

TRANSPARENCY, ACCOUNTABILITY, PERMITTING, AND
PRODUCTION OF AMERICAN RESOURCES ACT

MARCH 23, 2023.—Ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1335]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Transparency, Accountability, Permitting, and Production of American Resources Act” or the “TAPP American Resources Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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.
- Sec. 103. Protested lease sales.
- Sec. 104. Suspension of operations.
- Sec. 105. Administrative protest process reform.
- Sec. 106. Leasing and permitting transparency.
- Sec. 107. Offshore oil and gas leasing.
- Sec. 108. Five-year plan for offshore oil and gas leasing.
- Sec. 109. Geothermal leasing.
- Sec. 110. Leasing for certain qualified coal applications.
- Sec. 111. Future coal leasing.
- Sec. 112. Staff planning report.
- Sec. 113. Prohibition on Chinese communist party ownership interest.
- Sec. 114. Effect on other law.

TITLE II—PERMITTING STREAMLINING

- Sec. 201. Definitions.
- Sec. 202. BUILDER Act.
- Sec. 203. Codification of National Environmental Policy Act regulations.
- Sec. 204. Non-major Federal actions.
- Sec. 205. No net loss determination for existing rights-of-way.
- Sec. 206. Determination of National Environmental Policy Act adequacy.
- Sec. 207. Determination regarding rights-of-way.
- Sec. 208. Terms of rights-of-way.
- Sec. 209. Funding to process permits and develop information technology.
- Sec. 210. Offshore geological and geophysical survey licensing.
- Sec. 211. Deferral of applications for permits to drill.
- Sec. 212. Processing and terms of applications for permits to drill.
- Sec. 213. Amendments to the Energy Policy Act of 2005.
- Sec. 214. Access to Federal energy resources from non-Federal surface estate.
- Sec. 215. Scope of environmental reviews for oil and gas leases.
- Sec. 216. Expediting approval of gathering lines.
- Sec. 217. Lease sale litigation.
- Sec. 218. Limitation on claims.
- Sec. 219. Government Accountability Office report on permits to drill.
- Sec. 220. E-NEPA.

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.
- Sec. 308. Ensuring consideration of uranium as a critical mineral.
- Sec. 309. Barring foreign bad actors from operating on Federal lands.

TITLE IV—FEDERAL LAND USE PLANNING

- Sec. 401. Federal land use planning and withdrawals.
- 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.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

SEC. 101. ONSHORE OIL AND GAS LEASING.

(a) REQUIREMENT TO IMMEDIATELY RESUME ONSHORE OIL AND GAS LEASE SALES.—

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

(2) REQUIREMENT.—The Secretary of the Interior shall ensure—

(A) that any oil and gas lease sale pursuant to paragraph (1) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) that the processes described in subparagraph (A) are conducted in a timely manner to ensure compliance with subsection (b)(1).

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

(b) QUARTERLY LEASE SALES.—

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

- (A) Wyoming.
- (B) New Mexico.
- (C) Colorado.
- (D) Utah.
- (E) Montana.
- (F) North Dakota.
- (G) Oklahoma.
- (H) Nevada.
- (I) Alaska.

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

(2) **REQUIREMENT.**—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary of the Interior shall offer all parcels nominated and eligible pursuant to the requirements of the Mineral Leasing Act (30 U.S.C. 181 et seq.) for oil and gas exploration, development, and production under the resource management 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—

- (A) a lease sale under paragraph (1) is canceled, delayed, or deferred, including for a lack of eligible parcels; or
- (B) during a lease sale under paragraph (1) the percentage of acreage that does not receive a bid is equal to or greater than 25 percent of the acreage offered.

(4) **NOTICE REGARDING MISSED SALES.**—Not later than 30 days after a sale required under this subsection is canceled, delayed, deferred, or otherwise missed the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that states what sale was missed and why it was missed.

SEC. 102. LEASE REINSTATEMENT.

The reinstatement of a lease entered into under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by the Secretary shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 103. PROTESTED LEASE SALES.

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

SEC. 104. SUSPENSION OF OPERATIONS.

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

“(r) **SUSPENSION OF OPERATIONS PERMITS.**—In the event that an oil and gas lease owner has submitted an expression of interest for adjacent acreage that is part of the nature of the geological play and has yet to be offered in a lease sale by the Secretary, they may request a suspension of operations from the Secretary of the Interior and upon request, the Secretary shall grant the suspension of operations within 15 days. Any payment of acreage rental or of minimum royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto.”.

SEC. 105. ADMINISTRATIVE PROTEST PROCESS REFORM.

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

“(s) **PROTEST FILING FEE.**—

“(1) **IN GENERAL.**—Before processing any protest filed under this section, the Secretary shall collect a filing fee in the amount described in paragraph (2) from the protestor to recover the cost for processing documents filed for each administrative protest.

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

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

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

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

“(3) ADJUSTMENT.—

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

“(B) PUBLICATION OF ADJUSTED FILING FEES.—At least 30 days before the filing fees as adjusted under this paragraph take effect, the Secretary shall publish notification of the adjustment of such fees in the Federal Register.”.

SEC. 106. LEASING AND PERMITTING TRANSPARENCY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this section, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of nominated parcels for future onshore oil and gas and geothermal lease sales, including—

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

(i) has not taken any action to review;

(ii) has not completed review; or

(iii) has completed review and determined that the relevant area meets all applicable requirements for leasing, but has not offered the relevant area in a lease sale;

(B) how long expressions of interest described in subparagraph (A) have been pending; and

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

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

(ii) put expressions of interest described in subparagraph (A) into a lease sale; and

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

(2) the status of each pending application for permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Land Management office, including—

(A) a description of the cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

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

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

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

(4) the status of each pending application for a license for offshore geological and geophysical surveys received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Ocean Energy management regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

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

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

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

(6) the status of each pending application for a permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Safety and Environmental Enforcement regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

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

(C) steps the Bureau of Safety and Environmental Enforcement is taking to complete review of each application;

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

(8) how, as applicable, the Bureau of Land Management, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement determines whether to—

(A) issue a license for geological and geophysical surveys;

(B) issue a permit to drill; and

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

(9) when determinations described in paragraph (8) are sent to the national office of the Bureau of Land Management, the Bureau of Ocean Energy Management, or the Bureau of Safety and Environmental Enforcement for final approval;

(10) the degree to which Bureau of Land Management, Bureau of Ocean Energy Management, and Bureau of Safety and Environmental Enforcement field, State, and regional offices exercise discretion on such final approval;

(11) during the period of 365 days that ends on the date on which the report is submitted, the number of auctioned leases receiving accepted bids that have not been issued to winning bidders and the number of days such leases have not been issued; 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.

(b) PENDING APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall—

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

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

(c) PUBLIC AVAILABILITY OF DATA.—

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

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

“(2) APPLICATIONS FOR PERMITS TO DRILL.—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 the Interior the number of pending and approved applications for permits to drill in the preceding month in each State office.

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

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

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

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

“(q) PUBLIC AVAILABILITY OF DATA.—

“(1) OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSES.—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 the Interior the number of pending and approved applications for licenses for offshore geological and geophysical surveys in the preceding month.

“(2) APPLICATIONS FOR PERMITS TO DRILL.—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 the Interior the number of pending and approved applications for permits to drill on the outer Continental Shelf in the preceding month in each regional office.

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

“(A) the number of approved applications for licenses for offshore geological and geophysical surveys; and

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

(d) REQUIREMENT TO SUBMIT DOCUMENTS AND COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives all documents and communications relating to the comprehensive review of Federal oil and gas permitting and leasing practices required under section 208 of Executive Order 14008 (86 Fed. Reg. 7624; relating to tackling the climate crisis at home and abroad).

(2) INCLUSIONS.—The submission under paragraph (1) shall include all documents and communications submitted to the Secretary of the Interior by members of the public in response to any public meeting or forum relating to the comprehensive review described in that paragraph.

SEC. 107. OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—The Secretary shall conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016) that have not been conducted as of the date of the enactment of this Act by not later than September 30, 2023.

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

(1) The Central Gulf of Mexico Planning Area.

(2) The Western Gulf of Mexico Planning Area.

(c) ALASKA REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the Alaska region of the Outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016).

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

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

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

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

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

(1) in subsection (a)—

(A) by striking “subsections (c) and (d) of this section, shall prepare and periodically revise,” and inserting “this section, shall issue every five years”;

(B) by adding at the end the following:

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

(C) in paragraph (3), by inserting “domestic energy security,” after “between”;

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

(3) by inserting after subsection (e) the following:

“(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The Secretary shall issue the five-year oil and gas leasing program for 2023 through 2028 and issue the Record of Decision on the Final Programmatic Environmental Impact Statement by not later than July 1, 2023.

“(g) SUBSEQUENT LEASING PROGRAMS.—

“(1) IN GENERAL.—Not later than 36 months after conducting the first lease sale under an oil and gas leasing program prepared pursuant to this section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

“(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved by not later than 180 days before the expiration of the previous oil and gas leasing program.”.

SEC. 109. GEOTHERMAL LEASING.

(a) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

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

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

(3) after paragraph (2), by inserting the following:

“(3) REPLACEMENT SALES.—If a lease sale under paragraph (1) for a year is canceled or delayed, the Secretary of the Interior shall conduct a replacement sale during the same year.

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

(b) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

“(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

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

“(A) provide written notice to the applicant that the application is complete; or

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

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

SEC. 110. LEASING FOR CERTAIN QUALIFIED COAL APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term “coal lease” means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management 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.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

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

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

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the Interior required for mining activities to commence.

SEC. 111. FUTURE COAL LEASING.

Notwithstanding any judicial decision to the contrary or a departmental review of the Federal coal leasing program, Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016, shall have no force or effect.

SEC. 112. STAFF PLANNING REPORT.

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

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

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

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

SEC. 113. PROHIBITION ON CHINESE COMMUNIST PARTY OWNERSHIP INTEREST.

Notwithstanding any other provision of law, the Communist Party of China (or a person acting on behalf of the Communist Party of China) may not acquire any interest with respect to lands leased for oil or gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 114. EFFECT ON OTHER LAW.

Nothing in this Act, or any amendments made by this Act, shall affect—

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

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

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

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

TITLE II—PERMITTING STREAMLINING

SEC. 201. DEFINITIONS.

In this title:

(1) **ENERGY FACILITY.**—The term “energy facility” means a facility the primary purpose of which is the exploration for, or the development, production, conversion, gathering, storage, transfer, processing, or transportation of, any energy resource.

(2) **ENERGY STORAGE DEVICE.**—The term “energy storage device”—

(A) means any equipment that stores energy, including electricity, compressed air, pumped water, heat, and hydrogen, which may be converted into, or used to produce, electricity; and

(B) includes a battery, regenerative fuel cell, flywheel, capacitor, superconducting magnet, and any other equipment the Secretary concerned determines may be used to store energy which may be converted into, or used to produce, electricity.

(3) **PUBLIC LANDS.**—The term “public lands” means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior or the Secretary of Agriculture without regard to how the United States acquired ownership, except—

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

- (B) lands held in trust by the United States for the benefit of Indians, Indian Tribes, Aleuts, and Eskimos.
- (4) **RIGHT-OF-WAY.**—The term “right-of-way” means—
- (A) a right-of-way issued, granted, or renewed under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761); or
- (B) a right-of-way granted under section 28 of the Mineral Leasing Act (30 U.S.C. 185).
- (5) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—
- (A) with respect to public lands, the Secretary of the Interior; and
- (B) with respect to National Forest System lands, the Secretary of Agriculture.
- (6) **LAND USE PLAN.**—The term “land use plan” means—
- (A) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);
- (B) a Land Management Plan developed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or
- (C) a comprehensive conservation plan developed by the United States Fish and Wildlife Service under section 4(e)(1)(A) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)(1)(A)).

SEC. 202. BUILDER ACT.

- (a) **PARAGRAPH (2) OF SECTION 102.**—Section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) is amended—
- (1) in subparagraph (A), by striking “insure” and inserting “ensure”;
- (2) in subparagraph (B), by striking “insure” and inserting “ensure”;
- (3) in subparagraph (C)—
- (A) by inserting “consistent with the provisions of this Act and except as provided by other provisions of law,” before “include in every”;
- (B) by striking clauses (i) through (v) and inserting the following:
- “(i) reasonably foreseeable environmental effects with a reasonably close causal relationship to the proposed agency action;
- “(ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;
- “(iii) a reasonable number of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, are within the jurisdiction of the agency, meet the purpose and need of the proposal, and, where applicable, meet the goals of the applicant;
- “(iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity; and
- “(v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented.”; and
- (C) by striking “the responsible Federal official” and inserting “the head of the lead agency”;
- (4) in subparagraph (D), by striking “Any” and inserting “any”;
- (5) by redesignating subparagraphs (D) through (I) as subparagraphs (F) through (K), respectively;
- (6) by inserting after subparagraph (C) the following:
- “(D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;
- “(E) make use of reliable existing data and resources in carrying out this Act.”;
- (7) by amending subparagraph (G), as redesignated, to read as follows:
- “(G) consistent with the provisions of this Act, study, develop, and describe technically and economically feasible alternatives within the jurisdiction and authority of the agency.”; and
- (8) in subparagraph (H), as amended, by inserting “consistent with the provisions of this Act,” before “recognize”.
- (b) **NEW SECTIONS.**—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end the following:

“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.

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

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

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

“(3) the preparation of such document would clearly and fundamentally conflict with the requirements of another provision of law;

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

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

“(6) the proposed agency action is an action for which such agency’s compliance with another statute’s requirements serve the same or similar function as the requirements of this Act with respect to such action.

“(b) LEVELS OF REVIEW.—

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

“(2) ENVIRONMENTAL ASSESSMENT.—An agency shall prepare an environmental assessment with respect to a proposed agency action that is not likely to have a significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the agency finds that a categorical exclusion established by the agency, another Federal agency, or another provision of law applies. Such environmental assessment shall be a concise public document prepared by a Federal agency to set forth the basis of such agency’s finding of no significant impact.

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

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

“(B) is not required to undertake new scientific or technical research.

“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.

“(a) LEAD AGENCY.—

“(1) DESIGNATION.—

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

“(i) Magnitude of agency’s involvement.

“(ii) Project approval or disapproval authority.

“(iii) Expertise concerning the action’s environmental effects.

“(iv) Duration of agency’s involvement.

“(v) Sequence of agency’s involvement.

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

“(C) MINERAL PROJECTS.—This paragraph shall not apply with respect to a mineral exploration or mine permit.

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

“(A) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one involved Federal agency;

“(B) request the participation of each cooperating agency at the earliest practicable time;

“(C) in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency with jurisdiction by law or a cooperating agency with special expertise;

“(D) develop a schedule, in consultation with each involved cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;

“(E) if the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under subparagraph (D), notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and

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

“(3) COOPERATING AGENCY.—The lead agency may, with respect to a proposed agency action, designate any involved Federal agency or a State, Tribal, or local agency as a cooperating agency. A cooperating agency may, not later than a date specified by the lead agency, submit comments to the lead agency. Such comments shall be limited to matters relating to the proposed agency action with respect to which such agency has special expertise or jurisdiction by law with respect to an environmental issue.

“(4) REQUEST FOR DESIGNATION.—Any Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under paragraph (1) may submit a written request for such a designation to an involved Federal agency. An agency that receives a request under this paragraph shall transmit such request to each involved Federal agency and to the Council.

“(5) COUNCIL DESIGNATION.—

“(A) REQUEST.—Not earlier than 45 days after the date on which a request is submitted under paragraph (4), if no designation has been made under paragraph (1), a Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency may request that the Council designate a lead agency. Such request shall consist of—

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

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

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

“(C) RESPONSE.—An involved Federal agency may, not later than 20 days after the date of the submission of a request under subparagraph (A), submit to the Council a response to such request.

“(D) DESIGNATION.—Not later than 40 days after the date of the submission of a request under subparagraph (A), the Council shall designate the lead agency with respect to the relevant proposed agency action.

“(b) ONE DOCUMENT.—

“(1) DOCUMENT.—To the extent practicable, if there are 2 or more involved Federal agencies with respect to a proposed agency action and the lead agency has determined that an environmental document is required, such requirement shall be deemed satisfied with respect to all involved Federal agencies if the lead agency issues such an environmental document.

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

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

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

“(3) SCOPE OF REVIEW.—In developing an environmental document for a proposed agency action, the lead agency and any other involved Federal agencies shall only consider the effects of the proposed agency action that—

“(A) occur on Federal land; or

“(B) are subject to Federal control and responsibility.

“(c) REQUEST FOR PUBLIC COMMENT.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.

“(d) STATEMENT OF PURPOSE AND NEED.—Each environmental impact statement shall include a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action.

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

“(f) PAGE LIMITS.—

“(1) ENVIRONMENTAL IMPACT STATEMENTS.—

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

“(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

“(2) ENVIRONMENTAL ASSESSMENTS.—An environmental assessment shall not exceed 75 pages, not including any citations or appendices.

“(g) SPONSOR PREPARATION.—A lead agency shall allow a project sponsor to prepare an environmental assessment or an environmental impact statement upon request of the project sponsor. Such agency may provide such sponsor with appropriate guidance and assist in the preparation. The lead agency shall independently evaluate the environmental document and shall take responsibility for the contents upon adoption.

“(h) DEADLINES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, a lead agency shall complete, as applicable—

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

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

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

“(iii) the date on which such agency issues a notice of intent to prepare the environmental impact statement for such action; and

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

“(i) the date on which such agency determines that section 106(b)(2) requires the preparation of an environmental assessment with respect to such action;

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

“(iii) the date on which such agency issues a notice of intent to prepare the environmental assessment for such action.

“(2) DELAY.—A lead agency that determines it is not able to meet the deadline described in paragraph (1) may extend such deadline with the approval of the applicant. If the applicant approves such an extension, the lead agency shall establish a new deadline that provides only so much additional time as is necessary to complete such environmental impact statement or environmental assessment.

“(3) EXPENDITURES FOR DELAY.—If a lead agency is unable to meet the deadline described in paragraph (1) or extended under paragraph (2), the lead agency must pay \$100 per day, to the extent funding is provided in advance in an appropriations Act, out of the office of the head of the department of the lead agency to the applicant starting on the first day immediately following the deadline described in paragraph (1) or extended under paragraph (2) up until the date that an applicant approves a new deadline. This paragraph does not apply when the lead agency misses a deadline solely due to delays caused by litigation.

“(i) REPORT.—

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

“(A) identifies any environmental assessment and environmental impact statement that such lead agency did not complete by the deadline described in subsection (h); and

“(B) provides an explanation for any failure to meet such deadline.

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

“(A) the office, bureau, division, unit, or other entity within the Federal agency responsible for each such environmental assessment and environmental impact statement;

“(B) the date on which—

“(i) such lead agency notified the applicant that the application to establish a right-of-way for the major Federal action is complete;

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

or

“(iii) such lead agency issued a notice of intent to prepare the environmental assessment or environmental impact statement for the major Federal action; and

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

“SEC. 108. JUDICIAL REVIEW.

“(a) LIMITATIONS ON CLAIMS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of compliance with this Act, of a determination made under this Act, or of Federal action resulting from a determination made under this Act, shall be barred unless—

“(1) in the case of a claim pertaining to a proposed agency action for which—

“(A) an environmental document was prepared and an opportunity for comment was provided;

“(B) the claim is filed by a party that participated in the administrative proceedings regarding such environmental document; and

“(C) the claim—

“(i) is filed by a party that submitted a comment during the public comment period for such administrative proceedings and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

“(ii) is related to such comment;

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

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

“(4) such claim does not challenge the establishment or use of a categorical exclusion under section 102; and

“(5) such claim concerns—

“(A) an alternative included in the environmental document; or

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

“(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—

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

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

“(A) such claim is filed within 120 days of the date on which a notice of the Federal agency action resulting from a final supplemental environmental impact statement is issued; and

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

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

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

“(e) REMAND.—Notwithstanding any other provision of law, no proposed agency action for which an environmental document is required shall be vacated or otherwise limited, delayed, or enjoined unless a court concludes allowing such proposed action will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law.

“SEC. 109. DEFINITIONS.

“In this title:

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

“(2) COOPERATING AGENCY.—The term ‘cooperating agency’ means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 107(a)(3).

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

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

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

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

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

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

“(A) proposed such action; or

“(B) is involved in such action because such action is directly related, through functional interdependence or geographic proximity, to an action such agency has taken or has proposed to take.

“(9) LEAD AGENCY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘lead agency’ means, with respect to a proposed agency action—

“(i) the agency that proposed such action; or

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

“(B) SPECIFICATION FOR MINERAL EXPLORATION OR MINE PERMITS.—With respect to a proposed mineral exploration or mine permit, the term ‘lead agency’ has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

“(10) MAJOR FEDERAL ACTION.—

“(A) IN GENERAL.—The term ‘major Federal action’ means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

“(B) EXCLUSION.—The term ‘major Federal action’ does not include—

“(i) a non-Federal action—

“(I) with no or minimal Federal funding;

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

“(III) that does not include Federal land;

“(ii) funding assistance solely in the form of general revenue sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

“(iii) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the effect of the action;

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

“(v) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act (15 U.S.C. 636(a)), or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

“(vi) bringing judicial or administrative civil or criminal enforcement actions; or

“(vii) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States.

“(C) ADDITIONAL EXCLUSIONS.—An agency action may not be determined to be a major Federal action on the basis of—

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

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

“(11) MINERAL EXPLORATION OR MINE PERMIT.—The term ‘mineral exploration or mine permit’ has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

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

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

“(A) not later than 10 years after the lead agency begins preparing the environmental document; and

“(B) in an area directly affected by the proposed agency action such that an individual of ordinary prudence would take such occurrence into account in reaching a decision.

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

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

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled “Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act” and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 204. NON-MAJOR FEDERAL ACTIONS.

(a) EXEMPTION.—An action by the Secretary concerned with respect to a covered activity shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

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

- (1) geotechnical investigations;
- (2) off-road travel in an existing right-of-way;
- (3) construction of meteorological towers where the total surface disturbance at the location is less than 5 acres;
- (4) adding a battery or other energy storage device to an existing or planned energy facility, if that storage resource is located within the physical footprint of the existing or planned energy facility;
- (5) drilling temperature gradient wells and other geothermal exploratory wells, including construction or making improvements for such activities, where—

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

(B) the total unreclaimed surface disturbance at any one time within the project area is less than 5 acres;

(6) any repair, maintenance, upgrade, optimization, or minor addition to existing transmission and distribution infrastructure, including—

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

(B) the addition, modification, retirement, or replacement of breakers, transmission towers, transformers, bushings, or relays;

(C) the voltage uprating, modification, reconductoring with conventional or advanced conductors, and clearance resolution of transmission lines;

(D) activities to minimize fire risk, including vegetation management, routine fire mitigation, inspection, and maintenance activities, and removal of hazard trees and other hazard vegetation within or adjacent to an existing right-of-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);

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

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

(A) within an existing right-of-way or within 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

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

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

(a) IN GENERAL.—Upon a determination by the Secretary concerned that there will be no overall long-term net loss of vegetation, soil, or habitat, as defined by acreage and function, resulting from a proposed action, decision, or activity within an existing right-of-way, within a right-of-way corridor established in a land use plan, or in an otherwise designated right-of-way, that action, decision, or activity shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) **INCLUSION OF REMEDIATION.**—In making a determination under subsection (a), the Secretary concerned shall consider the effect of any remediation work to be conducted during the lifetime of the action, decision, or activity when determining whether there will be any overall long-term net loss of vegetation, soil, or habitat.

SEC. 206. DETERMINATION OF NATIONAL ENVIRONMENTAL POLICY ACT ADEQUACY.

The Secretary concerned shall use previously completed environmental assessments and environmental impact statements to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) with respect to any major Federal action, if such Secretary determines that—

- (1) the new proposed action is substantially the same as a previously analyzed proposed action or alternative analyzed in a previous environmental assessment or environmental impact statement; and
- (2) the effects of the proposed action are substantially the same as the effects analyzed in such existing environmental assessments or environmental impact statements.

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

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

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

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

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

(2) **FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.**—Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding at the end the following:

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

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

SEC. 209. FUNDING TO PROCESS PERMITS AND DEVELOP INFORMATION TECHNOLOGY.

(a) **IN GENERAL.**—In fiscal years 2023 through 2025, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior, after public notice, may accept and expend funds contributed by non-Federal entities for dedicated staff, information resource management, and information technology system development to expedite the evaluation of permits, biological opinions, concurrence letters, environmental surveys and studies, processing of applications, consultations, and other activities for the leasing, development, or expansion of an energy facility under the jurisdiction of the respective Secretaries.

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

(c) **STATEMENT FOR FAILURE TO ACCEPT OR EXPEND FUNDS.**—Not later than 60 days after the end of the applicable fiscal year, if the Secretary of Agriculture (acting through the Forest Service) or the Secretary of the Interior does not accept funds contributed under subsection (a) or accepts but does not expend such funds, that Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a statement explaining why such funds were not accepted, were not expended, or both, as the case may be.

SEC. 210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSING.

The Secretary of the Interior shall authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf, except within areas subject to existing oil and gas leasing moratoria. Such authorizations shall be issued within 30 days of receipt of a completed application and shall, as applicable to survey type, comply with the mitigation and monitoring measures in subsections (a), (b), (c), (d), (f), and (g) of section 217.184 of title 50, Code of Federal Regulations (as in effect on January 1, 2022), and section 217.185 of title 50, Code of Federal Regulations (as in effect on January 1, 2022). Geological and geo-

physical surveys authorized pursuant to this section are deemed to be in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and their implementing regulations.

SEC. 211. DEFERRAL OF APPLICATIONS FOR PERMITS TO DRILL.

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

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

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

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

“(4) EFFECT OF PENDING CIVIL ACTION ON PROCESSING APPLICATIONS FOR PERMITS TO DRILL.—Pursuant to the requirements of paragraph (2), notwithstanding the existence of any pending civil actions affecting the application or related lease, the Secretary shall process an application for a permit to drill or other authorizations or approvals under a valid existing lease, unless a United States Federal court vacated such lease. Nothing in this paragraph shall be construed as providing authority to a Federal court to vacate a lease.”.

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

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

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

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

“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.

“(a) NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.—Action by the Secretary of the Interior, in managing the public lands, or the Secretary of Agriculture, in managing National Forest System lands, with respect to any of the activities described in subsection (c), shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, if the activity is conducted pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) for the purpose of exploration or development of oil or gas.

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

“(c) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are as follows:

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

“(2) The following activities, provided that any new surface disturbance is contiguous with the footprint of the original authorization and does not exceed 20 acres or the acreage has previously been evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity:

“(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

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

“(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

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

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

“(5) The following activities when conducted from non-Federal surface into federally owned minerals, provided that the operator submits to the Secretary concerned certification of a surface use agreement with the non-Federal landowner:

“(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

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

“(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

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

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

“(8) Construction of up to 3 miles of individual pipelines or utilities, regardless of surface ownership.”.

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

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

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

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

“(A) the United States holds an ownership interest of less than 50 percent of the subsurface mineral estate to be accessed by the proposed action; and

“(B) the operator submits to the Secretary a State permit to conduct oil and gas exploration and production activities on the non-Federal surface estate.

“(2) NO FEDERAL ACTION.—An oil and gas exploration and production activity carried out under paragraph (1)—

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

“(B) shall require no additional Federal action;

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

“(D) shall not be subject to—

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

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

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

“(B) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of production of Federal oil and gas, and payment of royalties.

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

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

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

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

“(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

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

“(iii) by a dependent Indian community.”.

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

“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

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

“(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and

“(2) the operator submits to the Secretary a State permit to conduct geothermal exploration and production activities on the non-Federal surface estate.

“(b) NO FEDERAL ACTION.—A geothermal exploration and production activity carried out under paragraph (1)—

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

“(2) shall require no additional Federal action;

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

“(4) shall not be subject to—

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

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

“(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

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

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

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

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

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

“(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

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

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

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

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

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

(2) shall not require consideration of downstream, indirect effects of oil and gas consumption.

SEC. 216. EXPEDITING APPROVAL OF GATHERING LINES.

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

SEC. 217. LEASE SALE LITIGATION.

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

SEC. 218. LIMITATION ON CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a mineral project, energy facility, or energy storage device shall be barred unless—

(1) the claim is filed within 120 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed; and

(2) the claim is filed by a party that submitted a comment during the public comment period for such permit, license, or approval and such comment was

sufficiently detailed to put the agency on notice of the issue upon which the party seeks judicial review.

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

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

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

- (1) located on—
 - (A) a mining claim, millsite claim, or tunnel site claim for any mineral;
 - (B) lands open to mineral entry; or
 - (C) a Federal mineral lease; and
- (2) for the purposes of exploring for or producing minerals.

SEC. 219. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PERMITS TO DRILL.

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

(1) the approval timelines for applications for permits to drill issued by the Bureau of Land Management from 2018 through 2022;

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

(3) the causes of delays resulting in applications for permits to drill pending beyond the 30 day deadline required under section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)).

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

(1) actions the Bureau of Land Management can take to streamline the approval process for applications for permits to drill to approve applications for permits to drill within 30 days of receipt of a completed application;

(2) aspects of the Federal permitting process carried out by the Bureau of Land Management to issue applications for permits to drill that can be turned over to States to expedite approval of applications for permits to drill; and

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

SEC. 220. E-NEPA.

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

- (1) allow applicants to—
 - (A) submit required documents or materials for their application in one unified portal;
 - (B) upload additional documents as required by the applicable agency; and
 - (C) track the progress of individual applications;
- (2) enhance interagency coordination in consultation by—
 - (A) allowing for comments in one unified portal;
 - (B) centralizing data necessary for reviews; and
 - (C) streamlining communications between other agencies and the applicant; and
- (3) boost transparency in agency decisionmaking.

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

TITLE III—PERMITTING FOR MINING NEEDS

SEC. 301. DEFINITIONS.

In this title:

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

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

(3) **MINERAL.**—The term “mineral” means any mineral of a kind that is locatable (including, but not limited to, such minerals located on “lands acquired by the United States”, as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

(4) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico;
- (D) Guam;
- (E) American Samoa;
- (F) the Commonwealth of the Northern Mariana Islands; and
- (G) the United States Virgin Islands.

SEC. 302. MINERALS SUPPLY CHAIN AND RELIABILITY.

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

(1) in the section heading, by striking “**CRITICAL MINERALS**” and inserting “**MINERALS**”;

(2) by amending subsection (a) to read as follows:

“(a) **DEFINITIONS.**—In this section:

“(1) **LEAD AGENCY.**—The term ‘lead agency’ means the Federal agency with primary responsibility for issuing a mineral exploration or mine permit or lease for a mineral project.

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

“(3) **MINERAL EXPLORATION OR MINE PERMIT.**—The term ‘mineral exploration or mine permit’ means—

“(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for exploration for minerals that requires analysis under the National Environmental Policy Act of 1969;

“(B) a plan of operations for a mineral project approved by the Bureau of Land Management or the Forest Service; or

“(C) any other Federal permit or authorization for a mineral project.

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

“(A) located on—

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

“(ii) lands open to mineral entry; or

“(iii) a Federal mineral lease; and

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

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

(4) in subsection (c)—

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

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

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

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

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

(F) in paragraph (9), by striking “procedures.” and inserting “procedures; and”;

(G) by adding at the end the following:

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

(5) in subsection (d)—

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

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

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

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

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

(9) by adding at the end the following:

“(h) **OTHER REQUIREMENTS.**—

“(1) MEMORANDUM OF AGREEMENT.—For purposes of maximizing efficiency and effectiveness of the Federal permitting and review processes described under subsection (c), the lead agency in the Federal permitting and review processes of a mineral project shall (in consultation with any other Federal agency involved in such Federal permitting and review processes, and upon request of the project applicant, an affected State government, local government, or an Indian Tribe, or other entity such lead agency determines appropriate) enter into a memorandum of agreement with a project applicant where requested by the applicant to carry out the activities described in subsection (c).

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

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

“(B) ADJUSTMENT OF TIMELINES.—At the request of a project applicant, the lead agency and any other entity which is a signatory to a memorandum of agreement under paragraph (1) may, by unanimous agreement, adjust—

“(i) any deadlines described in subparagraph (A); and

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

“(3) EFFECT ON PENDING APPLICATIONS.—Upon a written request by a project applicant, the requirements of this subsection shall apply to any application for a mineral exploration or mine permit or mineral lease that was submitted before the date of the enactment of the TAPP American Resources Act.”.

SEC. 303. FEDERAL REGISTER PROCESS IMPROVEMENT.

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

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

SEC. 304. DESIGNATION OF MINING AS A COVERED SECTOR FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

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

SEC. 305. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022-11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

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

(1) treated as a covered project, as defined in section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)), without regard to the requirements of that section; and

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

(b) ACTIONS DESCRIBED.—An action described in this subsection is an action taken by the Secretary of Defense pursuant to Presidential Determination 2022-11 (87 Fed. Reg. 19775; relating to certain actions under section 303 of the Defense Production Act of 1950) or the Presidential Memorandum of February 27, 2023, titled “Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Department of Defense Supply Chains Resilience” (88 Fed. Reg. 13015) to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities through—

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

(2) byproduct and co-product production at existing mining, mine waste reclamation, and other industrial facilities;

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

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

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

SEC. 306. NOTICE FOR MINERAL EXPLORATION ACTIVITIES WITH LIMITED SURFACE DISTURBANCE.

(a) IN GENERAL.—Not later than 15 days before commencing an exploration activity with a surface disturbance of not more than 5 acres of public lands, the operator

of such exploration activity shall submit to the Secretary concerned a complete notice of such exploration activity.

(b) **INCLUSIONS.**—Notice submitted under subsection (a) shall include such information the Secretary concerned may require, including the information described in section 3809.301 of title 43, Code of Federal Regulations (or any successor regulation).

(c) **REVIEW.**—Not later than 15 days after the Secretary concerned receives notice submitted under subsection (a), the Secretary concerned shall—

- (1) review and determine completeness of the notice; and
- (2) allow exploration activities to proceed if—
 - (A) the surface disturbance of such exploration activities on such public lands will not exceed 5 acres;
 - (B) the Secretary concerned determines that the notice is complete; and
 - (C) the operator provides financial assurance that the Secretary concerned determines is adequate.

(d) **DEFINITIONS.**—In this section:

- (1) **EXPLORATION ACTIVITY.**—The term “exploration activity”—
 - (A) means creating surface disturbance greater than casual use that includes sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present;
 - (B) includes constructing drill roads and drill pads, drilling, trenching, excavating test pits, and conducting geotechnical tests and geophysical surveys; and
 - (C) does not include activities where material is extracted for commercial use or sale.
- (2) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—
 - (A) with respect to lands administered by the Secretary of the Interior, the Secretary of the Interior; and
 - (B) with respect to National Forest System lands, the Secretary of Agriculture.

SEC. 307. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.

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

“(e) **SECURITY OF TENURE.**—

“(1) **IN GENERAL.**—

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

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

“(ii) in the case of a claimant who qualifies for a waiver under subsection (d), such claimant makes a timely payment of the location fee and complies with the required assessment work under the general mining laws.

“(B) **OPERATIONS DEFINED.**—For the purposes of this paragraph, the term ‘operations’ means—

“(i) any activity or work carried out in connection with prospecting, exploration, processing, discovery and assessment, development, or extraction with respect to a locatable mineral;

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

“(iii) any other reasonably incident uses, whether on a mining claim or not, including the construction and maintenance of facilities, roads, transmission lines, pipelines, and any other necessary infrastructure or means of access on public land for support facilities.

“(2) **FULFILLMENT OF FEDERAL LAND POLICY AND MANAGEMENT ACT.**—A claimant that fulfills the requirements of this section and section 10102 shall be deemed to satisfy the requirements of any provision of the Federal Land Policy and Management Act that requires the payment of fair market value to the United States for use of public lands and resources relating to use of such lands and resources authorized by the general mining laws.

“(3) **SAVINGS CLAUSE.**—Nothing in this subsection may be construed to diminish the rights of entry, use, and occupancy, or any other right, of a claimant under the general mining laws.”.

SEC. 308. ENSURING CONSIDERATION OF URANIUM AS A CRITICAL MINERAL.

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

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

(b) UPDATE.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, shall publish in the Federal Register an update to the final list established in section 7002(c)(3) of the Energy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance with subsection (a) of this section.

SEC. 309. BARRING FOREIGN BAD ACTORS FROM OPERATING ON FEDERAL LANDS.

A mining claimant shall be barred from the right to use, occupy, and conduct operations on Federal land if the Secretary of the Interior finds the claimant has a foreign parent company that has (including through a subsidiary)—

- (1) a known record of human rights violations; or
- (2) knowingly operated an illegal mine in another country.

TITLE IV—FEDERAL LAND USE PLANNING

SEC. 401. FEDERAL LAND USE PLANNING AND WITHDRAWALS.

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

- (1) a quantitative and qualitative geophysical and geological mineral resource assessment of the impacted area has been completed during the 10-year period ending on the date of such withdrawal;
- (2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment;
- (3) the Secretary conducts an assessment of the reduction in future Federal revenues to the Treasury, States, the Land and Water Conservation Fund, the Historic Preservation Fund, and the National Parks and Public Land Legacy Restoration Fund resulting from the proposed mineral withdrawal;
- (4) the Secretary, in consultation with the Secretary of Defense, conducts an assessment of military readiness and training activities in the proposed withdrawal area; and
- (5) the Secretary submits a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessments completed pursuant to this subsection.

(b) LAND USE PLANS.—Before a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or a forest management plan under the National Forest Management Act is updated or completed, the Secretary or Secretary of Agriculture, as applicable, in consultation with the Director of the United States Geological Survey, shall—

- (1) review any quantitative and qualitative mineral resource assessment that was completed or updated during the 10-year period ending on the date that the applicable land management agency publishes a notice to prepare, revise, or amend a land use plan by the Director of the United States Geological Survey for the geographic area affected by the applicable management plan;
- (2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment; and
- (3) submit a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessment completed pursuant to this subsection.

(c) NEW INFORMATION.—The Secretary shall provide recommendations to the President on appropriate measures to reduce unnecessary impacts that a withdrawal of Federal lands or waters from entry under the mining laws or operation of the mineral leasing and mineral materials laws may have on mineral exploration, development, and other mineral activities (including authorizing exploration and development of such mineral deposits) not later than 180 days after the Secretary has notice that a resource assessment completed by the Director of the United States Geological Survey, in coordination with the State geological surveys, determines that a previously undiscovered mineral deposit may be present in an area that has been withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws pursuant to—

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

SEC. 402. PROHIBITIONS ON DELAY OF MINERAL DEVELOPMENT OF CERTAIN FEDERAL LAND.

(a) **PROHIBITIONS.**—Notwithstanding any other provision of law, the President shall not carry out any action that would pause, restrict, or delay the process for or issuance of any of the following on Federal land, unless such lands are withdrawn from disposition under the mineral leasing laws, including by administrative withdrawal:

- (1) New oil and gas lease sales, oil and gas leases, drill permits, or associated approvals or authorizations of any kind associated with oil and gas leases.
- (2) New coal leases (including leases by application in process, renewals, modifications, or expansions of existing leases), permits, approvals, or authorizations.
- (3) New leases, claims, permits, approvals, or authorizations for development or exploration of minerals.

(b) **PROHIBITION ON RESCISSION OF LEASES, PERMITS, OR CLAIMS.**—The President, the Secretary, or Secretary of Agriculture as applicable, may not rescind any existing lease, permit, or claim for the extraction and production of any mineral under the mining laws or mineral leasing and mineral materials laws on National Forest System land or land under the jurisdiction of the Bureau of Land Management, unless specifically authorized by Federal statute, or upon the lessee, permittee, or claimant's failure to comply with any of the provisions of the applicable lease, permit, or claim.

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

SEC. 403. DEFINITIONS.

In this title:

- (1) **FEDERAL LAND.**—The term “Federal land” means—
 - (A) National Forest System land;
 - (B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));
 - (C) the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)); and
 - (D) land managed by the Secretary of Energy.
- (2) **PRESIDENT.**—The term “President” means—
 - (A) the President; and
 - (B) any designee of the President, including—
 - (i) the Secretary of Agriculture;
 - (ii) the Secretary of Commerce;
 - (iii) the Secretary of Energy; and
 - (iv) the Secretary of the Interior.
- (3) **PREVIOUSLY UNDISCOVERED DEPOSIT.**—The term “previously undiscovered mineral deposit” means—
 - (A) a mineral deposit that has been previously evaluated by the United States Geological Survey and found to be of low mineral potential, but upon subsequent evaluation is determined by the United States Geological Survey to have significant mineral potential, or
 - (B) a mineral deposit that has not previously been evaluated by the United States Geological Survey.
- (4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS

SEC. 501. INCENTIVIZING DOMESTIC PRODUCTION.

(a) **OFFSHORE OIL AND GAS ROYALTY RATE.**—Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

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

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

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

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

(b) MINERAL LEASING ACT.—

(1) ONSHORE OIL AND GAS ROYALTY RATES.—

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

(i) in subsection (b)(1)(A)—

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

(II) by striking “or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’, $16\frac{2}{3}$ percent in amount or value of the production removed or sold from the lease”; and

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

(B) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking “20” inserting “ $16\frac{2}{3}$ ”.

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

(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 to provide for reconciliation pursuant to title II of S. Con. Res. 14’.” and inserting “\$2 per acre for a period of 2 years from the date of the enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.”; and

(B) in paragraph (2)(C), by striking “\$10 per acre” and inserting “\$2 per acre”.

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

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

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

(5) ELIMINATION OF NONCOMPETITIVE LEASING.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(II) by adding at the end “Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.”; and

(ii) by adding at the end the following:

“(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of pro-

ducing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

“(B) An election under this paragraph is effective—

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

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

“(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.”;

(B) by striking subsection (c) and inserting the following:

“(c) LANDS SUBJECT TO LEASING UNDER SUBSECTION (B); FIRST QUALIFIED APPLICANT.—

“(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is qualified to hold a lease under this chapter shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least \$75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of 12.5 percent in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

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

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

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

“(e) PRIMARY TERM.—Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: Provided, however, That competitive leases issued in special tar sand areas shall also be for a primary term of 10 years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.”.

(6) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

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

(B) in subsection (e)—

(i) in paragraph (2)—

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

(II) insert “or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than \$5 per acre per year, all” before “as determined by the Secretary”; and

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

“(3)(A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than 16 $\frac{2}{3}$ percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease;

“(B) payment of back royalties and inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement for future

royalties at a rate not less than 16 $\frac{2}{3}$ percent: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and”.

(C) in subsection (f)—

(i) in paragraph (1), strike “in the same manner as the original lease issued pursuant to section 17” and insert “as a competitive or a non-competitive oil and gas lease in the same manner as the original lease issued pursuant to subsection (b) or (c) of section 17 of this Act”;

(ii) by redesignating paragraphs (2) and (3) as paragraph (3) and (4), respectively; and

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

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

(D) in subsection (g), by striking “subsection (d)” and inserting “subsections (d) and (f)”;

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

“(h) ROYALTY REDUCTIONS.—

“(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgment it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

“(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgment, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the United States, its agents or employees, which preceded, and was a major consideration in, the lessee’s expenditure of funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.”.

(F) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

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

“(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS LEASE; CONDITIONS.—Where an unpatented oil placer mining claim validly located prior to February 24, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 1744 of title 43, and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

“(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary- (A) with respect to any claim deemed conclusively abandoned on or before January 12, 1983, on or before the one hundred and twentieth day after January 12, 1983, or (B) with respect to any claim deemed conclusively abandoned after January 12, 1983, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

“(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition: Provided, however, That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

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

“(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production

made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

“(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.”.

TITLE VI—ENERGY REVENUE SHARING

SEC. 601. GULF OF MEXICO OUTER CONTINENTAL SHELF REVENUE.

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

(1) in subsection (a)—

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

(B) in paragraph (2)—

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

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

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

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

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

(b) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

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

“Payments to States pursuant to section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432; 43 U.S.C. 1331 note) (014–5535–0–2–302).”.

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

SEC. 602. PARITY IN OFFSHORE WIND REVENUE SHARING.

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

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

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary”;

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

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

(3) by adding at the end the following:

“(C) DISPOSITION OF REVENUES FOR OFFSHORE WIND PROJECTS IN CERTAIN AREAS.—

“(i) DEFINITIONS.—In this subparagraph:

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

“(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.

“(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 projects carried out pursuant to this subsection on or after the date of enactment of this subparagraph.

“(ii) REQUIREMENT.—

“(I) IN GENERAL.—The Secretary of the Treasury shall deposit—

“(aa) 12.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

“(bb) 37.5 percent of qualified outer Continental Shelf revenues in the North American Wetlands Conservation Fund; and

“(cc) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse to each eligible State an amount determined pursuant to subclause (II).

“(II) ALLOCATION.—

“(aa) IN GENERAL.—Subject to item (bb), for each fiscal year beginning after the date of enactment of this subparagraph, the amount made available under subclause (I)(cc) shall be allocated to each eligible State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

“(bb) MINIMUM ALLOCATION.—The amount allocated to an eligible State each fiscal year under item (aa) shall be at least 10 percent of the amounts made available under subclause (I)(cc).

“(cc) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

“(AA) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each eligible State, as determined pursuant to item (aa), to the coastal political subdivisions of the eligible State.

“(BB) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions under subitem (AA) shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4) of this Act.

“(iii) TIMING.—The amounts required to be deposited under subclause (I) of clause (ii) for the applicable fiscal year shall be made available in accordance with such subclause during the fiscal year immediately following the applicable fiscal year.

“(iv) AUTHORIZED USES.—

“(I) IN GENERAL.—Subject to subclause (II), each eligible State shall use all amounts received under clause (ii)(II) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

“(aa) Projects and activities for the purposes of coastal protection and resiliency, including conservation, coastal restoration, estuary management, beach nourishment, hurricane and flood protection, and infrastructure directly affected by coastal wetland losses.

“(bb) Mitigation of damage to fish, wildlife, or natural resources, including through fisheries science and research.

“(cc) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

“(dd) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

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

“(ff) Infrastructure improvements at ports, including modifications to Federal navigation channels, to support installation of offshore wind energy projects.

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

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

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

“(II) remain available until expended; and

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

“(vi) REPORTING REQUIREMENT.—

“(I) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Governor of each eligible State that receives amounts under clause (ii)(II) for the applicable fiscal year shall submit to the Secretary a report that describes the use of the

amounts by the eligible State during the period covered by the report.

“(II) PUBLIC AVAILABILITY.—On receipt of a report submitted under subclause (I), the Secretary shall make the report available to the public on the website of the Department of the Interior.

“(III) LIMITATION.—If the Governor of an eligible State that receives amounts under clause (ii)(II) fails to submit the report required under subclause (I) by the deadline specified in that subclause, any amounts that would otherwise be provided to the eligible State under clause (ii)(II) for the succeeding fiscal year shall be deposited in the Treasury.

“(vii) TREATMENT OF AMOUNTS.—Amounts disbursed to an eligible State under this subsection shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.”.

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

“(b) WIND LEASE SALE PROCEDURE.—Any wind lease granted pursuant to this section shall be considered a wind lease granted under section 8(p), including for purposes of the disposition of revenues pursuant to subparagraphs (B) and (C) of section 8(p)(2).”.

(c) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

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

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

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

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

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

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

(2) by striking subsection (b);

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

(2) Section 20(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1019(a)) is amended, in the second sentence of the matter preceding paragraph (1), by striking “the provisions of subsection (b) of section 35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and section 5(a)(2) of this Act” and inserting “section 5(a)(2)”.

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

(A) in the first sentence, by striking “this Section” and inserting “this section”; and

(B) by striking the fourth, fifth, and sixth sentences.

PURPOSE OF THE BILL

The purpose of H.R. 1335, as ordered reported, is to restart onshore and offshore oil, gas, and coal leasing, streamline permitting

for energy infrastructure, and ensure transparency in energy development on Federal lands.

BACKGROUND AND NEED FOR LEGISLATION

Conventional energy resources will be a necessary component of the worldwide energy mix for many decades to come. The Energy Information Administration predicts a 50 percent increase in global energy consumption by 2050, with petroleum and other liquid fuels remaining the largest energy source, and natural gas consumption increases expected as well.¹ Maximizing all-of-the-above energy production in America will limit the need to import energy resources from other nations, reduce global emissions and high energy costs, create jobs domestically, and help our allies abroad.

Since their first days in power, the Biden administration has taken action to severely limit oil, natural gas, and coal development on federal lands, driving up energy prices for American families and small businesses. For example, the Mineral Leasing Act explicitly states that “lease sales shall be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary.”² Unfortunately, for a year and a half, the Biden administration did not hold a lease sale until June of 2022. To make matters worse, this sale was largely watered down as it only offered 20 percent of the parcels that were originally included, and it implemented a 50 percent royalty hike.³

Similarly, the Biden administration has held only one offshore oil and natural gas lease sale in the Gulf of Mexico to date, Lease Sale 257.⁴ A district court vacated the lease sale in January 2022 in an unprecedented decision⁵ and the Biden administration chose not to appeal this case, declining to defend their own work.⁶ As a result, no new leases were issued for this sale until the so called Inflation Reduction Act (IRA) required issuance of the leases from Lease Sale 257. The Biden administration canceled the three remaining sales under the current 5-year plan for offshore leasing⁷ and has only resumed planning for these sales at the direction of the IRA.

These actions, or lack thereof, have reduced certainty for domestic producers, resulting in less development at a time when energy prices are historically high. H.R. 1335 would restore certainty by requiring regular lease sales both onshore and offshore and would bring efficiency to the federal permitting process for oil and gas. This legislation would also cancel the existing moratoria on new

¹ U.S. Energy Information Administration, EIA projects nearly 50% increase in world energy use by 2050, led by growth in renewables, Courtney Sourmehi, October 7, 2021, <https://www.eia.gov/todayinenergy/detail.php?id=49876>

² 30 U.S. Code § 226.

³ Energy in Depth, FIRST BIDEN ADMINISTRATION ONSHORE LEASE SALES BRING IN NEARLY \$22 MILLION, 7/1/22, <https://www.energyindepth.org/first-biden-administration-onshore-lease-sales-bring-in-nearly-22-million/>

⁴ Department of the Interior, Bureau of Ocean Energy Management, Final Notice of Sale, Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257, [https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/Final-NOS 257.pdf](https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/Final-NOS%20257.pdf)

⁵ Friends of the Earth, et al. vs. Debra Haaland, et al., U.S. District Court for the District of Columbia, Memorandum Opinion, filed January 27, 2022, <https://subscriber.politicopro.com/eenews/f/eenews/?id=0000017e-a065-db8b-ab7f-f2ff5ec00000>.

⁶ Rachel Frazin, “Biden administration won’t appeal invalidation of offshore oil leases,” The Hill, March 1, 2022, <https://thehill.com/policy/energy-environment/596334-biden-administration-declines-to-appeal-invalidation-of-offshore>

⁷ Department of the Interior. Bureau of Ocean Energy Management. 2017–2022 Lease Sale Schedule. <https://www.boem.gov/2017-2022-lease-sale-schedule>

federal coal leasing and would direct the timely issuance of qualified coal lease applications pending at the Department of the Interior (DOI). These provisions will allow for increased production, which will result in more jobs, lower energy bills, and less global emissions as U.S. production displaces production from countries with more lax environmental standards.

Like oil and gas, renewable energy producers are also struggling to develop projects domestically given bureaucratic red tape. Last Congress, the Subcommittee on Energy and Mineral Resources held a hearing titled “Plugging in Public Lands: Transmission Infrastructure for Renewable Energy,”⁸ which largely focused on the roadblocks to transmission infrastructure and renewable energy on federal lands. As anticipated, most of the issues that were highlighted during the hearing revolved around the National Environmental Policy Act (NEPA). In fact, NEPA has arguably become a bigger issue for renewable energy development as compared to conventional energy sources. According to a recent study by the R Street Institute, of all the Department of Energy’s active NEPA projects, 42 percent were related to either clean energy, transmission or environmental conservation, while only 15 percent were related to fossil fuel.⁹ R Street published a similar study for the BLM and found that 24 percent of their active NEPA documents were for renewable energy projects, and only 13 percent were for fossil fuels.¹⁰

The Trump administration took a positive step forward by releasing comprehensive NEPA reforms for the first time in more than 40 years.¹¹ These reforms served as a means of expediting all projects on federal lands, including renewable energy development and transmission. Unfortunately, last April, the Council on Environmental Quality finalized its first phase of NEPA rulemaking by undoing major changes put in place by the Trump administration.¹²

This bill would streamline the process for renewable energy development on federal lands along with the related transmission infrastructure required for these projects. The bill would also codify the Trump administration’s NEPA regulations while modernizing the underlying NEPA statute to expedite all-of-the-above energy projects as well as broader infrastructure development. H.R. 1335 addresses the uncertainty associated with the environmental review process by putting reasonable time and page limits on reviews, while also clarifying the scope of these reviews. Further, this legislation places reasonable sidebars on judicial review under NEPA, allowing claims to be considered if they are filed within 120 days of a final agency action and the claimant has meaningfully participated in the environmental review process. These reforms

⁸ <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=410480>

⁹ Addressing NEPA-Related Infrastructure Delays, Phil Rossetti, July 7, 2021, <https://www.rstreet.org/2021/07/07/addressing-nepa-related-infrastructure-delays/>

¹⁰ Id.

¹¹ Council on Environmental Quality, Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act, 7/16/2020, <https://www.federalregister.gov/documents/2020/07/16/2020-15179/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

¹² National Environmental Policy Act Implementing Regulations Revisions, April 20, 2022, <https://www.federalregister.gov/documents/2022/04/20/2022-08288/national-environmental-policy-act-implementing-regulations-revisions>

will allow the U.S. to effectively compete with China, Russia and other countries who do not have the same interests as the U.S.

Another vital sector to the energy and national security of the United States is the production of hardrock minerals, including critical minerals. H.R. 1335 sets up a process to maximize efficiency and minimize delays for mining projects on federal land. This begins with designating a lead federal agency to coordinate the mine permitting process. Upon request of a project sponsor, the lead agency may enter into a memorandum of agreement with the project sponsor or state or tribal government to carry out permitting activities. This will provide more clarity and efficiency throughout the process.

H.R. 1335 also extends several existing permitting streamlining mechanisms to mining projects. For instance, publication of relevant federal actions in the Federal Register for all mineral projects will be delegated to the agency of jurisdiction to reduce delays. Minor surface disturbance on five acres or less may now receive expedited review under this bill. Additionally, this bill adds hardrock mining as a covered sector under the Fixing America's Surface Transportation (FAST) Act, and specifically includes any project that receives federal funds under the Defense Production Act for domestic mining or processing as covered projects unless the project sponsor opts out.

This legislation also ensures that ancillary mining activities, including exploration operations and construction of a mine access roads, are permitted with or without the discovery of a valuable mineral deposit. It is essential for an operator to have certainty that they will be able to explore and utilize the full area they have sited for a prospective mine, without having to go through separate review for mining support operations. Additionally, H.R. 1335 addresses the politicization of DOI's critical minerals list, amending the existing critical mineral criteria to prevent the unilateral exclusion of uranium from future consideration.

Mining companies operating in the United States have a history of operating in accordance with the world's leading environmental, safety, and labor standards. Section 309 of H.R. 1335, adopted as an amendment designated Luna #1, affirms the existing public process, which includes assessment of compliance with properly adopted legal requirements of other countries. The intent of the amendment is not to create new authority within the U.S. Department of the Interior or other agencies or to extend or create barriers for new or existing domestic production of minerals. The amendment is not intended to create additional penalties for companies that are subject to remedies for their overseas activities in the local courts, or alternatively in US courts or agencies, or in courts of other jurisdictions; rather it is intended to allow for the exclusion of companies that have a well-documented history of flaunting globally accepted mining standards or engaging in human rights and environmental abuses, such as those seen in Chinese-controlled mines in Africa.

Additionally, H.R. 1335 addresses administrative mineral withdrawals by prohibiting mineral withdrawals on federal lands without a recent mineral assessment (within the previous 10-year period) and an assessment of the impacts of the withdrawal on the U.S. mineral supply chain (including negative impacts on economic

and national security). This Title also requires DOI, upon discovery of a new mineral deposit in a previously withdrawn area, to recommend ways to reduce impacts the withdrawal may have on mineral exploration, development, and other mining activities. Finally, this Title requires a recent mineral assessment be part of a resource management plan, including the consideration of the economic, strategic, and national security value of mineral deposits in proposed resource management plan area.

This legislation also rolls back the onerous fees and royalties imposed on onshore and offshore operators by the so-called, “Inflation Reduction Act” or “IRA.” Specifically, for offshore oil and gas development, the IRA amends OCSLA to raise the minimum royalty rate for offshore oil and gas leasing on the OCS from 12.5 percent to 16.66 percent and capping royalty rates at 18.75 percent for the first 10 years of a lease and 16.66 percent thereafter. Title IV of the TAPP American Resources Act would reverse these onerous fees and royalty increases to ensure competitiveness of federal lands and waters in terms of investment in new energy development. Operators face significantly less regulatory hurdles on states and private lands than on federal lands and waters. Imposing new fees and higher royalties in a time of inflation and rising energy prices both disincentivizes development and leads to higher energy prices for American consumers.

Finally, H.R. 1335 allows for parity in revenue sharing for coastal states with offshore energy development. Specifically, this bill will increase the state share of offshore oil and gas revenues for Alabama, Mississippi, Louisiana and Texas from 37.5 percent to 50 percent. Additionally, H.R. 1335 includes provisions to establish revenue sharing for states with new offshore wind development off their coastline. Under this bill, states with offshore wind development will receive 50 percent of the revenues from offshore lease sales and 37.5 percent of the revenues will be deposited into the existing North American Wetlands Conservation Fund. This bill will also repeal a 2 percent administrative fee imposed on energy revenue sharing for onshore states with energy development on federal lands within their borders.

COMMITTEE ACTION

H.R. 1335 was introduced on March 3, 2023, by Chairman Bruce Westerman (R-AR). The bill was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Budget. On March 9, 2023, the Natural Resources Committee met to consider the bill. Chairman Westerman (R-AR) offered an amendment in the nature of a substitute designated Westerman_01. Rep. Katie Porter (D-CA) offered an amendment to the amendment in the nature of a substitute designated Porter #14. The amendment was not adopted by a roll call vote of 16 yeas and 21 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #1

Meeting on / Amendment on:

Porter #14 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Cosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulicher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY			
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam				Mr. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	21	

Rep. Susie Lee (D–NV) offered an amendment to the amendment in the nature of a substitute designated Lee #4. The amendment was not adopted by a roll call vote of 16 yeas and 22 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #2

Meeting on / Amendment on:

Lee #4 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyts, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY			
Mr. Bantz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	22	

Ranking Member Raúl Grijalva (D-AZ) offered an amendment to the amendment in the nature of a substitute designated Grijalva_025. The amendment was not adopted by a roll call vote of 15 yeas and 24 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #3

Meeting on / Amendment on:

Grijalva_025 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK		X	
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyt, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV		X	
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	15	24	

Ranking Member Raúl Grijalva (D-AZ) offered an amendment to the amendment in the nature of a substitute designated Grijalva #8. The amendment was not adopted by a roll call vote of 16 yeas and 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #4

Meeting on / Amendment on:

Grijalva #8 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK		X	
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyts, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	23	

Rep. Mike Levin (D-CA) offered an amendment to the amendment in the nature of a substitute designated Levin #3. The amendment was not adopted by a roll call vote of 17 yeas and 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #5

Meeting on / Amendment on:

Levin #3 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	17	23	

Rep. Jared Huffman (D-CA) offered an amendment to the amendment in the nature of a substitute designated Huffman #10. The amendment was not adopted by a roll call vote of 17 yeas and 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #6

Meeting on / Amendment on:

Huffman #10 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	17	23	

Rep. Paul Gosar (R-AZ) offered an amendment to the amendment in the nature of a substitute designated Gosar #1. The amendment was adopted by voice vote. Rep. Val Hoyle (D-OR) offered an amendment to the amendment in the nature of a substitute designated Hoyle_005 (revised). The amendment was agreed to by voice vote.

Rep. Jared Huffman (D-CA) offered an amendment to the amendment in the nature of a substitute designated Huffman #51. The amendment was not adopted by a roll call vote of 17 yeas and 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #7

Meeting on / Amendment on:

Huffman #51 Amendment to H.R. 1335 (Westerman), "LAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Lavin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Volz, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NY	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	17	23	

Rep. Sydney Kamlager-Dove (D-CA) offered an amendment to the amendment in the nature of a substitute designated Kamlager-Dove #6. The amendment was not adopted by a roll call vote of 17 yeas and 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #8

Meeting on / Amendment on:

Kamlager-Dove #6 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA			
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	17	23	

Rep. Melanie Stansbury (D-NM) offered an amendment to the amendment in the nature of a substitute designated Stansbury #7. The amendment was not adopted by a roll call vote of 17 yeas and 25 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #9

Meeting on / Amendment on:

Stansbury #7 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK		X	
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Los, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	17	25	

Rep. Mike Levin (D-CA) offered an amendment to the amendment in the nature of a substitute designated Levin #12. The amendment was not adopted by a roll call vote of 18 yeas and 24 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #10

Meeting on / Amendment on:

Levin #12 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grjajva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Naguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	18	24	

Rep. Anna Paulina Luna (R-FL) offered an amendment to the amendment in the nature of a substitute designated Luna #1. The amendment was adopted by voice vote. Ranking Member Raúl Grijalva (D-AZ) offered an amendment to the amendment in the nature of a substitute designated Grijalva #1. The amendment was not adopted by a roll call vote of 18 yeas and 24 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #11

Meeting on / Amendment on:

Grijalva #1 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Mr. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dovs, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	18	24	

Ranking Member Raúl Grijalva (D-AZ) offered an amendment to the amendment in the nature of a substitute designated Grijalva_026. The amendment was not adopted by a roll call vote of 18 yeas and 24 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #12

Meeting on / Amendment on:

Grijalva_026 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY			
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dovs, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	18	24	

Rep. Jen Kiggans (R-VA) offered an amendment to the amendment in the nature of a substitute designated Kiggans #1. The amendment was adopted by voice vote. Rep. Debbie Dingell (D-MI) offered an amendment to the amendment in the nature of a substitute designated Dingell_011. The amendment was not adopted by a roll call vote of 18 yeas and 24 nays, as follows:

Rep. Nydia Velázquez (D-NY) offered an amendment to the amendment in the nature of a substitute designated Velázquez #16. The amendment was not adopted by a roll call vote of 18 yeas and 24 nays, as follows:

Rep. Mary Peltola (D-AK) offered an amendment to the amendment in the nature of a substitute designated Peltola #9. The amendment was not adopted by a roll call vote of 19 yeas and 24 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #15

Meeting on / Amendment on:

Peltola #9 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Naguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK	X		
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY	X		
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dove, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Velázquez, NY	X		
Mr. Bentz, OR		X		Mr. Case, HI	X		
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moynihan, Guam		X		Ms. Les, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	19	24	

Rep. Katie Porter (D-CA) offered an amendment to the amendment in the nature of a substitute designated Porter #15. The amendment was not adopted by a roll call vote of 17 yeas and 26 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: Roll Call #16

Meeting on / Amendment on:

Porter #15 Amendment to H.R. 1335 (Westerman), "TAPP American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO		X		Ms. Napolitano, CA	X		
Mr. Wittman, VA		X		Mr. Sablan, CNMI	X		
Mr. McClintock, CA		X		Mr. Huffman, CA	X		
Mr. Gosar, AZ		X		Mr. Gallego, AZ	X		
Mr. Graves, LA		X		Mr. Neguse, CO	X		
Mrs. Radewagen, AS		X		Mr. Levin, CA	X		
Mr. LaMalfa, CA		X		Ms. Porter, CA	X		
Mr. Webster, FL		X		Ms. Leger Fernandez, NM			
Ms. González-Colón, PR		X		Ms. Stansbury, NM	X		
Mr. Fulcher, ID				Mrs. Peltola, AK		X	
Mr. Stauber, MN		X		Ms. Ocasio-Cortez, NY	X		
Mr. Curtis, UT		X		Mr. Mullin, CA	X		
Mr. Tiffany, WI		X		Ms. Hoyle, OR	X		
Mr. Carl, AL		X		Ms. Kamlager-Dovs, CA	X		
Mr. Rosendale, MT		X		Mr. Magaziner, RI	X		
Mrs. Boebert, CO		X		Ms. Volz, NY	X		
Mr. Bentz, OR		X		Mr. Cass, HI		X	
Ms. Kiggans, VA		X		Mrs. Dingell, MI	X		
Mr. Moylan, Guam		X		Ms. Lee, NV	X		
Mr. Hunt, TX		X					
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	17	26	

Rep. Garret Graves (R-LA) offered an amendment to the amendment in the nature of a substitute designated Graves #1 (revised). The amendment was adopted by voice vote. The amendment in the nature of a substitute, offered by Chairman Westerman (R-AR), *as amended*, was adopted by voice vote. The bill, as amended, was ordered favorably reported to the House of Representatives by a roll call vote of 24 yeas and 19 nays, as follows:¹³

¹³Rep. Teresa Leger Fernández (D-NM) was unable to attend the markup due to a medical procedure. Rep. Leger Fernández requested, after the closing of this vote, that the record reflect that had she been present she would have voted “no” on final passage of the bill.

F66590

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: March 9, 2023

Vote: RC #17

Meeting on ' Amendment on Favorably reporting, as amended, H.R. 1335 (Westerman), "TAPP
American Resources Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman	X			Mr. Grijalva, AZ, Ranking		X	
Mr. Lambern, CO	X			Ms. Napolitano, CA		X	
Mr. Wittman, VA	X			Mr. Sablan, CNMI		X	
Mr. McClintock, CA	X			Mr. Huffman, CA		X	
Mr. Gosar, AZ	X			Mr. Gallego, AZ		X	
Mr. Graves, LA	X			Mr. Naguse, CO		X	
Mrs. Radewagen, AS	X			Mr. Levin, CA		X	
Mr. LaMalfa, CA	X			Ms. Porter, CA		X	
Mr. Webster, FL	X			Ms. Leger Fernandez, NM			
Ms. González-Colón, PR	X			Ms. Stansbury, NM		X	
Mr. Fulcher, ID				Mrs. Pshola, AK		X	
Mr. Stauber, MN	X			Ms. Ocasio-Cortez, NY		X	
Mr. Curtis, UT	X			Mr. Mullin, CA		X	
Mr. Tiffany, WI	X			Ms. Hoyts, OR		X	
Mr. Carl, AL	X			Ms. Kamlager-Dove, CA		X	
Mr. Rosendale, MT	X			Mr. Magaziner, RI		X	
Mrs. Boebert, CO	X			Ms. Velázquez, NY		X	
Mr. Bentz, OR	X			Mr. Case, HI		X	
Ms. Kiggans, VA	X			Mrs. Dingell, MI		X	
Mr. Moylan, Guam	X			Ms. Lee, NV		X	
Mr. Hunt, TX	X						
Mr. Collins, GA	X						
Ms. Luna, FL	X						
Mr. Duarte, CA	X						
Ms. Hageman, WY	X						
				TOTAL:	24	19	

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearings were used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on February 28, 2023; and hearing by the full Committee on Natural Resources held on February 28, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; Table of contents

Establishes the short title of the bill as the “Transparency, Accountability, Permitting, and Production of American Resources Act” or the “TAPP American Resources Act” and provides the table of contents for the Act.

TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

Section 101. Onshore oil and gas leasing

Requires the Department of the Interior (DOI) to immediately resume quarterly lease sales on federal lands. It also requires a minimum of four lease sales per year in each state with eligible lands and directs the Secretary of the Interior to conduct replacement sales when necessary.

Section 102. Lease reinstatement

Clarifies that geothermal and oil and gas lease reinstatement is not a major federal action under the National Environmental Policy Act (NEPA).

Section 103. Protested lease sales

Requires the Secretary of the Interior to resolve any protest to a lease sale within 60 days.

Section 104. Suspension of operations

Requires the Secretary of the Interior to grant operators’ request for a suspension of operations (SOP) if the operator is awaiting adjacent leases to be offered by DOI.

Section 105. Administrative protest process reform

Requires those who submit a protest to a lease sale to pay a processing fee depending on the number of pages included in the protest.

Section 106. Leasing and permitting transparency

Requires DOI to publish information online and report to Congress regarding the processing of onshore and offshore drilling and exploration permits, nominated parcels for lease, leases won, and usage of Applications for Permits to Drill (APD) fees.

Section 107. Offshore oil and gas leasing

Requires the Secretary of the Interior to conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program that have not been conducted as of the date of enactment, but no later than September 30, 2023. It also requires a minimum of two oil and gas lease sales to be held

annually in available federal waters in the Central and Western Gulf of Mexico Planning Area, and in the Alaska Region of the Outer Continental Shelf. This section does not apply to the Eastern Gulf of Mexico Planning Area or impact existing moratoria.

Section 108. Five-year plan for offshore oil and gas leasing

Requires the Secretary of the Interior to issue the 5-year oil and gas leasing program for 2023–2028 and requires the Secretary to begin preparation of the subsequent oil and gas leasing program not later than 36 months after conducting the first lease sale in an existing 5-year program.

Section 109. Geothermal leasing

Amends the Geothermal Steam Act (30 U.S.C. 1003(b)) to require yearly lease sales for geothermal energy and mandates the Secretary to hold replacement lease sales for any sales that are missed in a given calendar year. It also sets a 30-day time limit on the issuance of completed Geothermal Drilling Permits.

Section 110. Leasing for certain qualified coal applications

Directs the Secretary of the Interior to publish an environmental assessment (if not previously published) for each qualified coal lease application, finalize the fair market value of the coal tract for which a lease by application is pending, take all intermediate actions necessary to grant the qualified application, and then grant such application. This section also requires DOI to grant any additional approvals for previously awarded coal leases required for mining to commence.

Section 111. Future coal leasing

Ends the existing moratorium on new coal leasing.

Section 112. Staff planning report

Requires DOI and the Department of Agriculture to provide a yearly report detailing staffing capacity and planning to ensure timely processing of permits and planning for lease sales.

Section 113. Prohibition on Chinese Communist Party ownership interest

Provides that the Communist Part of China, or a person acting on behalf of the Communist Party of China, may not acquire any interest with respect to lands leased for oil or gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

Section 114. Effect on other law

Makes clear that nothing in this Act, or any amendments made by this Act, shall affect the Presidential memorandum titled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition” and dated September 8, 2020; the Presidential memorandum titled “Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition” and dated September 25, 2020; and the Presidential memorandum titled “Memorandum on Withdrawal of Certain Areas off the Atlantic

Coast on the Outer Continental Shelf From Leasing Disposition” and dated December 20, 2016. This section also makes clear that nothing in this Act, or any amendments made by this Act, shall affect the ban on oil and gas development in the Great Lakes described in Section 386 of the Energy Policy Act of 2005 (42 U.S.C. 15941).

TITLE II—PERMITTING STREAMLINING

Section 201. Definitions

Provides definitions for the following terms: energy facility, energy storage device, public lands, right-of-way, Secretary concerned, and land use plan.

Section 202. BUILDER act

Codifies key elements of the One Federal Decision Framework, including development by the lead agency of a joint schedule, procedures to elevate delays or disputes, preparation of a single environmental impact statement (EIS) and joint Record of Decision (ROD) to the extent practicable, reasonable time limits for environmental reviews, reasonable page limits for environmental documents and paper reduction measures. It includes threshold considerations for agencies assessing whether the National Environmental Policy Act (NEPA) applies to a proposed activity or is otherwise fulfilled through another statute. It also requires claimants to have participated meaningfully in the NEPA process before filing suit and provides a reasonable timeline of 120 days to file those lawsuits.

Section 203. Codification of National Environmental Policy Act regulations

Codifies the revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled “Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act” and published on July 16, 2020 (85 Fed. Reg. 43304).

Section 204. Non-major Federal actions

Provides that an action by the Secretary concerned with respect to certain covered activity shall not be considered a major Federal action under NEPA. These actions include low-impact activities or activities taking place in areas that have previously been studied in a previous NEPA document.

Section 205. No net loss determination for existing rights-of-way

Allows the Secretary concerned to make a “no net loss determination” for any action or activity within an existing energy right-of-way if the activity will have no long-term net loss on the impacted area. Upon this determination, the activity shall not be considered a major Federal action under NEPA.

Section 206. Determination of National Environmental Policy Act adequacy

Directs the Secretary concerned to use previously completed environmental assessments and environmental impact statements to

satisfy NEPA requirements if the Secretary concerned determines that the new proposed action and impacts are substantially similar.

Section 207. Determination regarding rights-of-way

Requires the Secretary concerned to notify applicants as to whether their right-of-way applications are complete within 60 days of receipt.

Section 208. Terms of rights-of-way

Amends the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) and the Mineral Leasing Act (30 U.S.C. 185(n)) to allow rights-of-way to be granted, issued, or renewed for up to 50 years or in perpetuity if the Secretary determines it is appropriate.

Section 209. Funding to process permits and develop information technology

Allows the Secretary of Agriculture and the Secretary of the Interior to accept and expend funds contributed by non-federal entities to pay for dedicated staff and technology upgrades to expedite permits, biological opinions, concurrence letters, and consultations for energy projects for three years.

Section 210. Offshore geological and geophysical survey licensing

Directs the Secretary of the Interior to authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf, except within areas subject to existing moratoria.

Section 211. Deferral of applications for permits to drill

Prevents the Bureau of Land Management (BLM) from deferring the approval of an application for a permit to drill due to agency formatting preferences.

Section 212. Processing and terms of applications for permits to drill

Requires the Secretary of the Interior to process applications for permits to drill under a valid existing lease regardless of unrelated civil action.

Section 213. Amendments to the energy policy act of 2005

Designates low impact and previously studied oil and gas activities on federal lands as non-major federal actions under NEPA.

Section 214. Access to Federal energy resources from non-Federal surface estate

Clarifies that permitting for operations on state or private lands accessing oil and gas or geothermal resources in which the federal ownership interest is less than 50 percent will not be considered a federal action and shall not require a federal permit.

Section 215. Scope of environmental reviews for oil and gas leases

Provides that an environmental review for an oil and gas lease or permit prepared pursuant to NEPA shall apply only to areas that are within or immediately adjacent to the lease plot or plots and that are directly affected by the proposed action and shall not

require consideration of downstream, indirect effects of oil and gas consumption.

Section 216. Expediting approval of gathering lines

Expedites the approval process for gathering lines on federal lands that capture or transport oil, natural gas and related constituents, or produced water by making them non-major federal actions under NEPA.

Section 217. Lease sale litigation

Clarifies that environmental reviews for lease sales should be limited to impacts directly related to that sale.

Section 218. Limitation on claims

Requires a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a mineral project, energy facility, or energy storage device shall be barred unless the claim is filed within 120 days after publication of final agency actions and the claim is filed by a party that submitted a comment during the public comment period for such action being challenged.

Section 219. Government Accountability Office report on permits to drill

Requires the Government Accountability Office (GAO) to issue a report on the BLM's approval process for drilling permits and requires such report to include a recommendation on actions the BLM can take to expedite their process and permitting activities that could be transferred from BLM to states.

Section 220. E-NEPA

Directs the Council on Environmental Quality to conduct a study and submit a report to Congress within 1 year of enactment on the potential to create an online permitting portal for permits that require NEPA review.

TITLE III—PERMITTING FOR MINING NEEDS

Section 301. Definitions

Provides definitions for the following terms: byproduct, mineral, Secretary, and State.

Section 302. Minerals supply chain and reliability

Designates a lead federal agency to coordinate the mine permitting process to maximize efficiency and minimize delays for mining projects on federal land. It authorizes a memorandum of agreement between the lead agency and the project sponsor or state or tribal government to carry out permitting activities, upon the request of a project sponsor.

Section 303. Federal Register process improvement

Applies previously enacted Federal Register process improvements to all mineral projects to reduce delays.

Section 304. Designation of mining as a covered sector for Federal permitting improvement purposes

Amends section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) to include “mineral production” as a covered sector.

Section 305. Treatment of actions under Presidential Determination 2022–11 for Federal permitting improvement purposes

Provides that any project that receives Federal funds under the Defense Production Act for domestic mining or processing is considered a covered project under the FAST Act unless the project sponsor opts out.

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

Expedites review of minor surface disturbance activities on federal lands.

Section 307. Use of mining claims for ancillary activities

Ensures that ancillary mining activities, including exploration operations and construction of a mine access road, are permitted with or without the discovery of a valuable mineral deposit.

Section 308. Ensuring consideration of uranium as a critical mineral

Amends existing critical mineral criteria to prevent the unilateral exclusion of uranium from future consideration as a critical mineral. It requires the Secretary of the Interior to update the Final List of Critical Minerals with the revised criteria within 60 days of enactment.

Section 309. Barring foreign bad actors from operating on Federal lands

Bars a mining claimant from the right to use, occupy, and conduct operations on Federal land if the Secretary of the Interior finds the claimant has a foreign parent company that has a known record of human rights violations or knowingly operated an illegal mine in another country.

TITLE IV—FEDERAL LAND USE PLANNING

Section 401. Federal land use planning and withdrawals

Prohibits mineral withdrawals on federal lands without a mineral assessment completed within the previous 10-year period and an assessment of the impacts of the withdrawal on the U.S. mineral supply chain, including the negative impacts on economic and national security interests. It provides that upon discovery of a new mineral deposit in a previously withdrawn area, the Secretary of the Interior shall recommend ways to reduce impacts the withdrawal may have on mineral exploration, development, and other mining activities. This section requires a recent mineral assessment be included as part of a resource management plan, including the consideration of the economic, strategic, and national security value of mineral deposits in the proposed resource management plan area.

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

Prevents the Secretary of the Interior from halting or slowing leasing and permitting activities on Federal lands and waters in areas that are open to energy and mineral development.

Section 403. Definitions

Provides definitions for the following terms: Federal land, President, previously undiscovered mineral deposit, and Secretary.

TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS

Section 501. Incentivizing domestic production

Rolls back onerous fees and royalties on onshore and offshore oil and gas development imposed by the Inflation Reduction Act.

TITLE VI—ENERGY REVENUE SHARING

Section 601. Gulf of Mexico Outer Continental Shelf revenue

Creates parity among energy production states by increasing the state share of offshore oil and gas revenues from 37.5 percent to 50 percent.

Section 602. Parity in offshore wind revenue sharing

Provides for 50 percent of revenues from offshore wind leasing to be shared with coastal states.

Section 603. Elimination of Administrative Fee under the Mineral Leasing Act

Repeals the 2 percent administrative fee assessed on the state share of onshore revenue.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, and ensure transparency in energy development on Federal lands.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

With respect to the requirement of clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, this section was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall have this printed upon its receipt by the Committee.

COMMITTEE CORRESPONDENCE

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U.S. House of Representatives
COMMITTEE ON THE BUDGET
Washington, DC 20515-8002

March 20, 2023

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman:

I am writing regarding H.R. 1335, the *Transparency, Accountability, Permitting, and Production of American Resources Act*, which was ordered reported by the Committee on Natural Resources on March 9, 2023.

The bill contains provisions that fall within the jurisdiction of the Committee on the Budget. In order to expedite House consideration of H.R. 1335, the Committee on the Budget will forgo action on this bill. This is being done with the understanding that it does not waive any jurisdiction over the subject matter contained in H.R. 1335 or similar legislation and that the Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that the Committee may address any remaining issues that fall within its jurisdiction. The Committee on the Budget also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and requests your support of any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 1335 and would ask that a copy of our exchange of letters on this matter be included in your committee report and in the *Congressional Record* during floor consideration of H.R. 1335.

Sincerely,

Jodey C. Arrington
Chairman
Committee on the Budget

cc: The Honorable Kevin McCarthy, Speaker
The Honorable Raúl Grijalva
The Honorable Brendan Boyle
The Honorable Jason Smith, Parliamentarian

BRUCE WESTERMAN OF ARKANSAS
CHAIRMAN

RAUL M. GRIJALVA OF ARIZONA
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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 21, 2023

The Honorable Jouley C. Arrington
Chairman
Committee on the Budget
204 Cannon House Office Building
Washington, DC 20515

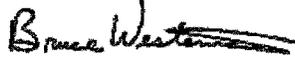
Dear Chairman Arrington:

I write regarding H.R. 1375, the *Transparency, Accountability, Permitting, and Production of American Resources Act*, which was ordered reported by the Committee on Natural Resources on March 9, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Budget and appreciate your willingness to bring action on the bill. I acknowledge that the Budget Committee will not formally consider H.R. 1375 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on the Budget to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the Committee Report for H.R. 1375 and the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Kevin McCarthy, Speaker
The Honorable Brendan Boyle, Ranking Member, Committee on the Budget
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian

DISSENTING VIEWS

H.R. 1335 includes, with some changes: H.R. ___ (Rep. Graves, R-LA) Discussion Draft of the BUILDER Act, H.R. ___ (Rep. Westerman, R-AR) Discussion Draft of the TAP American Energy Act, H.R. 209 (Rep. Stauber, R-MN) Permitting for Mining Needs, H.R. 356 (Rep. Carl, R-AL) Unleashing American Energy Act, H.R. 1043 (Rep. Rosendale, R-MT) Restore Onshore Energy Production Act, H.R. 1067 (Rep. Boebert, R-CO) American Energy Act, H.R. 1430 (Rep. Valadao, R-CA) Determination of NEPA Adequacy Streamlining Act, H.R. 1449 (Rep. Fulcher, R-ID) Enhancing Geothermal Production on Federal Lands Act, and H.R. 1457 (Rep. Hageman, R-WY) COAL Act.

H.R. 1335 is being included in a larger energy and “permitting reform” package, introduced as H.R. 1. House Republican leadership has called the package a pillar of the House Republican climate and energy plan developed by the Energy, Climate, and Conservation Task Force created by Speaker McCarthy to reportedly appeal to climate-conscious voters.^{1 2 3} Yet the House Republican plan sets no specific reduction targets for planet-warming emissions and instead would increase dirty emissions by expanding domestic fossil fuel production, increasing U.S. liquefied natural gas exports, and gutting core environmental laws through “permitting reform” for energy and mining projects.^{4 5}

H.R. 1335 includes a multitude of provisions benefiting polluting industries at the expense of American communities. These policy proposals open our public lands and waters to ill-considered development without safeguards, eliminate longstanding community protections in federal law, and fast-track fossil fuel, mining, and other industrial projects by ignoring climate change, public input, and tribal consultation. Public input and environmental review protect Americans against industry exploitation. The public input and environmental review processes ensure a more responsible and accountable industry, prevent litigation down the road, and make sure federal decision-making prioritizes the public’s interest—not polluting industries’ profits.

Title I of H.R. 1335 would require regular lease sales both on- and offshore and limit agency discretion for which parcels would be

¹“House Republicans to Unveil Conservative Road Map on Climate, Energy.” The Washington Post, June 1, 2022. <https://www.washingtonpost.com/climate-environment/2022/06/01/kevin-mccarthy-climate-change-energy/>.

²“Republicans Insist They Have a Climate Plan.” EE News, January 24, 2023. <https://www.eenews.net/articles/republicans-insist-they-have-a-climate-plan/>.

³“House Republicans to Introduce Climate Change Strategy with Eye on Midterms,” Politico, June 1, 2022. <https://www.politico.com/news/2022/06/01/house-republicans-to-introduce-climate-change-strategy-with-eye-on-midterms-00036481>.

⁴“Let America Build: The Energy, Climate, and Conservation Task Force,” House Speaker, July 19, 2022. <https://www.speaker.gov/wp-content/uploads/2022/07/FINAL-Let-America-Build-7-19-2022-Copy.pdf>.

⁵“House Republicans to Introduce Climate Change Strategy with Eye on Midterms”.

available for leasing. It would require the Secretary of the Interior to offer at least four onshore oil and gas lease sales per year of all eligible and nominated lands. If any lease sale were canceled, delayed, or received bids on less than 25 percent of lands offered, the Secretary would be required to hold a replacement sale that same fiscal year. Offshore, this Title would require the federal government to conduct all remaining lease sales from the Trump-era 2017–2022 Outer Continental Shelf (OCS) leasing plan and hold at least two region-wide oil and gas lease sales in the Gulf of Mexico and Alaska per year. By forcing the Department of the Interior (DOI) to hold unnecessary lease sales, this bill wastes taxpayer resources and gives away our public lands at cut-rate prices.

Title II consists of Rep. Graves’s discussion draft of the *BUIILDER Act* and other provisions from Chairman Westerman’s *TAP American Energy Act*.

Among other problems, Title II would greatly restrict judicial review to enforce federal environmental and public health laws against unlawful projects and operation plans that can significantly harm communities and the environment.

For instance, section 202 would bar judicial review of any permit, license, or approval issued under *any* federal laws unless legal claims are filed within 120 days of a federal permit being issued—effectively weakening an essential compliance and enforcement mechanism included in most federal environmental and public health laws. Most major federal environmental laws include citizen suit provisions allowing members of the public to file legal claims seeking judicial review for unlawful permits, including to enforce the *Clean Air Act*, *Clean Water Act*, and *Endangered Species Act*, among many others. Congress included these citizen suit provisions because federal agencies historically lack the resources and ability to identify all the legal violations that harm communities and the environment.

Section 202 of H.R. 1335 would dramatically limit the public’s access to the judicial system to remedy illegal project development compared to current law. For example, the statute of limitations for NEPA enforcement claims is generally six years. Often, the harmful effects of unlawfully-issued permits—such as for a multi-year mining operations plan—are unknown by affected communities within 120 days.

Section 202 would also effectively block the consideration of climate change in permitting decisions. NEPA requires the federal government to review the environmental impacts—including climate change impacts—of major proposed federal actions. This environmental review process is one of our most fundamental protections against exploitive industry projects. H.R. 1335 would codify former President Trump’s extreme 2020 NEPA implementing regulations, which the Biden administration is in the process of replacing. As more than 140 members of Congress wrote at the time, the Trump administration’s NEPA regulations “would have the effect of removing any analysis of climate impacts” for proposed projects

and “ignores the reality of climate change and the critical role NEPA plays in addressing it.”⁶

Additionally, section 202 of H.R. 1335 would prevent federal agencies from considering reasonably foreseeable environmental effects likely to occur ten years or later, effectively preventing federal agencies from considering reliably measured climate impacts and medium- and long-term public health impacts for communities. Relatedly, section 218 of the bill would eliminate the requirement to consider downstream climate and other effects of oil and gas consumption.

Furthermore, section 202 of the bill would eliminate the consideration of cumulative pollution impacts in NEPA reviews. Cumulative pollution impacts disproportionately burden frontline environmental justice communities because fossil fuel, mining, and other polluting industries disproportionately concentrate the most harmful projects in frontline environmental justice communities.

Other parts of Sec. 202 reverse longstanding prohibitions against private sector applicants preparing environmental reviews for their own projects—effectively allowing a biased and often profit-driven party to conduct environmental reviews that are meant to serve the public interest. Sec. 202 also directs federal agencies to prepare environmental reviews that “meet the goals of the [project] applicant” when evaluating proposals instead of the public interest.

Several parts of Title II also would arbitrarily limit the time the public has to evaluate and comment on environmental review documents for proposed projects—including fossil fuel and mining projects, which are disproportionately sited in frontline environmental justice communities. Furthermore, Title II would restrict legal challenges against numerous types of projects by blocking lawsuits for anyone who did not previously submit a comment during the NEPA public comment period, which would effectively block many state and local governments, tribes, and members of the public with legitimate claims from any legal redress. This restriction is especially problematic because it would require any potential plaintiffs to have made a public comment during the comment period, despite the public comment period itself is also being shortened.

Title II would also create new exemptions from NEPA, including for offshore seismic surveys, and would exempt those surveys from the *Marine Mammal Protection Act* and the *Endangered Species Act*, with narrow exceptions for some mitigation and monitoring measures.

The Title would also expedite drilling permits and loosen the requirements for such permits. Drilling permit applicants with pending civil actions against them would still be able to receive federal permits if the pending civil action doesn’t directly affect the application or lease in question. The Secretary of the Interior would be required to process the application for a permit to drill under a valid existing lease unless a court has determined the lease wasn’t issued in compliance with NEPA.

⁶ https://democrats-naturalresources.house.gov/download/degette-money-grijalva-et-al-to-ceq-about-trump-nepa-regulations_-jan-23-2020.

This Title allows producers to extract federal subsurface oil and gas without a permit if the drilling is from non-federal lands and less than 50 percent of the oil is federally owned. The Title also exempts drilling from a non-federal surface from the *National Historic Preservation Act* and section 7 of the *Endangered Species Act (ESA)*, the laws protecting cultural sites and endangered and threatened species.

Lastly, Title II glaringly omits mining from section 113, which would prohibit the Communist Party of China, or any person acting on its behalf, from acquiring any interest with respect to lands leased for oil or gas under the Mineral Leasing Act or the Outer Continental Shelf Lands Act. During the markup of the bill, Democrats proposed strengthening this exclusion to also cover mining claims on federal lands. We were disappointed that Committee Republicans rejected banning the CCP and its agents from operating mines on public lands. The inconsistency is especially unsound given that—unlike with oil and gas—mining on federal land does not pay *any* royalty back to the American people for the extraction of public resources. In addition, thanks to our nation’s extremely outdated mining law, the industry operates with minimal safeguards to protect the public. We should be especially on guard against foreign bad actors when it comes to mining, but instead this bill hands the CCP a special exemption.

Title III of H.R. 1335 is based on H.R. 209, *PERMIT-MN*, introduced by Rep. Stauber (R-MN), and would significantly change and undermine the permitting process for hardrock mining on federal land. This Title would make it possible to stake a mining claim on public lands without a valuable mineral deposit, which would lock up public lands from other sustainable uses, and even allow for dumping waste to be the “highest and best use” of our public lands.

This Title would designate mining as a covered activity under the *FAST Act*, which limits the time the public has to comment on environmental review documents and greatly restricts the public’s access to the courts to seek remedies against illegal projects.

Title IV would prohibit withdrawals of any federal lands and waters from leasing unless the Secretary has completed an assessment of the area’s economic, energy, strategic, and national security value and assesses the reduction in revenue to the Land and Water Conservation Fund and Historic Preservation Fund. This Title would also prohibit the President from taking any action that would pause, restrict, or delay new oil, gas, coal, or mining leases or approvals unless otherwise authorized.

Title V would roll back all the smart royalty rate changes and other long-needed reforms to the oil and gas leasing program made in the *Inflation Reduction Act (IRA)*. This Title would reduce the onshore and offshore royalty rates, decrease minimum bids for federal land onshore, repeal the expression of interest fees, and bring back noncompetitive oil and gas leasing. Noncompetitive leasing was eliminated in the IRA because it led to the hoarding of low-priced land by oil and gas companies, 99 percent of which they never bring into production.⁷

⁷ <https://www.gao.gov/products/gao-21-138>.

Title VI would decrease revenue from offshore oil and gas to the U.S. Treasury and would remove the cap on offshore revenue distributions to states, which would incentivize unnecessary offshore oil and gas drilling and burden environmental justice communities in the Gulf of Mexico. This Title would also alter offshore wind revenue sharing, with 12.5 percent to the Treasury and the rest to conservation funds to states, which would be significantly less to the Treasury than other offshore wind revenue sharing proposals, and significantly less than the current standard for oil and gas.

* * * * *

In the past months, members of the majority had previewed this coming bill by stating that it was being drafted to attract bipartisan support for real solutions for improving permitting and meeting our energy needs amidst the ongoing climate crisis.

Unfortunately, this extreme and irresponsible bill is not a serious attempt at bipartisanship or at accomplishing those important policy goals.

Codifying the extremist and deeply unpopular Trump NEPA regulations—which 140 House Democrats are on record as opposing—is not a serious opening bid. Requiring fire sales on oil and gas leases even in the face of industry lack of interest; rewriting the law so that dumping toxic waste on our public lands can be the “highest and best use” of our public lands; giving enormous tax breaks to oil and gas companies when they are enjoying record profits—these are not serious proposals for bipartisanship or for growing our economy and addressing the climate crisis.

Democrats stand ready to make real improvements to environmental reviews, the community input and tribal consultation processes, and the deployment of renewable energy. That’s why Democrats fought for more than \$1 billion in the *Inflation Reduction Act* to increase the capacity for federal agencies’ environmental review offices. We were disappointed to see Republicans vote against that funding, which it is now estimated will enable most Environmental Impact Statements to be completed within two years. Democrats stand ready to improve public input processes so that project sponsors can identify and address issues up-front before they become more expensive and time-consuming to address. We stand ready to address barriers to building more renewable energy transmission lines, including planning and cost allocation processes. The list goes on.

Instead, H.R. 1335 will accelerate the destruction of the planet, all while handing taxpayer money and our public lands out to corporate polluters and failing to protect environmental justice communities.

RAÚL M. GRIJALVA,
*Ranking Member, House
Committee on Natural Re-
sources.*

SYDNEY KAMLAGER-DOVE,
*Vice Ranking Member,
House Committee on Nat-
ural Resources.*

ALEXANDRIA OCASIO-CORTEZ,

Ranking Member, Subcommittee on Energy and Mineral Resources.

TERESA LEGER FERNÁNDEZ,
Ranking Member, Subcommittee on Indian and Insular Affairs.

MELANIE STANSBURY,
Ranking Member, Subcommittee on Oversight and Investigations.

JARED HUFFMAN,
Ranking Member, Subcommittee on Water, Wildlife and Fisheries.

