinstatement
20 pursuant to subsection (d) of this section or in re-
21 sponse to a request filed after reinstatement, or
22 both, the Secretary is authorized to reduce the roy-
23 alty in that reinstated lease on the entire leasehold
24 or any tract or portion thereof segregated for royalty
25 purposes if, in his judgment, there are uneconomic

1 or other circumstances which could cause undue
2 hardship or premature termination of production; or
3 because of any written action of the United States,
4 its agents or employees, which preceded, and was a
5 major consideration in, the lessee's expenditure of
6 funds to develop the property under the lease after
7 the rent had become due and had not been paid; or
8 if in the judgment of the Secretary it is equitable to
9 do so for any reason.”;

10 (F) by redesignating subsections (f)
11 through (i) as subsections (g) through (j), re-
12 spectively; and

13 (G) by inserting after subsection (e) the
14 following:

15 “(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS
16 LEASE; CONDITIONS.—Where an unpatented oil placer
17 mining claim validly located prior to February 24, 1920,
18 which has been or is currently producing or is capable of
19 producing oil or gas, has been or is hereafter deemed con-
20 clusively abandoned for failure to file timely the required
21 instruments or copies of instruments required by section
22 1744 of title 43, and it is shown to the satisfaction of
23 the Secretary that such failure was inadvertent, justifi-
24 able, or not due to lack of reasonable diligence on the part
25 of the owner, the Secretary may issue, for the lands cov-

1 ered by the abandoned unpatented oil placer mining claim,
2 a noncompetitive oil and gas lease, consistent with the pro-
3 visions of section 17(e) of this Act, to be effective from
4 the statutory date the claim was deemed conclusively
5 abandoned. Issuance of such a lease shall be conditioned
6 upon—

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

22 “(2) a valid lease not having been issued affect-
23 ing any of the lands covered by the abandoned oil
24 placer mining claim prior to the filing of such peti-
25 tion: *Provided, however,* That after the filing of a pe-

1 tition for issuance of a lease under this subsection,
2 the Secretary shall not issue any new lease affecting
3 any of the lands covered by such abandoned oil plac-
4 er mining claim for a reasonable period, as deter-
5 mined in accordance with regulations issued by him;

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

10 “(4) a requirement in the lease for payment of
11 royalty on production removed or sold from the oil
12 placer mining claim, including all royalty on produc-
13 tion made subsequent to the statutory date the claim
14 was deemed conclusively abandoned, of not less than
15 12½ percent; and

16 “(5) compliance with the notice and reimburse-
17 ment of costs provisions of paragraph (4) of sub-
18 section (e) but addressed to the petition covering the
19 conversion of an abandoned unpatented oil placer
20 mining claim to a noncompetitive oil and gas lease.”.

1 **TITLE VI—ENERGY REVENUE
2 SHARING**

3 **SEC. 601. GULF OF MEXICO OUTER CONTINENTAL SHELF
4 REVENUE.**

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

9 (1) in subsection (a)—

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

12 (B) in paragraph (2)—

13 (i) by striking “50” and inserting
14 “62.5”;

15 (ii) in subparagraph (A), by striking
16 “75” and inserting “80”; and

17 (iii) in subparagraph (B), by striking
18 “25” and inserting “20”; and

19 (2) by striking subsection (f).

20 (b) 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 section
4 105(a)(2)(A) of the Gulf of Mexico Energy Security
5 Act of 2006 (Public Law 109–432; 43 U.S.C. 1331
6 note) (014–5535–0–2–302).”.

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

12 **SEC. 602. PARITY IN OFFSHORE WIND REVENUE SHARING.**

13 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of
14 the Outer Continental Shelf Lands Act (43 U.S.C.
15 1337(p)(2)) is amended—

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

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

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

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

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

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

4 “(i) DEFINITIONS.—In this subparagraph:

5 “(I) COVERED OFFSHORE WIND
6 PROJECT.—The term ‘covered offshore wind
7 project’ means a wind powered electric generation project in
8 a wind energy area on the outer Continental Shelf that is not wholly or
9 partially located within an area subject to subparagraph (B).

10 “(II) ELIGIBLE STATE.—The term ‘eligible State’ means a State a point on the coastline of which is located within 75 miles of the geographic center of a covered offshore wind project.

11 “(III) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term ‘qualified outer Continental Shelf revenues’ means all royalties, fees, rentals, bonuses, or other payments from covered offshore wind

1 projects carried out pursuant to this
2 subsection on or after the date of en-
3 actment of this subparagraph.

4 “(ii) REQUIREMENT.—

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

7 “(aa) 12.5 percent of qualifi-
8 fied outer Continental Shelf reve-
9 nues in the general fund of the
10 Treasury;

11 “(bb) 37.5 percent of qualifi-
12 fied outer Continental Shelf reve-
13 nues in the North American Wet-
14 lands Conservation Fund; and

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

22 “(II) ALLOCATION.—

23 “(aa) IN GENERAL.—Sub-
24 ject to item (bb), for each fiscal
25 year beginning after the date of

1 enactment of this subparagraph,
2 the amount made available under
3 subclause (I)(cc) shall be allo-
4 cated to each eligible State in
5 amounts (based on a formula es-
6 tablished by the Secretary by
7 regulation) that are inversely
8 proportional to the respective dis-
9 stances between the point on the
10 coastline of each eligible State
11 that is closest to the geographic
12 center of the applicable leased
13 tract and the geographic center
14 of the leased tract.

15 “(bb) MINIMUM ALLOCA-
16 TION.—The amount allocated to
17 an eligible State each fiscal year
18 under item (aa) shall be at least
19 10 percent of the amounts made
20 available under subclause (I)(cc).

21 “(cc) PAYMENTS TO COAST-
22 AL POLITICAL SUBDIVISIONS.—

23 “(AA) IN GENERAL.—
24 The Secretary shall pay 20
25 percent of the allocable

1 share of each eligible State,
2 as determined pursuant to
3 item (aa), to the coastal po-
4 litical subdivisions of the eli-
5 gible State.

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

23 “(iv) AUTHORIZED USES.—

1 shall use all amounts received under
2 clause (ii)(II) in accordance with all
3 applicable Federal and State laws,
4 only for 1 or more of the following
5 purposes:

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

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

19 “(cc) Implementation of a
20 federally approved marine, coast-
21 al, or comprehensive conservation
22 management plan.

23 “(dd) Mitigation of the im-
24 pact of outer Continental Shelf

1 activities through the funding of
2 onshore infrastructure projects.

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

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

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

15 “(I) be made available, without
16 further appropriation, in accordance
17 with this subparagraph;

18 “(II) remain available until ex-
19 pended; and

20 “(III) be in addition to any
21 amount appropriated under any other
22 Act.

23 “(vi) REPORTING REQUIREMENT.—

24 “(I) IN GENERAL.—Not later
25 than 180 days after the end of each

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

24 (b) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
25 QUESTRATION.—

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

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

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

14 **SEC. 603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**
15 **THE MINERAL LEASING ACT.**

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

18 (1) in subsection (a), in the first sentence, by
19 striking “and, subject to the provisions of subsection
20 (b),”;

21 (2) by striking subsection (b);

22 (3) by redesignating subsections (c) and (d) as
23 subsections (b) and (c), respectively;

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

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

7 (b) CONFORMING AMENDMENTS.—

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

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

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

18 (2) Section 20(a) of the Geothermal Steam Act
19 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-
20 ond sentence of the matter preceding paragraph (1),
21 by striking “the provisions of subsection (b) of sec-
22 tion 35 of the Mineral Leasing Act (30 U.S.C.
23 191(b)) and section 5(a)(2) of this Act” and insert-
24 ing “section 5(a)(2)”.

1 (3) Section 205(f) of the Federal Oil and Gas
2 Royalty Management Act of 1982 (30 U.S.C.
3 1735(f)) is amended—

4 (A) in the first sentence, by striking “this
5 Section” and inserting “this section”; and
6 (B) by striking the fourth, fifth, and sixth
7 sentences.

○