

117TH CONGRESS
2D SESSION

S. 4228

To require the Secretary of the Interior to immediately resume oil and gas lease sales, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2022

Mr. BARRASSO (for himself, Ms. LUMMIS, Mr. RISCH, Mr. MARSHALL, Mr. HOEVEN, Mr. CRUZ, and Mrs. HYDE-SMITH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior to immediately resume oil and gas lease sales, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lease Now Act of
5 2022”.

6 **SEC. 2. ONSHORE OIL AND GAS LEASING.**

7 (a) DEFINITIONS.—In this section:

8 (1) ONSHORE OIL AND GAS LEASE SALE.—The
9 term “onshore oil and gas lease sale” means an oil

1 and gas lease sale conducted under section 17 of the
2 Mineral Leasing Act (30 U.S.C. 226).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (b) ONSHORE OIL AND GAS LEASE SALES.—

6 (1) CONGRESSIONAL DECLARATION OF POL-
7 ICY.—Consistent with the policy described in section
8 102(a)(12) of the Federal Land Policy and Manage-
9 ment Act of 1976 (43 U.S.C. 1701(a)(12)) that the
10 Bureau of Land Management manage public land
11 “in a manner which recognizes the Nation’s need for
12 domestic sources of minerals” from public land,
13 Congress declares that it is the policy of the United
14 States that it is in the national interest for the De-
15 partment of the Interior to move forward expedi-
16 tiously to immediately resume—

17 (A) onshore oil and gas lease sales; and

18 (B) the processing and authorization of on-
19 shore oil and gas permits.

20 (2) REQUIREMENT TO IMMEDIATELY RESUME
21 ONSHORE OIL AND GAS LEASE SALES.—

22 (A) IN GENERAL.—The Secretary shall im-
23 mediately resume quarterly onshore oil and gas
24 lease sales in accordance with section

1 17(b)(1)(A) of the Mineral Leasing Act (30
2 U.S.C. 226(b)(1)(A)).

3 (B) THIRD QUARTER LEASE SALE.—The
4 Secretary shall immediately begin the leasing
5 process for the quarterly onshore oil and gas
6 lease sale for the third quarter of calendar year
7 2022, including the scoping process, if needed.

8 (C) MINIMUM STATUTORY LEASE
9 TERMS.—During the 5-year period beginning on
10 the date of enactment of this Act, the Secretary
11 shall offer all onshore oil and gas lease sales
12 subject to the following minimum lease terms:

13 (i) A royalty rate of 12.5 percent.

14 (ii) A minimum acceptable bid of \$2
15 per acre.

16 (iii) Rental rates of—

17 (I) not less than \$1.50 per acre
18 per year for the first through fifth
19 years of the onshore oil and gas lease;
20 and

21 (II) not less \$2 per acre per year
22 for each year thereafter of the on-
23 shore oil and gas lease.

24 (iv) The applicable bond amount pur-
25 suant to subpart 3104 of part 3100 of title

1 43, Code of Federal Regulations (as in ef-
2 fect as of the date of enactment of this
3 Act).

4 (D) RESOURCE MANAGEMENT PLAN RE-
5 QUIREMENT.—In conducting an onshore oil and
6 gas lease sale in a State described in section
7 17(b)(1)(A) of the Mineral Leasing Act (30
8 U.S.C. 226(b)(1)(A)), the Secretary shall offer
9 not less than 70 percent of parcels nominated
10 for oil and gas development under the applica-
11 ble resource management plan in effect for rel-
12 evant Bureau of Land Management resource
13 management areas within the applicable State.

14 (E) REPLACEMENT SALES.—If, for any
15 reason, an onshore oil and gas lease sale for a
16 calendar year is canceled, delayed, or deferred
17 or is paused due to section 208 of Executive
18 Order 14008 (42 U.S.C. 4321 note; relating to
19 tackling the climate crisis at home and abroad),
20 the Secretary shall conduct a replacement sale
21 by not later than 3 calendar years after the
22 date of the cancellation, delay, deferral, or
23 pause, as applicable.

24 **SEC. 3. OFFSHORE OIL AND GAS LEASING.**

25 (a) 2017–2022 OIL AND GAS LEASING PROGRAM.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 all lease sales described in the 2017–2022 Outer
3 Continental Shelf Oil and Gas Leasing Proposed
4 Final Program (November 2016) that have not been
5 conducted as of the date of enactment of this Act by
6 not later than December 31, 2023.

7 (2) LEASE SALE 257.—Not later than 30 days
8 after the date of enactment of this Act, the Sec-
9 retary shall issue leases to the successful bidders for
10 Gulf of Mexico Lease Sale 257 conducted on Novem-
11 ber 17, 2021.

12 (b) 2022–2027 OUTER CONTINENTAL SHELF OIL
13 AND GAS LEASING PROGRAM.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, not later than June 30, 2022, the
16 Secretary of the Interior (referred to in this section
17 as the “Secretary”) shall approve a final 2022–2027
18 oil and gas leasing program under section 18 of the
19 Outer Continental Shelf Lands Act (43 U.S.C.
20 1344).

21 (2) WAIVER.—In order to meet the deadline de-
22 scribed in paragraph (1), the Secretary may—

23 (A) limit any comment periods required
24 under subsections (c) and (d) of section 18 of

1 the Outer Continental Shelf Lands Act (43
2 U.S.C. 1344); and

3 (B) waive any other requirements under
4 that section that would delay final approval of
5 the oil and gas leasing program described in
6 paragraph (1).

7 (3) REQUIREMENTS.—The oil and gas leasing
8 program described in paragraph (1) shall include not
9 fewer than 10 lease sales in the Gulf of Mexico and
10 Alaska regions of the outer Continental Shelf, with
11 a minimum of 2 lease sales to be held in those re-
12 gions each calendar year, not fewer than 1 of which
13 shall be in the Gulf of Mexico region.

14 (4) LIMITATION.—The royalty rate for a lease
15 issued under the oil and gas leasing program de-
16 scribed in paragraph (1) shall not exceed 18.75 per-
17 cent.

18 (c) SUBSEQUENT OFFSHORE LEASING PROGRAMS.—
19 Section 18 of the Outer Continental Shelf Lands Act (43
20 U.S.C. 1344) is amended—

21 (1) in subsection (a), in the first sentence of the
22 matter preceding paragraph (1), by striking “sub-
23 sections (c) and (d) of this section” and inserting
24 “subsections (c) through (f)”;

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

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

5 “(f) SUBSEQUENT LEASING PROGRAMS.—

6 “(1) IN GENERAL.—Not later than 36 months
7 after conducting the first lease sale under an oil and
8 gas leasing program prepared pursuant to this sec-
9 tion, the Secretary shall begin preparing the subse-
10 quent oil and gas leasing program under this sec-
11 tion.

12 “(2) REQUIREMENT.—Each subsequent oil and
13 gas leasing program under this section—

14 “(A) shall be approved not later than 180
15 days before the expiration of the previous oil
16 and gas leasing program; and

17 “(B) shall contain a minimum of 5 lease
18 sales.”.

19 **SEC. 4. PROHIBITION ON DELAYS.**

20 (a) IN GENERAL.—The President shall not, through
21 Executive order or any other administrative procedure,
22 pause, cancel, delay, defer, or otherwise impede or cir-
23 cumvent the Federal energy mineral leasing processes
24 under the Mineral Leasing Act (30 U.S.C. 181 et seq.)
25 or the Outer Continental Shelf Lands Act (43 U.S.C.

1 1331 et seq.) or a related rulemaking process required by
2 subchapter II of chapter 5, and chapter 7, of title 5,
3 United States Code (commonly known as the “Administra-
4 tive Procedure Act”), without Congressional approval.

5 (b) REBUTTABLE PRESUMPTION.—There shall be a
6 rebuttable presumption that any attempt by the President
7 to pause, cancel, delay, defer, or otherwise impede or cir-
8 cumvent any Federal energy mineral leasing or permitting
9 process under the Mineral Leasing Act (30 U.S.C. 181
10 et seq.) or the Outer Continental Shelf Lands Act (43
11 U.S.C. 1331 et seq.) or a related rulemaking process re-
12 quired by subchapter II of chapter 5, and chapter 7, of
13 title 5, United States Code (commonly known as the “Ad-
14 ministrative Procedure Act”), without Congressional ap-
15 proval, is a violation of the applicable law.

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