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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Lower Energy Costs Act".

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

DIVISION A—INCREASING AMERICAN ENERGY PRODUCTION, EXPORTS, INFRASTRUCTURE, AND CRITICAL MINERALS PROCESSING

SEC. 10001. SECURING AMERICA'S CRITICAL MINERALS SUPPLY.

(a) AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended—

(1) in section 2, by adding at the end the following:

"(d) As used in sections 102(20) and 203(a)(12), the term 'critical energy resource' means any energy resource—

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

"(2) the supply chain of which is vulnerable to disruption."

;

(2) in section 102, by adding at the end the following:

"(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States."

; and

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

"(12) Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—

"(A) the development and use of energy technologies; and

"(B) the operation of energy systems."

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(b) SECURING CRITICAL ENERGY RESOURCE SUPPLY CHAINS.—

(1) IN GENERAL.—In carrying out the requirements of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the Secretary of Energy, in consultation with the appropriate Federal agencies, representatives of the energy sector, States, and other stakeholders, shall—

(A) conduct ongoing assessments of—

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

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

(iii) the vulnerability of such supply chain; and

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

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

(i) diversifying the sources of the supply of critical energy resources; and

(ii) increasing domestic production, separation, and processing of critical energy resources;

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

(D) improve technology that reuses and recycles critical energy resources.

(2) CRITICAL ENERGY RESOURCE DEFINED.—In this section, the term "critical energy resource" has the meaning given such term in section 2 of the Department of Energy Organization Act (42 U.S.C. 7101).

SEC. 10002. PROTECTING AMERICAN ENERGY PRODUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that States should maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on State and private lands.

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

SEC. 10003. RESEARCHING EFFICIENT FEDERAL IMPROVEMENTS FOR NECESSARY ENERGY REFINING.

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

(1) submit to the Secretary of Energy and Congress a report containing—

(A) an examination of the role of petrochemical refineries located in the United States and the contributions of such petrochemical refineries to the energy security of the United States, including the reliability of supply in the United States of liquid fuels and feedstocks, and the affordability of liquid fuels for consumers in the United States;

(B) analyses and projections with respect to—

(i) the capacity of petrochemical refineries located in the United States;

(ii) opportunities for expanding such capacity; and

(iii) the risks to petrochemical refineries located in the United States;

(C) an assessment of any Federal or State executive actions, regulations, or policies that have caused or contributed to a decline in the capacity of petrochemical refineries located in the United States; and

(D) any recommendations for Federal agencies and Congress to encourage an increase in the capacity of petrochemical refineries located in the United States; and

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

SEC. 10004. PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE.

(a) AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT AN INTERNATIONAL BOUNDARY OF THE UNITED STATES.—

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

(2) CERTIFICATE OF CROSSING.—

(A) REQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency identified under subparagraph (B), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

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

(i) the Federal Energy Regulatory Commission with respect to border-crossing facilities consisting of oil or natural gas pipelines; and

(ii) the Secretary of Energy with respect to border-crossing facilities consisting of electric transmission facilities.

(C) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing under subparagraph (A), that the border-crossing facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the border-crossing facility.

(3) EXCLUSIONS.—This subsection shall not apply to any construction, connection, operation, or maintenance of a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity—

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

(B) if a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance has been issued pursuant to any provision of law or Executive order; or

(C) if an application for a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

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

(ii) two years after the date of enactment of this Act, if such a permit has not been issued by such date of enactment.

(4) EFFECT OF OTHER LAWS.—

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

(B) NATURAL GAS ACT.—Nothing in this subsection or subsection (d) shall affect the requirement to obtain approval or authorization under sections 3 and 7 of the Natural Gas Act for the siting, construction, or operation of any facility to import or export natural gas.

(C) OIL PIPELINES.—Nothing in this subsection or subsection (d) shall affect the authority of the Federal Energy Regulatory Commission with respect to oil pipelines under section 60502 of title 49, United States Code.

(b) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

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

(2) CONFORMING AMENDMENTS.—

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

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking "the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act" and all that follows through the period at the end and inserting "the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.".

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

(d) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing under subsection (a), or Presidential permit (or similar permit), shall be required for a modification to—

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

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

(3) a border-crossing facility for which a certificate of crossing has previously been issued under subsection (a).

(e) PROHIBITION ON REVOCATION OF PRESIDENTIAL PERMITS.—Notwithstanding any other provision of law, the President may not revoke a Presidential permit (or similar permit) issued pursuant to Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed. Reg. 4957), Executive Order No. 10485 (18 Fed. Reg. 5397), or any other Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof, unless such revocation is authorized by an Act of Congress.

(f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

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

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

(A) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (a); and

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

(g) DEFINITIONS.—In this section:

(1) BORDER-CROSSING FACILITY.—The term "border-crossing facility" means the portion of an oil or natural gas pipeline or electric transmission facility that is located at an international boundary of the United States.

(2) MODIFICATION.—The term "modification" includes a reversal of flow direction, change in ownership, change in flow volume, addition or removal of an interconnection, or an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

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

(4) OIL.—The term "oil" means petroleum or a petroleum product.

(5) ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms "Electric Reliability Organization" and "regional entity" have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o).

(6) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms "Independent System Operator" and "Regional Transmission Organization" have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 10005. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE REVOCATION OF THE PRESIDENTIAL PERMIT FOR THE KEYSTONE XL PIPELINE.

(a) FINDINGS.—Congress finds the following:

(1) On March 29, 2019, TransCanada Keystone Pipeline, L.P., was granted a Presidential permit to construct, connect, operate, and maintain the Keystone XL pipeline.

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

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

(a) FINDINGS.—Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, with the expansion of domestic crude oil and other petroleum product production contributing to enhanced energy security and significant economic benefits to the national economy.

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

(3) Section 101 of title I of division O of the Consolidated Appropriations Act, 2016 (42 U.S.C. 6212a) established the national policy on oil export restriction, prohibiting any official of the Federal Government from imposing or enforcing any restrictions on the export of crude oil with limited exceptions, including a savings clause maintaining the authority to prohibit exports under any provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person

or government), including a foreign government that is designated as a state sponsor of terrorism.

(4) Lifting the restrictions on crude oil exports encouraged additional domestic energy production, created American jobs and economic development, and allowed the United States to emerge as the leading oil producer in the world.

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

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should not impose—

(1) overly restrictive regulations on the exploration, production, or marketing of energy resources; or

(2) any restrictions on the export of crude oil or other petroleum products under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), except with respect to the export of crude oil or other petroleum products to a foreign person or foreign government subject to sanctions under any provision of United States law, including to a country the government of which is designated as a state sponsor of terrorism.

SEC. 10007. UNLOCKING OUR DOMESTIC LNG POTENTIAL.

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

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

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

(3) by redesignating subsection (d) as subsection (c), and moving such subsection after subsection (b), as so redesignated;

(4) in subsection (a), as so redesignated, by amending paragraph (1) to read as follows: "(1) The Federal Energy Regulatory Commission (in this subsection referred to as the 'Commission') shall have the exclusive authority to approve or deny an application for authorization for the siting, construction, expansion, or operation of a facility to export natural gas from the United States to a foreign country or import natural gas from a foreign country, including an LNG terminal. In determining whether to approve or deny an application under this paragraph, the Commission shall deem the exportation or importation of natural gas to be consistent with the public interest. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency's authorities or responsibilities related to facilities to import or export natural gas, including LNG terminals."; and

(5) by adding at the end the following new subsection:

"(d)

(1) Nothing in this Act limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. 4301 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a country that is designated as a state sponsor of terrorism, to prohibit imports or exports.

"(2) In this subsection, the term 'state sponsor of terrorism' means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

"(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

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

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

"(D) any other provision of law."

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

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

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

(3) NEPA REVIEW.—The term "NEPA review" means the process of reviewing a proposed Federal action under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(4) PROJECT-RELATED NEPA REVIEW.—The term "project-related NEPA review" means any NEPA review required to be conducted with respect to the issuance of an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act.

(b) COMMISSION NEPA REVIEW RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall, in accordance with this section and other applicable Federal law—

(1) be the only lead agency;

(2) coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) to ensure that the Commission develops information in conducting its project-related NEPA review that is usable by the participating agency in considering an aspect of an application for a Federal authorization for which the agency is responsible; and

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

(c) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, each agency shall give deference, to the maximum extent authorized by law, to the scope of the project-related NEPA review that the Commission determines to be appropriate.

(d) PARTICIPATING AGENCIES.—

(1) IDENTIFICATION.—The Commission shall identify, not later than 30 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, any Federal or State agency, local government, or Indian Tribe that may issue a Federal authorization or is required by Federal law to consult with the Commission in conjunction with the issuance of a Federal authorization required for such authorization or certificate.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the

Commission shall invite any agency identified under paragraph (1) to participate in the review process for the applicable Federal authorization.

(B) DEADLINE.—An invitation issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted to the Commission, which may be extended by the Commission for good cause.

(3) DESIGNATION AS PARTICIPATING AGENCIES.—Not later than 60 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall designate an agency identified under paragraph (1) as a participating agency with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act unless the agency informs the Commission, in writing, by the deadline established pursuant to paragraph (2)(B), that the agency—

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

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

(C) does not intend to submit comments for the record for the project-related NEPA review conducted by the Commission.

(4) EFFECT OF NON-DESIGNATION.—

(A) EFFECT ON AGENCY.—Any agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act may not request or conduct a NEPA review that is supplemental to the project-related NEPA review conducted by the Commission, unless the agency—

(i) demonstrates that such review is legally necessary for the agency to carry out responsibilities in considering an aspect of an application for a Federal authorization; and

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

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

(i) consider any comments or other information submitted by such agency for the project-related NEPA review conducted by the Commission; or

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

(e) WATER QUALITY IMPACTS.—

(1) IN GENERAL.—Notwithstanding section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), an applicant for a Federal authorization shall not be required to provide a certification under such section with respect to the Federal authorization.

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

(3) PROPOSED CONDITIONS.—A State or interstate agency designated as a participating agency pursuant to paragraph (2) may propose to the Commission terms or conditions for inclusion in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that the State or interstate agency determines are necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(4) COMMISSION CONSIDERATION OF CONDITIONS.—The Commission may include a term or condition in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act proposed by a State or interstate agency under paragraph (3) only if the Commission finds that the term or condition is necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(f) SCHEDULE.—

(1) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A deadline for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act set by the Commission under section 15(c)(1) of such Act shall be not later than 90 days after the Commission completes its project-related NEPA review, unless an applicable schedule is otherwise established by Federal law.

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

(A) that may consider an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act shall formulate and implement a plan for administrative, policy, and procedural mechanisms to enable the agency to ensure completion of Federal authorizations in compliance with schedules established by the Commission under section 15(c)(1) of such Act; and

(B) in considering an aspect of an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, shall—

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

(ii) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related NEPA review conducted by the Commission, and in compliance with the schedule established by the Commission under section 15(c)(1) of such Act, unless the agency notifies the Commission in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out such obligations;

(iii) transmit to the Commission a statement—

(I) acknowledging receipt of the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act; and

(II) setting forth the plan formulated under clause (i) of this subparagraph;

(iv) not later than 30 days after the agency receives such application for a Federal authorization, transmit to the applicant a notice—

(I) indicating whether such application is ready for processing; and

(II) if such application is not ready for processing, that includes a comprehensive description of the information needed for the agency to determine that the application is ready for processing;

(v) determine that such application for a Federal authorization is ready for processing for purposes of clause (iv) if such application is sufficiently complete for the purposes of commencing consideration, regardless of whether supplemental information is necessary to enable the agency to complete the consideration required by law with respect to such application; and

(vi) not less often than once every 90 days, transmit to the Commission a report describing the progress made in considering such application for a Federal authorization.

(3) FAILURE TO MEET DEADLINE.—If a Federal or State agency, including the Commission, fails to meet a deadline for a Federal authorization set forth in the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act, not later than 5 days after such deadline, the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the action to which such deadline applied.

(g) CONSIDERATION OF APPLICATIONS FOR FEDERAL AUTHORIZATION.—

(1) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for a Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of an issue of concern that is a failure by a State agency, the Federal agency overseeing the delegated authority, if applicable) for resolution.

(2) REMOTE SURVEYS.—If a Federal or State agency considering an aspect of an application for a Federal authorization requires the person applying for such authorization to submit data, the agency shall consider any such data gathered by aerial or other remote means that the person submits. The agency may grant a conditional approval for the Federal authorization based on data gathered by aerial or remote means, conditioned on the verification of such data by subsequent onsite inspection.

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

(h) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that requires multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of the application, shall track and make available to the public on the Commission's website information related to the actions required to complete the Federal authorizations. Such information shall include the following:

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

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

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

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

(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

(i) PIPELINE SECURITY.—In considering an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Federal Energy Regulatory Commission shall consult with the Administrator of the Transportation Security Administration regarding the applicant's compliance with security guidance and best practice recommendations of the Administration regarding pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

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

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

(1) in paragraph (1)(A)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by inserting "or" after "this section,";

(C) by adding at the end the following:

"(iii) is a critical energy resource facility,"

; and

(2) by adding at the end the following:

"(4) DEFINITIONS.—For the purposes of this subsection:

"(A) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

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

"(ii) the supply chain of which is vulnerable to disruption.

"(B) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource. "

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SEC. 10010. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as necessary, revise regulations under parts 70 and 71 of title 40, Code of Federal Regulations, to—

(1) authorize the owner or operator of a critical energy resource facility to utilize flexible air permitting (as described in the final rule titled "Operating Permit Programs; Flexible Air Permitting Rule" published by the Environmental Protection Agency in the Federal Register on October 6, 2009 (74 Fed. Reg. 51418)) with respect to such critical energy resource facility; and

(2) facilitate flexible, market-responsive operations (as described in the final rule identified in paragraph (1)) with respect to critical energy resource facilities.

(b) DEFINITIONS.—In this section:

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

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

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

(2) CRITICAL ENERGY RESOURCE FACILITY.—The term "critical energy resource facility" means a facility that processes or refines a critical energy resource.

SEC. 10011. NATIONAL SECURITY OR ENERGY SECURITY WAIVERS TO PRODUCE CRITICAL ENERGY RESOURCES.

(a) CLEAN AIR ACT REQUIREMENTS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any requirement under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

(2) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a requirement under the Clean Air Act under this subsection, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(3) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this subsection is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

(4) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this subsection shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in paragraph (1) and serve the public interest. In renewing or reissuing a waiver under this paragraph, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

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

(6) CRITICAL ENERGY RESOURCE; CRITICAL ENERGY RESOURCE FACILITY DEFINED.—The terms "critical energy resource" and "critical energy resource facility" have the meanings given such terms in section 3025(f) of the Solid Waste Disposal Act (as added by this section).

(b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

(1) HAZARDOUS WASTE MANAGEMENT.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by inserting after section 3024 the following:

"SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE FACILITIES.

"(a) IN GENERAL.—If the Administrator, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any covered requirement with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

"(b) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a covered requirement under this section, to the maximum extent

practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

"(c) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this section is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

"(d) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this section shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to subsections (a) and (b) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in subsection (a) and serve the public interest. In renewing or reissuing a waiver under this subsection, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

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

"(f) DEFINITIONS.—In this section:

"(1) COVERED REQUIREMENT.—The term 'covered requirement' means—

"(A) any standard established under section 3002, 3003, or 3004;

"(B) the permit requirement under section 3005; or

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

"(2) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

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

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

"(3) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource. "

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(2) TABLE OF CONTENTS.—The table of contents of the Solid Waste Disposal Act is amended by inserting after the item relating to section 3024 the following:

"Sec. 3025.	*Waivers for critical energy resource facilities."*

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SEC. 10012. ENDING FUTURE DELAYS IN CHEMICAL SUBSTANCE REVIEW FOR CRITICAL ENERGY RESOURCES.

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

"(6) CRITICAL ENERGY RESOURCES.—

"(A) STANDARD.—For purposes of a determination under paragraph (3) with respect to a chemical substance that is a critical energy resource, the Administrator shall take into consideration economic, societal, and environmental costs and benefits,

notwithstanding any requirement of this section to not take such factors into consideration.

"(B) FAILURE TO RENDER DETERMINATION.—

"(i) ACTIONS AUTHORIZED.—If, with respect to a chemical substance that is a critical energy resource, the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the submitter may take the actions described in paragraph (1)(A) with respect to the chemical substance, and the Administrator shall be relieved of any requirement to make such determination.

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

"(C) PREREQUISITE FOR SUGGESTION OF WITHDRAWAL OR SUSPENSION.—The Administrator may not suggest to, or request of, a submitter of a notice under this subsection for a chemical substance that is a critical energy resource that such submitter withdraw such notice, or request a suspension of the running of the applicable review period with respect to such notice, unless the Administrator has—

"(i) conducted a preliminary review of such notice; and

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

"(D) DEFINITION.—For purposes of this paragraph, the term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

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

"(ii) the supply chain of which is vulnerable to disruption."

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SEC. 10013. NATURAL GAS TAX REPEAL.

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

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

SEC. 10014. REPEAL OF GREENHOUSE GAS REDUCTION FUND.

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

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

(c) CONFORMING AMENDMENT.—Section 60103 of Public Law 117–169 (relating to the greenhouse gas reduction fund) is repealed.

SEC. 10015. KEEPING AMERICA'S REFINERIES OPERATING.

(a) IN GENERAL.—The owner or operator of a stationary source described in subsection (b) of this section shall not be required by the regulations promulgated under section 112(r)(7)(B) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)) to include in any hazard assessment under clause (ii) of such section 112(r)(7)(B) an assessment of safer technology and alternative risk management measures with respect to the use of hydrofluoric acid in an alkylation unit.

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

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

(2) for which the owner or operator demonstrates to the Administrator of the Environmental Protection Agency that such stationary source conforms or will conform to the most recent version of American Petroleum Institute Recommended Practice 751.

SEC. 10016. HOMEOWNER ENERGY FREEDOM.

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

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

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

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

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

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

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

SEC. 20001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division 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 division is as follows:

TITLE I—

ONSHORE AND OFFSHORE LEASING AND OVERSIGHT

SEC. 20101. 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. 20102. 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. 20103. 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. 20104. 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."

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SEC. 20105. 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."

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SEC. 20106. 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."

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(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."

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(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. 20107. 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. 20108. 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."

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SEC. 20109. 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."

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(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."

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SEC. 20110. 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. 20111. 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. 20112. 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. 20113. 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 Community 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. 20114. EFFECT ON OTHER LAW.

Nothing in this division, or any amendments made by this division, 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. 20201. 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. 20202. 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."

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SEC. 20203. 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. 20204. 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. 20205. 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. 20206. 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. 20207. 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. 20208. 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."

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(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. 20209. 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. 20210. 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 geophysical 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. 20211. 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."*

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SEC. 20212. 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."*

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(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."

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SEC. 20213. 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."

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SEC. 20214. 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 rancheria; and

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, 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."

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(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 rancheria; and

"(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, 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."

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SEC. 20215. 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. 20216. 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. 20217. 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. 20218. 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. 20219. 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. 20220. 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. 20301. 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. 20302. 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 20301 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."

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(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"; 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."

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SEC. 20303. 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. 20304. 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. 20305. 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 13 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. 20306. 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. 20307. 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."

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SEC. 20308. 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. 20309. 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. 20401. 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. 20402. 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. 20403. 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. 20501. 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 162/3 percent, but not more than 183/4 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 162/3 percent thereafter," each place it appears and inserting "not less than 12.5 percent";

(2) in subparagraph (C), by striking "not less than 162/3 percent, but not more than 183/4 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 162/3 percent thereafter," each place it appears and inserting "not less than 12.5 percent";

(3) in subparagraph (F), by striking "not less than 162/3 percent, but not more than 183/4 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 162/3 percent thereafter," and inserting "not less than 12.5 percent"; and

(4) in subparagraph (H), by striking "not less than 162/3 percent, but not more than 183/4 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 162/3 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 162/3" 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', 162/3 percent in amount or value of the production removed or sold from the lease"; and

(ii) by striking "162/3 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 "162/3".

(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 producing, 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 162/3 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 162/3 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 noncompetitive 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 noncompetitive 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 121/2 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. 20601. 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."

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(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. 20602. 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. 20603. 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.

DIVISION C—WATER QUALITY CERTIFICATION AND ENERGY PROJECT IMPROVEMENT

~~SECTION 1.~~*SEC. 30001.* SHORT ~~TITLE.This Act~~*TITLE; TABLE OF CONTENTS.*

(a) Short Title.—This division may be cited as the "Water Quality Certification and Energy Project Improvement Act of 2023".

(b) Table of Contents.—The table of contents of this division is as follows:

SEC. *3000*2. CERTIFICATION.

Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking "may result" and inserting "may directly result";

(ii) in the second sentence, by striking "activity" and inserting "discharge";

(iii) in the third sentence, by striking "applications" each place it appears and inserting "requests";

(iv) in the fifth sentence, by striking "act on" and inserting "grant or deny"; and

(v) by inserting after the fourth sentence the following: "Not later than 30 days after the date of enactment of the Water Quality Certification and Energy Project Improvement Act of 2023, each State and interstate agency that has authority to give such a certification, and the Administrator, shall publish requirements for certification to demonstrate to such State, such interstate agency, or the Administrator, as the case may be, compliance with the applicable provisions of sections 301, 302, 303, 306, and 307. A decision to grant or deny a request for certification shall be based only on the applicable provisions of sections 301, 302, 303, 306, and 307, and the grounds for the decision shall be set forth in writing and provided to the applicant. Not later than 90 days after receipt of a request for certification, the State, interstate agency, or Administrator, as the case may be, shall identify in writing all specific additional materials or information that are necessary to grant or deny the request.";

(B) in paragraph (2)—

(i) in the second sentence, by striking "notice of application for such Federal license or permit" and inserting "receipt of a notice under the preceding sentence";

(ii) in the third sentence, by striking "any water quality requirement" and inserting "any applicable provision of section 301, 302, 303, 306, or 307";

(iii) in the fifth sentence, by striking "insure compliance with applicable water quality requirements." and inserting "ensure compliance with the applicable provisions of sections 301, 302, 303, 306, and 307.";

(iv) in the final sentence, by striking "insure" and inserting "ensure"; and

(v) by striking the first sentence and inserting "On receipt of a request for certification, the certifying State or interstate agency, as applicable, shall immediately notify the Administrator of the request.";

(C) in paragraph (3), in the second sentence, by striking "section" and inserting "any applicable provision of section";

(D) in paragraph (4)—

(i) in the first sentence, by striking "applicable effluent limitations or other limitations or other applicable water quality requirements will not be violated" and inserting "no applicable provision of section 301, 302, 303, 306, or 307 will be violated";

(ii) in the second sentence, by striking "will violate applicable effluent limitations or other limitations or other water quality requirements" and inserting "will directly result in a discharge that violates an applicable provision of section 301, 302, 303, 306, or 307,"; and

(iii) in the third sentence, by striking "such facility or activity will not violate the applicable provisions" and inserting "operation of such facility or activity will not directly result in a discharge that violates any applicable provision"; and

(E) in paragraph (5), by striking "the applicable provisions" and inserting "any applicable provision";

(2) in subsection (d), by striking "any applicable effluent limitations and other limitations, under section 301 or 302 of this Act, standard of performance under section 306 of this Act, or prohibition, effluent standard, or pretreatment standard under section 307 of this Act, and with any other appropriate requirement of State law set forth in such certification, and" and inserting "the applicable provisions of sections 301, 302, 303, 306, and 307, and any such limitations or requirements"; and

(3) by adding at the end the following:

"(e) For purposes of this section, the applicable provisions of sections 301, 302, 303, 306, and 307 are any applicable effluent limitations and other limitations, under section 301 or 302, standard of performance under section 306, prohibition, effluent standard, or pretreatment standard under section 307, and requirement of State law implementing water quality criteria under section 303 necessary to support the designated use or uses of the receiving navigable waters."

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