

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require onshore oil and gas lease sales in certain States, to improve Federal energy mineral leasing processes, and to address subsequent oil and gas leasing programs under the Outer Continental Shelf Lands Act.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 4753

To reform leasing, permitting, and judicial review for certain energy and minerals projects, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. DAINES (for himself, Mrs. HYDE-SMITH, Ms. MURKOWSKI, Mr. CASIDY, and Mr. RISCH)

Viz:

1 At the end of section 201, add the following:

2 (c) ONSHORE LEASE SALES.—

3 (1) ANNUAL LEASE SALES.—

4 (A) IN GENERAL.—Notwithstanding any
5 other provision of law, in accordance with the
6 Mineral Leasing Act (30 U.S.C. 181 et seq.),
7 beginning in fiscal year 2025, the Secretary
8 shall conduct a minimum of 4 oil and gas lease
9 sales annually in each of the following States:

10 (i) Wyoming.

- 1 (ii) New Mexico.
2 (iii) Colorado.
3 (iv) Utah.
4 (v) Montana.
5 (vi) North Dakota.
6 (vii) Oklahoma.
7 (viii) Nevada.
8 (ix) Alaska.
9 (x) Any other State in which there is
10 land available for oil and gas leasing under
11 that Act.

12 (B) REQUIREMENT.—In conducting a lease
13 sale under subparagraph (A) in a State de-
14 scribed in that subparagraph, the Secretary
15 shall offer all parcels eligible for oil and gas de-
16 velopment under the resource management plan
17 in effect for the State.

18 (C) REPLACEMENT SALES.—If, for any
19 reason, a lease sale under subparagraph (A) for
20 a calendar year is canceled, delayed, or de-
21 ferred, including for a lack of eligible parcels,
22 the Secretary shall conduct a replacement sale
23 during the same calendar year.

24 (d) PROHIBITION.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the President shall not, through Executive order or
3 any other administrative procedure, unreasonably
4 pause, cancel, delay, defer, or otherwise impede or
5 circumvent the Federal energy mineral leasing proc-
6 esses under the Mineral Leasing Act (30 U.S.C. 181
7 et seq.) or the Outer Continental Shelf Lands Act
8 (43 U.S.C. 1331 et seq.) or a related rulemaking
9 process required by subchapter II of chapter 5, and
10 chapter 7, of title 5, United States Code (commonly
11 known as the “Administrative Procedure Act”),
12 without congressional approval.

13 (2) REBUTTABLE PRESUMPTION.—There shall
14 be a rebuttable presumption that any attempt by the
15 President to pause, cancel, delay, defer, or otherwise
16 impede or circumvent any Federal energy mineral
17 leasing process under the Mineral Leasing Act (30
18 U.S.C. 181 et seq.) or the Outer Continental Shelf
19 Lands Act (43 U.S.C. 1331 et seq.) or a related
20 rulemaking process required by subchapter II of
21 chapter 5, and chapter 7, of title 5, United States
22 Code (commonly known as the “Administrative Pro-
23 cedure Act”), without congressional approval, is a
24 violation of the applicable law.

1 In section 301(a), strike “1 oil and gas lease sale”
2 and insert “2 oil and gas lease sales”.

3 At the end of section 301, add the following:

4 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-
5 withstanding any other provision of law, beginning in fis-
6 cal year 2025, the Secretary shall conduct a minimum of
7 2 region-wide oil and gas lease sales annually in the Alas-
8 ka Region of the outer Continental Shelf, as described in
9 the 2017–2022 Outer Continental Shelf Oil and Gas Leas-
10 ing Proposed Final Program (November 2016).

11 (d) OUTER CONTINENTAL SHELF OIL AND GAS
12 LEASING PROGRAM.—Section 18 of the Outer Continental
13 Shelf Lands Act (43 U.S.C. 1344) is amended—

14 (1) in subsection (a), in the first sentence of the
15 matter preceding paragraph (1), by striking “sub-
16 sections (c) and (d) of this section” and inserting
17 “subsections (c) through (f)”;

18 (2) by redesignating subsections (f) through (i)
19 as subsections (g) through (j), respectively;

20 (3) by inserting after subsection (e) the fol-
21 lowing:

22 “(f) SUBSEQUENT LEASING PROGRAMS.—

23 “(1) IN GENERAL.—Not later than 36 months
24 after conducting the first lease sale under an oil and

1 gas leasing program prepared pursuant to this sec-
2 tion, the Secretary shall begin preparing the subse-
3 quent oil and gas leasing program under this sec-
4 tion.

5 “(2) REQUIREMENT.—Each subsequent oil and
6 gas leasing program under this section shall be ap-
7 proved not later than 180 days before the expiration
8 of the previous oil and gas leasing program.”; and

9 (4) by indenting subsection (j) (as so redesign-
10 nated) appropriately.