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

Mr. Westerman introduced the following bill; which was referred to the Committee on

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.

Section 1. Short Title; Table of Contents.

(a) Short Title.—This Act may be cited as the “Transparency and Production of American Energy Act” or the “TAP American Energy Act”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

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

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

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

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

1. **Sec. 201.** Expressions of interest; applications for permits to drill; offshore geological and geophysical survey licensing.
2. **Sec. 202.** Staff planning report.

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

1. **Sec. 301.** Definitions.
2. **Sec. 302.** Renewable energy and transmission projects and rights-of-way.
3. **Sec. 303.** No net loss determination for existing rights-of-way.
4. **Sec. 304.** National Environmental Policy Act clarification.
5. **Sec. 305.** Determination of National Environmental Policy Act adequacy.
6. **Sec. 306.** National Environmental Policy Act review deadlines.
7. **Sec. 307.** Determination regarding right-of-way.
8. **Sec. 308.** Energy Corridor Expansion.
9. **Sec. 309.** Funding to process permits and develop information technology.
10. **Sec. 310.** Geothermal leasing.
11. **Sec. 311.** Terms of rights-of-way.
12. **Sec. 312.** Limitation on claims.

**TITLE IV—ADVANCING ENERGY INFRASTRUCTURE**

1. **Sec. 401.** Liquefied natural gas by rail.
2. **Sec. 402.** One Federal decision for pipelines.
3. **Sec. 403.** Clean Water Act Certification.
4. **Sec. 404.** Limitation on claims.

**SEC. 2. SEVERABILITY.**

4. If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be invalid or unconstitutional, the remainder of this Act, the amend-
ments made by this Act, and the application of such provi-
sions to any person or circumstance shall not be affected
thereby.

**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.**

(a) Prohibitions.—

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

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

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

(2) Prohibition on withdrawal.—Notwith-
standing any other provision of law, the President shall not withdraw any Federal land from forms of entry, appropriation, or disposal under the public
land laws or disposition under laws pertaining to
mineral and geothermal leasing unless the with-
drawal has been authorized by an Act of Congress.

(b) Definitions.—In this section:

(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 En-
ergy.

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

(A) the Secretary of Agriculture;
(B) the Secretary of Energy; and
(C) the Secretary of the Interior.

SEC. 102. ONSHORE OIL AND GAS LEASING.

(a) Requirement to Immediately Resume On-
shore Oil and Gas Lease Sales.—

(1) In general.—The Secretary of the Inter-
rior shall immediately resume 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 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.).

(b) ANNUAL LEASE SALES.—

(1) IN GENERAL.—In accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2023, the Secretary of the Interior shall annually 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) 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 eligible for oil and gas exploration, development, and production under the resource management plan in effect for the State.

(3) Replacement sales.—If, for any reason, a lease sale under paragraph (1) for a fiscal year is canceled, delayed, or deferred, including for a lack of eligible parcels, the Secretary of the Interior shall conduct a replacement sale during the same fiscal year.

SEC. 103. PROCESSING APPLICATIONS FOR PERMITS TO DRILL.

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

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

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

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

“(1) IN GENERAL.—The Secretary shall not re-
quire 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 sub-
surface 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 explo-
ration and production activities on the non-Fed-
eral surface estate.
“(2) NO FEDERAL ACTION.—An oil and gas exploration and production activity carried out under paragraph (1)—

“(A) shall require no additional Federal action;

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

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


“(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.”

SEC. 105. 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 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, 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 2022, 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 restrictions as of the date of the lease sale.

**SEC. 106. 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 re-

vise,” 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 lease sales per year.”; and 

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

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

(3) by inserting after subsection (e) the fol-

lowing: 

“(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The Secretary shall issue the five-year oil and gas leasing pro-

gram for 2023 through 2028 by not later than December 31, 2022. 

“(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 sec-
tion, the Secretary shall begin preparing the subse-
quently oil and gas leasing program under this sec-
tion.
“(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved by not later than 180 days before the expiration of the previous oil and gas leasing program.”.

SEC. 107. 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.
TITLE II—OVERSIGHT AND TRANSPARENCY OF FEDERAL ENERGY LEASING PROGRAMS

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

(a) REPORT.—Not later than 30 days after the date of enactment of this section, 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 lease sales, including—

(A) the number of expressions of interest that the Bureau of Land Management has not taken any action to review, or not completed review of, as of the date of enactment of this section; and

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

(2) the status of each pending application for a permit to drill, including the number of applications received, in each Bureau of Land Management State
office as of the date of enactment of this section, 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) steps the office is taking 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 by each Bureau of Land Management State office as of the date of enactment of this section;

(4) the status of each pending application for a license for offshore geological and geophysical surveys, including the number of applications received, in 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) steps the Bureau of Ocean Energy Management is taking to complete review of each application;

(5) the number of licenses for offshore geological and geophysical surveys issued by each Bureau of Ocean Energy Management regional office as of the date of enactment of this section;

(6) the status of each pending application for a permit to drill, including the number of applications received, in 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 by each Bureau of Safety and Environmental Enforcement regional office as of the date of enactment of this section;

(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) the number of auctioned leases receiving accepted bids that have not been issued to winning bidders and the number 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 over the previous 5-year period.

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

(c) PUBLIC AVAILABILITY OF DATA.—

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

“(s) PUBLIC AVAILABILITY OF DATA.—

“(1) EXPRESSIONS OF INTEREST.—Not later than 30 days after the date of 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 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 enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect to the 5-year period ending on the date of enactment of this subsection—

“(A) the number of approved and not approved expressions of interest for onshore oil and gas lease sales during such 5-year period; and
“(B) the number of approved and not approved applications for permits to drill during such 5-year period.”.

(2) OUTER CONTINENTAL SHELF LANDS ACT.—

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

“(q) PUBLIC AVAILABILITY OF DATA.—

“(1) OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSES.—Not later than 30 days after the date of 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 to geological and geophysical surveys in the preceding month.

“(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of 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 enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect to the 5-year period ending on the date of enactment of this subsection—

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

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

(d) REQUIREMENT TO SUBMIT DOCUMENTS AND COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of 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. 202. 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, coal, and renewable energy leases, rights-of-way, easements, and permits. Each such report shall include—

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

(2) a description of how many staff are needed to meet statutory requirements for such leasing and permitting and how, as applicable, the Department of the Interior or the Department of Agriculture plans to address staffing shortfalls for such leasing 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-
tered 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 for the benefit of Indians, Aleuts, and Eskimos.

(4) RENEWABLE ENERGY FACILITY.—The term “renewable energy facility” means any equipment or facility that produces electricity from a renewable energy resource, including wind, solar, tidal, biomass, landfill gas, geothermal, methane, hydrogen, or water.

(5) 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).

(6) 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.

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

(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" means—

(1) geotechnical investigations;

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

(3) construction of meteorological towers where the total soil or vegetation disruption 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 holes and other geothermal exploratory wells, including constructing or making improvements to structure pads for such activities—
(A) that are less than 12 inches in diameter; and

(B) where the total soil or vegetation disruption at the location 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) routine and emergency vegetation management, including the removal of hazard trees and other hazard vegetation within or adjacent to an existing right-of-way; and

(E) improvements to or construction of structure pads for such infrastructure;
(7) approval of and activities conducted in accordance with operating plans or agreements for transmission and distribution facility or under a special use authorization for an electric transmission and distribution facility right-of-way; and

(8) construction, maintenance, realignment, or repairs on 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; or

(B) that serves an existing transmission line, distribution line, or renewable energy facility.

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

Upon a determination by the Secretary concerned that there will be no overall 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 or within a right-of-way corridor established in a land use plan, 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)).
SEC. 304. NATIONAL ENVIRONMENTAL POLICY ACT CLARIFICATION.

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. APPLICATION LIMITED TO FEDERAL LAND AND CERTAIN FEDERAL ACTIONS.

“(a) In general.—Under section 102(2)(C), the term ‘major Federal action’ does not include a project or action that—

“(1) does not involve Federal land; and

“(2) is not subject to Federal control and responsibility.

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

“(1) an interstate effect of such project or action; or

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

“(c) Scope of review.—The scope of any review under section 102 shall extend only to so much of a major Federal action as is—

“(1) on Federal land; or

“(2) is subject to Federal control and responsibility.”.
SEC. 305. 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 proposed transmission project, any proposed project to construct, connect, operate, or maintain a pipeline facility to transport an energy resource, hydrogen, carbon dioxide, or natural gas, or any proposed project to construct or maintain a renewable energy facility 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. 306. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW DEADLINES.

(a) IN GENERAL.—With respect to major Federal actions carried out by the Secretary of the Interior or the Secretary of Agriculture, the Secretary concerned shall complete—
(1) any environmental assessment required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) relating to the major Federal action by not later than 1 year after the sooner of, as applicable—

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

(B) the date on which the Secretary concerned begins the scoping for the major Federal action; and

(2) any environmental impact statement required section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) relating to the major Federal action by not later than 2 years after the sooner of, as applicable—

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

(B) the date on which the Secretary concerned issues a notice of intent to prepare the environmental impact statement for the major Federal action.
(b) Extension.—The Secretary concerned may extend a deadline described in subsection (a) with the approval of the applicant.

(c) Report.—

(1) In general.—The Secretary concerned 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 that—

(A) identifies any environmental assessment and environmental impact statement that is not completed by the appropriate deadline described in subsection (a) or the deadline extended under subsection (b), as applicable; and

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

(2) Inclusions.—Each report submitted under paragraph (1) shall identify—

(A) the respective field office, ranger district, or region office, as applicable, responsible for each such environmental assessment and environmental impact statement;

(B) as applicable, the date on which—

(i) the Secretary concerned notifies the applicant under section 307 that the
application to establish a right-of-way for
the major Federal action is complete;

(ii) the Secretary concerned begins the
scoping for the major Federal action; or

(iii) the Secretary concerned issues a
notice of intent to prepare the environ-
mental impact statement for the major
Federal action; and

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

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

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

SEC. 308. ENERGY CORRIDOR EXPANSION.

Section 368 of the Energy Policy Act of 2005 (42
U.S.C. 15926) is amended by inserting at the end the fol-
lowing:
“(f) NOMINATIONS AND EXPRESSIONS OF INTEREST FOR ENERGY CORRIDOR EXPANSION.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretaries, acting jointly, shall establish procedures, in accordance with the subsection, under their respective authorities for States and counties to submit requests to the Secretaries, jointly, for Federal land to be added to existing corridors for oil, gas, CO2 and hydrogen pipelines and electricity transmission and distribution facilities on Federal land within the borders of the requesting States and counties.

“(2) A request under paragraph (1) must be submitted jointly by the Governor of each State and the highest elected official of each county within whose borders the Federal land to be added to the existing corridor is located.

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

“(A) consult with the Federal Energy Regulatory Commission, affected utility service providers, Indian Tribes, relevant State agencies, affected counties and municipalities, and any other impacted persons as appropriate, regarding whether to grant or deny the request;
“(B) for a request for an addition of more than 100 acres, perform any environmental reviews that may be required to complete the designation of such corridors before granting the request;

“(C) respond to the requesting States and counties indicating that the request is granted or denied, in whole or in part—

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

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

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

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

“(i) designate the Federal land subject to the granted request as an addition to the existing corridor;
“(ii) specify the centerline, width, and compatible uses of the designated addition; and
“(iii) incorporate the designated addition into the relevant agency land use and resource management plans or equivalent plans.”.

SEC. 309. 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.
SEC. 310. GEOTHERMAL 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.”.

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

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

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

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

SEC. 312. 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 transmission, distribution, or renewable energy project shall be barred unless—

(1) the claim is filed within 150 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.

TITLE IV—ADVANCING ENERGY INFRASTRUCTURE

SEC. 401. LIQUEFIED NATURAL GAS BY RAIL.

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

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

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

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Transportation from issuing short-term emer-
gency orders related to the transportation of liquefied nat-
ural gas by rail.

SEC. 402. ONE FEDERAL DECISION FOR PIPELINES.

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

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

“(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

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

“(2) REGULATIONS AND PROCEDURES.—In car-
rying out paragraph (1), the Secretary shall incor-
porate into agency regulations and procedures per-
taining to pipeline projects described in paragraph
(1) aspects of such project development procedures,
or portions thereof, determined appropriate by the
Secretary in a manner consistent with this section,
that increase the efficiency of the review of pipeline
projects.
“(3) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) such project development procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

“(4) APPLICABILITY.—Subsection (l) of section 139 of title 23 shall apply to pipeline projects described in paragraph (1).

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 of title 49, United States Code, is amended by adding at the end the following:

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

SEC. 403. CLEAN WATER ACT CERTIFICATION.

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

(1) by inserting “water quality standard in effect under section 303 of this Act,” before “standard of performance”; and
(2) by inserting “water quality” before “requirement of State law”.

SEC. 404. LIMITATION ON CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit or lease sale for oil and gas production on Federal lands, or an authorization needed for the construction, connection, operation, or maintenance of pipeline facilities to transport an energy resource, hydrogen, carbon dioxide, or natural gas, issued by a Federal agency shall be barred unless—

(1) the claim is filed within 150 days after publication of a notice in the Federal Register announcing that the permit, lease sale, or authorization 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, lease sale, or authorization 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, lease sale, or authorization.

(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.