

118TH CONGRESS
2D SESSION

H. R. 9696

To amend the Outer Continental Shelf Lands Act and the Mineral Leasing Act to require reports on rejected bids, to clarify timelines for the issuance of leases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2024

Mr. HIGGINS of Louisiana (for himself and Ms. HAGEMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, 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 amend the Outer Continental Shelf Lands Act and the Mineral Leasing Act to require reports on rejected bids, to clarify timelines for the issuance of leases, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Lands and
5 Waters Leasing Transparency Act”.

1 **SEC. 2. REPORT ON THE DETERMINATION OF THE FAIR**
2 **MARKET VALUE OF OFFSHORE OIL AND GAS**
3 **LEASE BIDS.**

4 Section 18 of the Outer Continental Shelf Lands Act
5 (43 U.S.C. 1344) is amended by adding at the end the
6 following:

7 “(j) REPORT ON THE DETERMINATION OF THE FAIR
8 MARKET VALUE OF OFFSHORE OIL AND GAS LEASE
9 BIDS.—

10 “(1) REQUIREMENT.—If the Secretary deter-
11 mines pursuant to subsection (a)(4) that the Federal
12 Government will not receive the fair market value
13 from a bid for a covered lease tract, the Secretary
14 shall provide to the bidder a report that explains the
15 basis for such determination. If the bid was a quali-
16 fied bid that was subject to a resource and economic
17 evaluation, the report shall include information on
18 how such qualified bid relates to the Mean Range of
19 Values, Delay-adjusted Mean Range of Values, Ad-
20 justed Delayed Value, and Revised Arithmetic Aver-
21 age Measure for the covered lease tract.

22 “(2) COVERED LEASE TRACT.—In this sub-
23 section, The term ‘covered lease tract’ means a lease
24 tract for which the Secretary—

25 “(A) held a lease sale;

26 “(B) received at least one bid; and

1 “(C) did not issue a lease to the highest
2 responsible qualified bidder.”.

3 **SEC. 3. EFFECT OF COURT ORDERS ON DEADLINE TO ISSUE**
4 **ONSHORE OIL AND GAS LEASES.**

5 Section 17(b)(1)(A) of the Mineral Leasing Act (30
6 U.S.C. 226(b)(1)(A)) is amended by inserting “No court
7 order may prevent the Secretary from issuing a lease by
8 such 60 day deadline unless the court finds that the
9 issuance of the lease would violate a requirement of Fed-
10 eral law.” after “first lease year.”.

11 **SEC. 4. CIVIL ACTIONS CHALLENGING OFFSHORE LEASE**
12 **SALES.**

13 (a) IN GENERAL.—Notwithstanding any other provi-
14 sion of law, a civil action challenging an offshore oil and
15 gas lease sale conducted under the Outer Continental
16 Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not—

17 (1) affect the validity of any lease issued under
18 such an offshore lease sale; and

19 (2) cause a delay in the timelines for the con-
20 sideration of any exploration plan, development plan,
21 development operations coordination document, ap-
22 plications for permit to drill, or other application for
23 a Federal agency authorization or approval for ac-
24 tivities on a lease issued under such an offshore
25 lease sale.

1 (b) REMAND; PROCESSING OF APPROVALS AND AP-
2 PLICATIONS.—Notwithstanding any other provision of law,
3 if, in a civil action described in subsection (a), a court
4 finds that the offshore lease sale was not carried out in
5 compliance with Federal law—

6 (1) the court shall not—

7 (A) set aside, vacate, or enjoin the offshore
8 lease sale;

9 (B) set aside, vacate, or enjoin the leases
10 issued pursuant to the offshore lease sale; or

11 (C) enjoin the Secretary of the Interior
12 from issuing leases to the highest bidders in the
13 challenged offshore lease sale;

14 (2) the court shall remand the matter to the
15 Secretary of the Interior and require the Secretary
16 of the Interior to correct the noncompliance; and

17 (3) the Secretary of the Interior shall continue
18 to process all exploration plans, development and
19 production plans, development operations coordina-
20 tion documents, applications for permit to drill, and
21 other applications for a Federal agency authoriza-
22 tion or other approval for activities requested under
23 any lease issued under the challenged offshore lease

- 1 sale in accordance with the Outer Continental Shelf
- 2 Lands Act (43 U.S.C. 1331 et seq.).

