117TH CONGRESS
2D Session

S. ______

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

Mr. BARRASSO (for himself, Ms. LUMMIS, Mr. RISCH, Mr. MARSHALL, Mr. HOEVEN, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on ____________

A BILL

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

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

SECTION 1. SHORT TITLE.

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

SEC. 2. ONSHORE OIL AND GAS LEASING.

(a) DEFINITIONS.—In this section:

(1) ONSHORE OIL AND GAS LEASE SALE.—The term “onshore oil and gas lease sale” means an oil
and gas lease sale conducted under section 17 of the

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

(b) ONSHORE OIL AND GAS LEASE SALES.—

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

(A) onshore oil and gas lease sales; and

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

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

(A) IN GENERAL.—The Secretary shall im-
mediately resume quarterly onshore oil and gas
lease sales in accordance with section
17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)).

(B) Third quarter lease sale.—The Secretary shall immediately begin the leasing process for the quarterly onshore oil and gas lease sale for the third quarter of calendar year 2022, including the scoping process, if needed.

(C) Minimum statutory lease terms.—During the 5-year period beginning on the date of enactment of this Act, the Secretary shall offer all onshore oil and gas lease sales subject to the following minimum lease terms:

(i) A royalty rate of 12.5 percent.

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

(iii) Rental rates of—

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

(II) not less $2 per acre per year for each year thereafter of the onshore oil and gas lease.

(iv) The applicable bond amount pursuant to subpart 3104 of part 3100 of title
43, Code of Federal Regulations (as in effect as of the date of enactment of this Act).

(D) Resource management plan requirement.—In conducting an onshore oil and gas lease sale in a State described in section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary shall offer not less than 70 percent of parcels nominated for oil and gas development under the applicable resource management plan in effect for relevant Bureau of Land Management resource management areas within the applicable State.

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

SEC. 3. OFFSHORE OIL AND GAS LEASING.

(a) 2017–2022 Oil and Gas Leasing Program.—
(1) 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 December 31, 2023.

(2) LEASE SALE 257.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue leases to the successful bidders for Gulf of Mexico Lease Sale 257 conducted on November 17, 2021.

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

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

(2) WAIVER.—In order to meet the deadline described in paragraph (1), the Secretary may—

(A) limit any comment periods required under subsections (c) and (d) of section 18 of
the Outer Continental Shelf Lands Act (43 U.S.C. 1344); and

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

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

(4) LIMITATION.—The royalty rate for a lease issued under the oil and gas leasing program described in paragraph (1) shall not exceed 18.75 percent.

(c) Subsequent Offshore Leasing Programs.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a), in the first sentence of the matter preceding paragraph (1), by striking “subsections (c) and (d) of this section” and inserting “subsections (c) through (f)”;
(2) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(3) by inserting after subsection (e) the following:

“(f) 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 section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

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

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

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

SEC. 4. PROHIBITION ON DELAYS.

(a) IN GENERAL.—The President shall not, through Executive order or any other administrative procedure, pause, cancel, delay, defer, or otherwise impede or circumvent the Federal energy mineral leasing processes under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
(b) **Rebuttable Presumption.**—There shall be a rebuttable presumption that any attempt by the President to pause, cancel, delay, defer, or otherwise impede or circumvent any Federal energy mineral leasing or permitting process under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or a related rulemaking process required by subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”), without Congressional approval, is a violation of the applicable law.