

117TH CONGRESS
2D SESSION

H. R. 9087

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2022

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Transparency And Production of American Energy Act”
6 or the “TAP American Energy Act”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Severability.

TITLE I—FEDERAL OIL AND GAS PROGRAMS

- Sec. 101. Prohibition on moratoria of new energy leases on certain Federal land
 and on withdrawal of Federal land from energy development.
 Sec. 102. Onshore oil and gas leasing.
 Sec. 103. Processing applications for permits to drill.
 Sec. 104. Access to Federal oil and gas from non-Federal surface estate.
 Sec. 105. Offshore oil and gas leasing.
 Sec. 106. Five-year plan for offshore oil and gas leasing.
 Sec. 107. Offshore geological and geophysical survey licensing.

TITLE II—OVERSIGHT AND TRANSPARENCY OF FEDERAL
 ENERGY LEASING PROGRAMS

- Sec. 201. Expressions of interest; applications for permits to drill; offshore geo-
 logical and geophysical survey licensing.
 Sec. 202. Staff planning report.

TITLE III—ADVANCING U.S. ENERGY SYSTEMS

- Sec. 301. Definitions.
 Sec. 302. Renewable energy and transmission projects and rights-of-way.
 Sec. 303. No net loss determination for existing rights-of-way.
 Sec. 304. National Environmental Policy Act clarification.
 Sec. 305. Determination of National Environmental Policy Act adequacy.
 Sec. 306. National Environmental Policy Act review deadlines.
 Sec. 307. Determination regarding right-of-way.
 Sec. 308. Energy corridor expansion.
 Sec. 309. Funding to process permits and develop information technology.
 Sec. 310. Geothermal leasing.
 Sec. 311. Terms of rights-of-way.
 Sec. 312. Limitation on claims.

TITLE IV—ADVANCING ENERGY INFRASTRUCTURE

- Sec. 401. Liquefied natural gas by rail.
 Sec. 402. One Federal decision for pipelines.
 Sec. 403. Clean Water Act Certification.
 Sec. 404. Limitation on claims.

3 **SEC. 2. SEVERABILITY.**

4 If any provision of this Act, an amendment made by
 5 this Act, or the application of such provision or amend-
 6 ment to any person or circumstance is held to be invalid
 7 or unconstitutional, the remainder of this Act, the amend-

1 ments made by this Act, and the application of such provi-
2 sions to any person or circumstance shall not be affected
3 thereby.

4 **TITLE I—FEDERAL OIL AND GAS** 5 **PROGRAMS**

6 **SEC. 101. PROHIBITION ON MORATORIA OF NEW ENERGY** 7 **LEASES ON CERTAIN FEDERAL LAND AND ON** 8 **WITHDRAWAL OF FEDERAL LAND FROM EN-** 9 **ERGY DEVELOPMENT.**

10 (a) PROHIBITIONS.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, the President shall not carry out
13 any action that would prohibit or substantially delay
14 the issuance of any of the following on Federal land,
15 unless such an action has been authorized by an Act
16 of Congress:

17 (A) New oil and gas leases, drill permits,
18 approvals, or authorizations.

19 (B) New coal leases (including leases by
20 applications in process or expansions of existing
21 leases), permits, approvals, or authorizations.

22 (2) PROHIBITION ON WITHDRAWAL.—Notwith-
23 standing any other provision of law, the President
24 shall not withdraw any Federal land from forms of
25 entry, appropriation, or disposal under the public

1 land laws or disposition under laws pertaining to
 2 mineral and geothermal leasing unless the with-
 3 drawal has been authorized by an Act of Congress.

4 (b) DEFINITIONS.—In this section:

5 (1) FEDERAL LAND.—The term “Federal land”
 6 means—

7 (A) National Forest System land;

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

11 (C) the outer Continental Shelf (as defined
 12 in section 2 of the Outer Continental Shelf
 13 Lands Act (43 U.S.C. 1331)); and

14 (D) land managed by the Secretary of En-
 15 ergy.

16 (2) PRESIDENT.—The term “President” means
 17 the President or any designee, including—

18 (A) the Secretary of Agriculture;

19 (B) the Secretary of Energy; and

20 (C) the Secretary of the Interior.

21 **SEC. 102. ONSHORE OIL AND GAS LEASING.**

22 (a) REQUIREMENT TO IMMEDIATELY RESUME ON-
 23 SHORE OIL AND GAS LEASE SALES.—

24 (1) IN GENERAL.—The Secretary of the Inte-
 25 rior shall immediately resume onshore oil and gas

1 lease sales in compliance with the Mineral Leasing
2 Act (30 U.S.C. 181 et seq.).

3 (2) REQUIREMENT.—The Secretary of the Inte-
4 rior shall ensure that any oil and gas lease sale pur-
5 suant to paragraph (1) is conducted immediately on
6 completion of all applicable scoping, public comment,
7 and environmental analysis requirements under the
8 Mineral Leasing Act (30 U.S.C. 181 et seq.) and the
9 National Environmental Policy Act of 1969 (42
10 U.S.C. 4321 et seq.).

11 (b) ANNUAL LEASE SALES.—

12 (1) IN GENERAL.—In accordance with the Min-
13 eral Leasing Act (30 U.S.C. 181 et seq.), beginning
14 in fiscal year 2023, the Secretary of the Interior
15 shall annually conduct a minimum of four oil and
16 gas lease sales in each of the following States:

17 (A) Wyoming.

18 (B) New Mexico.

19 (C) Colorado.

20 (D) Utah.

21 (E) Montana.

22 (F) North Dakota.

23 (G) Oklahoma.

24 (H) Nevada.

1 (I) Any other State in which there is land
2 available for oil and gas leasing under the Min-
3 eral Leasing Act (30 U.S.C. 181 et seq.) or any
4 other mineral leasing law.

5 (2) REQUIREMENT.—In conducting a lease sale
6 under paragraph (1) in a State described in that
7 paragraph, the Secretary of the Interior shall offer
8 all parcels eligible for oil and gas exploration, devel-
9 opment, and production under the resource manage-
10 ment plan in effect for the State.

11 (3) REPLACEMENT SALES.—If, for any reason,
12 a lease sale under paragraph (1) for a fiscal year is
13 canceled, delayed, or deferred, including for a lack of
14 eligible parcels, the Secretary of the Interior shall
15 conduct a replacement sale during the same fiscal
16 year.

17 **SEC. 103. PROCESSING APPLICATIONS FOR PERMITS TO**
18 **DRILL.**

19 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
20 226(p)) is amended by adding at the end the following:

21 “(4) EFFECT OF PENDING CIVIL ACTION ON
22 PROCESSING APPLICATIONS FOR PERMITS TO
23 DRILL.—Pursuant to the requirements of paragraph
24 (2), notwithstanding the existence of any pending
25 civil actions which do not directly affect or involve

1 the application or related lease, the Secretary shall
 2 process an application for a permit to drill under a
 3 valid existing lease, unless a United States Federal
 4 court has determined that the lease was not issued
 5 in compliance with the National Environmental Pol-
 6 icy Act of 1969 (42 U.S.C. 4321 et seq.).”.

7 **SEC. 104. ACCESS TO FEDERAL OIL AND GAS FROM NON-**
 8 **FEDERAL SURFACE ESTATE.**

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

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

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

18 “(A) the United States holds an ownership
 19 interest of less than 50 percent of the sub-
 20 surface mineral estate to be accessed by the
 21 proposed action; and

22 “(B) the operator submits to the Secretary
 23 a State permit to conduct oil and gas explo-
 24 ration and production activities on the non-Fed-
 25 eral surface estate.

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

4 “(A) shall require no additional Federal
5 action;

6 “(B) may commence 30 days after submis-
7 sion of the State permit to the Secretary;

8 “(C) shall be categorically excluded from
9 any further analysis and documentation under
10 the National Environmental Policy Act of 1969
11 (42 U.S.C. 4321 et seq.) if the activity is con-
12 ducted pursuant to this Act for the purpose of
13 exploration or development of oil or gas; and

14 “(D) shall not be subject to—

15 “(i) section 306108 of title 54, United
16 States Code (commonly known as the Na-
17 tional Historic Preservation Act of 1966);
18 and

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

21 “(3) ROYALTIES AND PRODUCTION ACCOUNT-
22 ABILITY.—(A) Nothing in this subsection shall affect
23 the amount of royalties due to the United States
24 under this Act from the production of oil and gas,
25 or alter the Secretary’s authority to conduct audits

1 and collect civil penalties pursuant to the Federal
2 Oil and Gas Royalty Management Act of 1982 (30
3 U.S.C. 1701 et seq.).

4 “(B) The Secretary may conduct onsite reviews
5 and inspections to ensure proper accountability,
6 measurement, and reporting of production of Fed-
7 eral oil and gas, and payment of royalties.

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

11 **SEC. 105. OFFSHORE OIL AND GAS LEASING.**

12 (a) IN GENERAL.—The Secretary shall conduct all
13 lease sales described in the 2017–2022 Outer Continental
14 Shelf Oil and Gas Leasing Proposed Final Program (No-
15 vember 2016) that have not been conducted as of the date
16 of enactment of this Act by not later than September 30,
17 2023.

18 (b) GULF OF MEXICO REGION ANNUAL LEASE
19 SALES.—Notwithstanding any other provision of law, be-
20 ginning in fiscal year 2023, the Secretary of the Interior
21 shall annually conduct a minimum of 2 region-wide oil and
22 gas lease sales in the following planning areas of the Gulf
23 of Mexico region, as described in the 2017–2022 Outer
24 Continental Shelf Oil and Gas Leasing Proposed Final
25 Program (November 2016):

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

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

3 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-
4 withstanding any other provision of law, beginning in fis-
5 cal year 2022, the Secretary of the Interior shall annually
6 conduct a minimum of 2 region-wide oil and gas lease
7 sales in the Alaska region of the Outer Continental Shelf,
8 as described in the 2017–2022 Outer Continental Shelf
9 Oil and Gas Leasing Proposed Final Program (November
10 2016).

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

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

17 (2) include in each such lease sale all unleased
18 areas that are not subject to restrictions as of the
19 date of the lease sale.

20 **SEC. 106. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**
21 **LEASING.**

22 Section 18 of the Outer Continental Shelf Lands Act
23 (43 U.S.C. 1344) is amended—

24 (1) in subsection (a)—

1 (A) by striking “subsections (c) and (d) of
2 this section, shall prepare and periodically re-
3 vise,” and inserting “this section, shall issue
4 every five years”;

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

6 “(5) Each five-year program shall include at
7 least two lease sales per year.”; and

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

10 (2) by redesignating subsections (f) through (h)
11 as subsections (h) through (j), respectively; and

12 (3) by inserting after subsection (e) the fol-
13 lowing:

14 “(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The
15 Secretary shall issue the five-year oil and gas leasing pro-
16 gram for 2023 through 2028 by not later than December
17 31, 2022.

18 “(g) SUBSEQUENT LEASING PROGRAMS.—

19 “(1) IN GENERAL.—Not later than 36 months
20 after conducting the first lease sale under an oil and
21 gas leasing program prepared pursuant to this sec-
22 tion, the Secretary shall begin preparing the subse-
23 quent oil and gas leasing program under this sec-
24 tion.

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

5 **SEC. 107. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SUR-**
6 **VEY LICENSING.**

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

1 **TITLE II—OVERSIGHT AND**
2 **TRANSPARENCY OF FEDERAL**
3 **ENERGY LEASING PROGRAMS**

4 **SEC. 201. EXPRESSIONS OF INTEREST; APPLICATIONS FOR**
5 **PERMITS TO DRILL; OFFSHORE GEOLOGICAL**
6 **AND GEOPHYSICAL SURVEY LICENSING.**

7 (a) REPORT.—Not later than 30 days after the date
8 of enactment of this section, the Secretary of the Interior
9 shall submit to the Committee on Natural Resources of
10 the House of Representatives and the Committee on En-
11 ergy and Natural Resources of the Senate a report that
12 describes—

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

15 (A) the number of expressions of interest
16 that the Bureau of Land Management has not
17 taken any action to review, or not completed re-
18 view of, as of the date of enactment of this sec-
19 tion; and

20 (B) how long such expressions of interest
21 have been pending;

22 (2) the status of each pending application for a
23 permit to drill, including the number of applications
24 received, in each Bureau of Land Management State

1 office as of the date of enactment of this section, in-
2 cluding—

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

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

14 (C) steps the office is taking to come into
15 compliance with the requirements of section
16 17(p)(2) of the Mineral Leasing Act (30 U.S.C.
17 226(p)(2));

18 (3) the number of permits to drill issued by
19 each Bureau of Land Management State office as of
20 the date of enactment of this section;

21 (4) the status of each pending application for a
22 license for offshore geological and geophysical sur-
23 veys, including the number of applications received,
24 in each Bureau of Ocean Energy management re-
25 gional office, including—

1 (A) a description of any cause of delay for
2 pending applications, including as a result of
3 staffing shortages, technical limitations, incom-
4 plete applications, and incomplete review pursu-
5 ant to the National Environmental Policy Act
6 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
7 plicable laws;

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

10 (C) steps the Bureau of Ocean Energy
11 Management is taking to complete review of
12 each application;

13 (5) the number of licenses for offshore geologi-
14 cal and geophysical surveys issued by each Bureau
15 of Ocean Energy Management regional office as of
16 the date of enactment of this section;

17 (6) the status of each pending application for a
18 permit to drill, including the number of applications
19 received, in each Bureau of Safety and Environ-
20 mental Enforcement regional office, including—

21 (A) a description of any cause of delay for
22 pending applications, including as a result of
23 staffing shortages, technical limitations, incom-
24 plete applications, and incomplete review pursu-
25 ant to the National Environmental Policy Act

1 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
2 plicable laws;

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

5 (C) steps the Bureau of Safety and Envi-
6 ronmental Enforcement is taking to complete
7 review of each application;

8 (7) the number of permits to drill issued by
9 each Bureau of Safety and Environmental Enforce-
10 ment regional office as of the date of enactment of
11 this section;

12 (8) how, as applicable, the Bureau of Land
13 Management, the Bureau of Ocean Energy Manage-
14 ment, and the Bureau of Safety and Environmental
15 Enforcement determines whether to—

16 (A) issue a license for geological and geo-
17 physical surveys;

18 (B) issue a permit to drill; and

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

21 (9) when determinations described in paragraph
22 (8) are sent to the national office of the Bureau of
23 Land Management, the Bureau of Ocean Energy
24 Management, or the Bureau of Safety and Environ-
25 mental Enforcement for final approval;

1 (10) the degree to which Bureau of Land Man-
2 agement, Bureau of Ocean Energy Management,
3 and Bureau of Safety and Environmental Enforce-
4 ment field, State, and regional offices exercise dis-
5 cretion on such final approval;

6 (11) the number of auctioned leases receiving
7 accepted bids that have not been issued to winning
8 bidders and the number days such leases have not
9 been issued; and

10 (12) a description of the uses of application for
11 permit to drill fees paid by permit holders over the
12 previous 5-year period.

13 (b) PENDING APPLICATIONS FOR PERMITS TO
14 DRILL.—Not later than 30 days after the date of enact-
15 ment of this section, the Secretary of the Interior shall
16 issue all pending applications for a permit to drill that
17 meet the requirements of section 17(p)(2) of the Mineral
18 Leasing Act (30 U.S.C. 226(p)(2)).

19 (c) PUBLIC AVAILABILITY OF DATA.—

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

23 “(s) PUBLIC AVAILABILITY OF DATA.—

24 “(1) EXPRESSIONS OF INTEREST.—Not later
25 than 30 days after the date of enactment of this

1 subsection, and each month thereafter, the Secretary
2 shall publish on the website of the Department of
3 the Interior the number of pending, approved, and
4 not approved expressions of interest in nominated
5 parcels for future onshore oil and gas lease sales in
6 the preceding month.

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

14 “(3) PAST DATA.—Not later than 30 days after
15 the date of enactment of this subsection, the Sec-
16 retary shall publish on the website of the Depart-
17 ment of the Interior, with respect to the 5-year pe-
18 riod ending on the date of enactment of this sub-
19 section—

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

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

4 (2) OUTER CONTINENTAL SHELF LANDS ACT.—
5 Section 8 of the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1337) is amended by adding at the end
7 the following:

8 “(q) PUBLIC AVAILABILITY OF DATA.—

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

17 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
18 Not later than 30 days after the date of enactment
19 of this subsection, and each month thereafter, the
20 Secretary shall publish on the website of the Depart-
21 ment of the Interior the number of pending and ap-
22 proved applications for permits to drill on the outer
23 Continental Shelf in the preceding month in each re-
24 gional office.

1 “(3) PAST DATA.—Not later than 30 days after
2 the date of enactment of this subsection, the Sec-
3 retary shall publish on the website of the Depart-
4 ment of the Interior, with respect to the 5-year pe-
5 riod ending on the date of enactment of this sub-
6 section—

7 “(A) the number of approved applications
8 for licenses for offshore geological and geo-
9 physical surveys; and

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

13 (d) REQUIREMENT TO SUBMIT DOCUMENTS AND
14 COMMUNICATIONS.—

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

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

7 **SEC. 202. STAFF PLANNING REPORT.**

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

16 (1) the number of staff assigned to oil, gas,
17 coal, and renewable energy leasing and permitting,
18 respectively; and

19 (2) a description of how many staff are needed
20 to meet statutory requirements for such leasing and
21 permitting and how, as applicable, the Department
22 of the Interior or the Department of Agriculture
23 plans to address staffing shortfalls for such leasing
24 and permitting.

**TITLE III—ADVANCING U.S.
ENERGY SYSTEMS**

SEC. 301. 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, 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 adminis-

1 tered by the Secretary of the Interior or the Sec-
2 retary of Agriculture without regard to how the
3 United States acquired ownership, except—

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

6 (B) lands held for the benefit of Indians,
7 Aleuts, and Eskimos.

8 (4) RENEWABLE ENERGY FACILITY.—The term
9 “renewable energy facility” means any equipment or
10 facility that produces electricity from a renewable
11 energy resource, including wind, solar, tidal, bio-
12 mass, landfill gas, geothermal, methane, hydrogen,
13 or water.

14 (5) RIGHT-OF-WAY.—The term “right-of-way”
15 means—

16 (A) a right-of-way issued, granted, or re-
17 newed under section 501 of the Federal Land
18 Policy and Management Act of 1976 (43 U.S.C.
19 1761); or

20 (B) a right-of-way granted under section
21 28 of the Mineral Leasing Act (30 U.S.C. 185).

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

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

1 (B) with respect to National Forest Sys-
2 tem Lands, the Secretary of Agriculture.

3 **SEC. 302. RENEWABLE ENERGY AND TRANSMISSION**
4 **PROJECTS AND RIGHTS-OF-WAY.**

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

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

12 (1) geotechnical investigations;

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

14 (3) construction of meteorological towers where
15 the total soil or vegetation disruption at the location
16 is less than 5 acres;

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

21 (5) drilling temperature gradient holes and
22 other geothermal exploratory wells, including con-
23 structing or making improvements to structure pads
24 for such activities—

1 (A) that are less than 12 inches in diame-
2 ter; and

3 (B) where the total soil or vegetation dis-
4 ruption at the location is less than 5 acres;

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

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

12 (B) the addition, modification, retirement,
13 or replacement of breakers, transmission tow-
14 ers, transformers, bushings, or relays;

15 (C) the voltage uprating, modification,
16 reconductoring with conventional or advanced
17 conductors, and clearance resolution of trans-
18 mission lines;

19 (D) routine and emergency vegetation
20 management, including the removal of hazard
21 trees and other hazard vegetation within or ad-
22 jacent to an existing right-of-way; and

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

1 (7) approval of and activities conducted in ac-
2 cordance with operating plans or agreements for
3 transmission and distribution facility or under a spe-
4 cial use authorization for an electric transmission
5 and distribution facility right-of-way; and

6 (8) construction, maintenance, realignment, or
7 repairs on an existing permanent or temporary ac-
8 cess road—

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

12 (B) that serves an existing transmission
13 line, distribution line, or renewable energy facil-
14 ity.

15 **SEC. 303. NO NET LOSS DETERMINATION FOR EXISTING**
16 **RIGHTS-OF-WAY.**

17 Upon a determination by the Secretary concerned
18 that there will be no overall net loss of vegetation, soil,
19 or habitat, as defined by acreage and function, resulting
20 from a proposed action, decision, or activity within an ex-
21 isting right-of-way or within a right-of-way corridor estab-
22 lished in a land use plan, that action, decision, or activity
23 shall not be considered a major Federal action under sec-
24 tion 102(2)(C) of the National Environmental Policy Act
25 of 1969 (42 U.S.C. 4332(2)(C)).

1 **SEC. 304. NATIONAL ENVIRONMENTAL POLICY ACT CLARI-**
2 **FICATION.**

3 Title I of the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.) is amended by adding at
5 the end the following:

6 **“SEC. 106. APPLICATION LIMITED TO FEDERAL LAND AND**
7 **CERTAIN FEDERAL ACTIONS.**

8 “(a) IN GENERAL.—Under section 102(2)(C), the
9 term ‘major Federal action’ does not include a project or
10 action that—

11 “(1) does not involve Federal land; and

12 “(2) is not subject to Federal control and re-
13 sponsibility.

14 “(b) EXCLUSION.—A project or action may not be
15 determined to be a major Federal action under section
16 102(2)(C) on the basis of—

17 “(1) an interstate effect of such project or ac-
18 tion; or

19 “(2) the provision of Federal funds for such
20 project or activity.

21 “(c) SCOPE OF REVIEW.—The scope of any review
22 under section 102 shall extend only to so much of a major
23 Federal action as is—

24 “(1) on Federal land; or

25 “(2) is subject to Federal control and responsi-
26 bility.”.

1 **SEC. 305. DETERMINATION OF NATIONAL ENVIRONMENTAL**
2 **POLICY ACT ADEQUACY.**

3 The Secretary concerned shall use previously com-
4 pleted environmental assessments and environmental im-
5 pact statements to satisfy the requirements of section 102
6 of the National Environmental Policy Act of 1969 (42
7 U.S.C. 4332) with respect to any proposed transmission
8 project, any proposed project to construct, connect, oper-
9 ate, or maintain a pipeline facility to transport an energy
10 resource, hydrogen, carbon dioxide, or natural gas, or any
11 proposed project to construct or maintain a renewable en-
12 ergy facility if such Secretary determines that—

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

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

21 **SEC. 306. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW**
22 **DEADLINES.**

23 (a) IN GENERAL.—With respect to major Federal ac-
24 tions carried out by the Secretary of the Interior or the
25 Secretary of Agriculture, the Secretary concerned shall
26 complete—

1 (1) any environmental assessment required
2 under section 102(2)(C) of the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
4 relating to the major Federal action by not later
5 than 1 year after the sooner of, as applicable—

6 (A) the date on which the Secretary con-
7 cerned notifies the applicant under section 307
8 that the application to establish a right-of-way
9 for the major Federal action is complete; and

10 (B) the date on which the Secretary con-
11 cerned begins the scoping for the major Federal
12 action; and

13 (2) any environmental impact statement re-
14 quired section 102(2)(C) of the National Environ-
15 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
16 relating to the major Federal action by not later
17 than 2 years after the sooner of, as applicable—

18 (A) the date on which the Secretary con-
19 cerned notifies the applicant under section 307
20 that the application to establish a right-of-way
21 for the major Federal action is complete; and

22 (B) the date on which the Secretary con-
23 cerned issues a notice of intent to prepare the
24 environmental impact statement for the major
25 Federal action.

1 (b) EXTENSION.—The Secretary concerned may ex-
2 tend a deadline described in subsection (a) with the ap-
3 proval of the applicant.

4 (c) REPORT.—

5 (1) IN GENERAL.—The Secretary concerned
6 shall each annually submit to the Committee on
7 Natural Resources of the House of Representatives
8 and the Committee on Energy and Natural Re-
9 sources of the Senate a report that—

10 (A) identifies any environmental assess-
11 ment and environmental impact statement that
12 is not completed by the appropriate deadline de-
13 scribed in subsection (a) or the deadline ex-
14 tended under subsection (b), as applicable; and

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

17 (2) INCLUSIONS.—Each report submitted under
18 paragraph (1) shall identify—

19 (A) the respective field office, ranger dis-
20 trict, or region office, as applicable, responsible
21 for each such environmental assessment and en-
22 vironmental impact statement;

23 (B) as applicable, the date on which—

24 (i) the Secretary concerned notifies
25 the applicant under section 307 that the

1 application to establish a right-of-way for
2 the major Federal action is complete;
3 (ii) the Secretary concerned begins the
4 scoping for the major Federal action; or
5 (iii) the Secretary concerned issues a
6 notice of intent to prepare the environ-
7 mental impact statement for the major
8 Federal action; and
9 (C) when such environmental assessment
10 and environmental impact statement is expected
11 to be complete.

12 **SEC. 307. DETERMINATION REGARDING RIGHT-OF-WAY.**

13 Not later than 60 days after the Secretary concerned
14 receives an application to establish a right-of-way, the Sec-
15 retary concerned shall notify the applicant as to whether
16 the application is complete or deficient. If the Secretary
17 concerned determines the application is complete, the Sec-
18 retary concerned may not consider any other application
19 to establish a right-of-way on the same or any overlapping
20 parcels of land while such application is pending.

21 **SEC. 308. ENERGY CORRIDOR EXPANSION.**

22 Section 368 of the Energy Policy Act of 2005 (42
23 U.S.C. 15926) is amended by inserting at the end the fol-
24 lowing:

1 “(f) NOMINATIONS AND EXPRESSIONS OF INTEREST
2 FOR ENERGY CORRIDOR EXPANSION.—(1) Not later than
3 180 days after the date of the enactment of this Act, the
4 Secretaries, acting jointly, shall establish procedures, in
5 accordance with the subsection, under their respective au-
6 thorities for States and counties to submit requests to the
7 Secretaries, jointly, for Federal land to be added to exist-
8 ing corridors for oil, gas, CO₂ and hydrogen pipelines and
9 electricity transmission and distribution facilities on Fed-
10 eral land within the borders of the requesting States and
11 counties.

12 “(2) A request under paragraph (1) must be sub-
13 mitted jointly by the Governor of each State and the high-
14 est elected official of each county within whose borders
15 the Federal land to be added to the existing corridor is
16 located.

17 “(3) After receiving a request that is in accordance
18 with the procedures established under paragraph (1), the
19 Secretaries, acting jointly, shall—

20 “(A) consult with the Federal Energy Regu-
21 latory Commission, affected utility service providers,
22 Indian Tribes, relevant State agencies, affected
23 counties and municipalities, and any other impacted
24 persons as appropriate, regarding whether to grant
25 or deny the request;

1 “(B) for a request for an addition of more than
2 100 acres, perform any environmental reviews that
3 may be required to complete the designation of such
4 corridors before granting the request;

5 “(C) respond to the requesting States and
6 counties indicating that the request is granted or de-
7 nied, in whole or in part—

8 “(i) not later than 150 days after receiving
9 a request for an addition of 100 acres or less;
10 and

11 “(ii) not later than 1 year after receiving
12 a request for an addition of more than 100
13 acres;

14 “(D) for requests that are denied, in whole or
15 in part, explain the basis upon which the request
16 was denied, in whole or in part, and what, if any,
17 corrective or supplementary actions the requesting
18 States and counties may take to address the reasons
19 for denial and to submit a new application; and

20 “(E) for requests that are granted, under their
21 respective authorities—

22 “(i) designate the Federal land subject to
23 the granted request as an addition to the exist-
24 ing corridor;

1 “(ii) specify the centerline, width, and
2 compatible uses of the designated addition; and
3 “(iii) incorporate the designated addition
4 into the relevant agency land use and resource
5 management plans or equivalent plans.”.

6 **SEC. 309. FUNDING TO PROCESS PERMITS AND DEVELOP**
7 **INFORMATION TECHNOLOGY.**

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

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

1 **SEC. 310. GEOTHERMAL LEASING.**

2 Section 4(b) of the Geothermal Steam Act of 1970
3 (30 U.S.C. 1003(b)) is amended—

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

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

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

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

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

20 **SEC. 311. TERMS OF RIGHTS-OF-WAY.**

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

25 “(e) Any right-of-way granted, issued, amended, or
26 renewed under subsection (a)(4) may be limited to a term

1 of not more than 50 years before such right-of-way is sub-
2 ject to renewal or amendment.”.

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

6 **SEC. 312. LIMITATION ON CLAIMS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, a claim arising under Federal law seeking ju-
9 dicial review of a permit, license, or approval issued by
10 a Federal agency for a transmission, distribution, or re-
11 newable energy project shall be barred unless—

12 (1) the claim is filed within 150 days after pub-
13 lication of a notice in the Federal Register announc-
14 ing that the permit, license, or approval is final pur-
15 suant to the law under which the agency action is
16 taken, unless a shorter time is specified in the Fed-
17 eral law pursuant to which judicial review is allowed;
18 and

19 (2) the claim is filed by a party that submitted
20 a comment during the public comment period for
21 such permit, license, or approval and such comment
22 was sufficiently detailed to put the agency on notice
23 of the issue upon which the party seeks judicial re-
24 view.

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

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

8 **TITLE IV—ADVANCING ENERGY** 9 **INFRASTRUCTURE**

10 **SEC. 401. LIQUEFIED NATURAL GAS BY RAIL.**

11 (a) IN GENERAL.—The Secretary of Transportation
12 may not issue any regulation or long-term order that—

13 (1) prohibits the transportation of “methane,
14 refrigerated liquid”, commonly known as liquefied
15 natural gas (LNG), by rail; or

16 (2) restricts or contracts the scope of allowance
17 provided by the final rule of the Pipeline and Haz-
18 ardous Materials Safety Administration, titled “Haz-
19 ardous Materials: Liquefied Natural Gas by Rail”
20 and published in the Federal Register on July 24,
21 2020 (85 Fed. Reg. 44994).

22 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to limit the authority of the Sec-
24 retary of Transportation from issuing short-term emer-

1 agency orders related to the transportation of liquefied nat-
2 ural gas by rail.

3 **SEC. 402. ONE FEDERAL DECISION FOR PIPELINES.**

4 (a) IN GENERAL.—Chapter 601 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 60144. Efficient environmental reviews and one**
8 **Federal decision.**

9 “(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

10 “(1) IN GENERAL.—The Secretary of Transpor-
11 tation shall apply the project development proce-
12 dures, to the greatest extent feasible, described in
13 section 139 of title 23 to any pipeline project that
14 requires the approval of the Secretary under the Na-
15 tional Environmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.).

17 “(2) REGULATIONS AND PROCEDURES.—In car-
18 rying out paragraph (1), the Secretary shall incor-
19 porate into agency regulations and procedures per-
20 taining to pipeline projects described in paragraph
21 (1) aspects of such project development procedures,
22 or portions thereof, determined appropriate by the
23 Secretary in a manner consistent with this section,
24 that increase the efficiency of the review of pipeline
25 projects.

1 “(3) DISCRETION.—The Secretary may choose
 2 not to incorporate into agency regulations and proce-
 3 dures pertaining to pipeline projects described in
 4 paragraph (1) such project development procedures
 5 that could only feasibly apply to highway projects,
 6 public transportation capital projects, and
 7 multimodal projects.

8 “(4) APPLICABILITY.—Subsection (l) of section
 9 139 of title 23 shall apply to pipeline projects de-
 10 scribed in paragraph (1).

11 “(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—The
 12 Secretary shall maintain and make publicly available, in-
 13 cluding on the Internet, a database that identifies project-
 14 specific information on the use of a categorical exclusion
 15 on any pipeline project carried out under this title.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
 17 ter 601 of title 49, United States Code, is amended by
 18 adding at the end the following:

“60144. Efficient environmental reviews and one Federal decision.”.

19 **SEC. 403. CLEAN WATER ACT CERTIFICATION.**

20 Section 401(d) of the Federal Water Pollution Con-
 21 trol Act (33 U.S.C. 1341(d)) is amended—

22 (1) by inserting “water quality standard in ef-
 23 fect under section 303 of this Act,” before “stand-
 24 ard of performance”; and

1 (2) by inserting “water quality” before “re-
2 quirement of State law”.

3 **SEC. 404. LIMITATION ON CLAIMS.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, a claim arising under Federal law seeking ju-
6 dicial review of a permit or lease sale for oil and gas pro-
7 duction on Federal lands, or an authorization needed for
8 the construction, connection, operation, or maintenance of
9 pipeline facilities to transport an energy resource, hydro-
10 gen, carbon dioxide, or natural gas, issued by a Federal
11 agency shall be barred unless—

12 (1) the claim is filed within 150 days after pub-
13 lication of a notice in the Federal Register announc-
14 ing that the permit, lease sale, or authorization is
15 final pursuant to the law under which the agency ac-
16 tion is taken, unless a shorter time is specified in
17 the Federal law pursuant to which judicial review is
18 allowed; and

19 (2) the claim is filed by a party that submitted
20 a comment during the public comment period for
21 such permit, lease sale, or authorization and such
22 comment was sufficiently detailed to put the agency
23 on notice of the issue upon which the party seeks ju-
24 dicial review.

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

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

○