

U.S. Department of the Interior
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 2860, the Revitalizing America's Offshore Critical Minerals Dominance Act
S. 3082, the American Shores Protection Act of 2025
H.R. 677, the Expedited Appeals Review Act
February 12, 2026

Thank you for the opportunity to provide the Department of the Interior's (Department) views on S. 2860, the Revitalizing America's Offshore Critical Minerals Dominance Act, S. 3082, the American Shores Protection Act of 2025, and H.R. 677, a bill to establish a process to expedite the review of appeals of certain decisions by the Department of the Interior.

S. 2860, Revitalizing America's Offshore Critical Minerals Dominance Act

The Department appreciates the Subcommittee's continued engagement on issues related to offshore resource management, domestic energy security, and responsible stewardship of the Outer Continental Shelf (OCS).

S. 2860 would establish a statutory framework to accelerate the assessment, mapping, exploration, and potential development of offshore critical mineral resources. The bill directs Federal agencies to streamline permitting processes under existing authorities, enhance interagency coordination, develop a seabed mapping plan, identify critical minerals derived from seabed resources, and engage with key allies and partners to advance seabed mineral exploration and processing capabilities.

The Administration supports S. 2860 because it is consistent with, and reinforces, the policy direction established in Executive Order 14285, Unleashing America's Offshore Critical Minerals and Resources. Like Executive Order 14285, the bill seeks to strengthen domestic supply chains for critical minerals, reduce reliance on foreign sources, and improve coordination across Federal agencies in the assessment and responsible development of offshore critical mineral resources.

By codifying many of the priorities set forth in Executive Order 14285, S. 2860 would provide longer-term certainty beyond the current Executive Order, support sustained interagency coordination, and enhance the Federal government's ability to responsibly identify, map, and evaluate offshore critical mineral resources on the OCS. The bill's emphasis on seabed mapping and data collection would improve the Federal government's understanding of offshore critical mineral potential while supporting transparency and informed decision-making.

The Department also recognizes the bill's focus on strengthening domestic capabilities for critical mineral exploration, processing, and supply chain development. These efforts align with broader Administration priorities to bolster national security, support domestic manufacturing, and ensure that the United States remains competitive in securing critical mineral resources essential to defense, infrastructure, and industrial applications.

S. 2860 would help advance the Administration's national security and economic objectives while reinforcing responsible management of offshore resources.

S. 3082, American Shores Protection Act of 2025

On his first day in office, President Trump signed Executive Order 14154, Unleashing America's Energy, declaring it is "in the national interest to unleash America's affordable and reliable energy and natural resources." Under President Trump's leadership, the United States became the largest producer of oil and natural gas in the world, and the responsible energy production from the Gulf of America greatly contributed to our nation's energy dominance. Once again, Secretary Burgum and the Department of the Interior have taken concrete steps to deliver on the President's goal by ensuring the increased production of reliable and affordable energy for the American people.

The Administration opposes S. 3082 because it would impose statutory constraints that substantially limit the discretion of the President and the Secretary of the Interior in developing future oil and gas leasing programs, including the 11th National OCS Oil and Gas Leasing Program currently under development.

The longstanding process established by Congress through the OCS Lands Act and reflected in the Department's existing regulatory framework provides broad discretion to balance multiple statutory objectives, including energy security, environmental protection, coastal community interests, and economic conditions. This flexibility is particularly critical in the development of a multi-year program like the 11th National OCS Program.

The Department is proceeding through a careful, deliberative process that is consistent with Federal law under the OCS Lands Act, with multiple rounds of public review, comment, and analysis, prior to the Secretary making a final decision on which OCS areas may ultimately be included in the 11th National OCS Program and subsequently offered for lease. The new area of the Eastern Gulf of America being analyzed for potential future activities in the 11th National Program is at least 100 miles from all points in Florida. Several other Gulf states are just as close to the Eastern Gulf, including Alabama (~100 miles), Mississippi (~120 miles), and Louisiana (~114 miles). Accordingly, any activities in these federal waters would have a comparable impact on all the Gulf states as well as the nation as a whole. Additionally, the OCS Lands Act requires the Secretary to consider input from Governors of affected states throughout both the National Program and lease sale planning processes.

Absent any decision by the President to amend or lift the existing withdrawals on leasing activities in the area, the inclusion of the areas of the Gulf of America described in this bill in the 11th National Program development process is purely for the purposes of analyzing potential resources and development activities in these areas pursuant to the OCS Lands Act, and pursuant to the President's Executive Order 14154, Unleashing American Energy, and Secretary Burgum's Order 3445. If signed into law, this legislation would degrade President Trump and Secretary Burgum's ability to achieve American energy dominance by reducing the discretion that the OCS Lands Act provides the Executive branch for administering these areas. Limiting the President's discretion could reduce domestic energy production, increase reliance on foreign energy sources, and constrain economic opportunities for coastal communities.

The Department remains committed to managing offshore energy resources in a responsible manner while ensuring that decisions regarding access to OCS resources are made through established, data-driven processes that allow for flexibility and informed judgment. The Department will continue working to achieve the President's goals of lowering energy prices for American families and businesses by prioritizing the responsible development of reliable and affordable American energy.

H.R. 677, Expedited Appeals Review Act

The Department's Office of Hearings and Appeals (OHA) exercises the delegated authority of the Secretary of the Interior to conduct hearings and decide appeals of decisions of the Department's bureaus and offices. The Interior Board of Land Appeals (the Board), an appellate review body within OHA and separate from the bureaus and offices, serves as an impartial forum for the resolution of disputes involving public lands and natural resources, including disputes about oil and gas production, mining, grazing, royalties, and land use.

H.R. 677 would authorize an appellant to file a notice of expedited review of an appeal and then require the Board to issue a final decision within 6 months of the notice or 18 months after the date of the appeal, whichever is later. If a final decision is not issued by the deadline, the decision on appeal would be "deemed to be a final agency action for purposes of the Administrative Procedure Act (APA)." The bill further directs that judicial review of such decisions will be de novo notwithstanding the review set forth in the APA. Finally, the bill would apply to all appeals, including those pending as of the date of enactment.

The Department supports the intent of H.R. 677 to expedite the Board's review and issuance of final decisions of these appeals but would like to work with the sponsor on some refinements based on consideration of other substantive statutes that require a hearing on the record before the OHA and IBLA. Additionally, under H.R. 677, those appellants who file notices to expedite may move their appeals ahead of the oldest pending appeals, lengthening the time for other appellants awaiting decisions. H.R. 677 might also force some appellants who seek expedited review to wait longer to challenge a decision in Federal court than they would if they did not seek expedited review. For example, the Federal Oil and Gas Royalty Management Act gives the Department 33 months to issue a final decision in an appeal of a royalty order; if the Department does not do so, the appellant may seek judicial review. The Department would like to work with the sponsor to avoid these kinds of consequences.

Under this Administration, OHA and the Board are working diligently to streamline and modernize the appeal process, while maintaining necessary flexibility in adjudication and resolving all appeals. The Department looks forward to working closely with the sponsor to ensure that H.R. 677 meets its intended goals and those of the Administration.

Conclusion

Thank you for the opportunity to provide this statement for the record.