

Union Calendar No. 785

115TH CONGRESS
2^D SESSION

H. R. 6107

[Report No. 115–1004]

To clarify that Bureau of Land Management shall not require permits for oil and gas activities conducted on non-Federal surface estate to access subsurface mineral estate that is less than 50 percent Federally owned, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2018

Mr. PEARCE (for himself, Ms. CHENEY, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. JOHNSON of Ohio, Mr. GOSAR, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 2, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 14, 2018]

A BILL

To clarify that Bureau of Land Management shall not require permits for oil and gas activities conducted on non-Federal surface estate to access subsurface mineral estate that is less than 50 percent Federally owned, 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 “Ending Duplicative Per-*
5 *mitting Act”.*

6 **SEC. 2. ACCESS TO FEDERAL OIL AND GAS FROM NON-FED-**
7 **ERAL SURFACE ESTATE.**

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

10 “(q) *NO FEDERAL PERMIT REQUIRED FOR OIL AND*
11 *GAS ACTIVITIES ON CERTAIN LAND.—*

12 “(1) *IN GENERAL.—The Secretary shall not re-*
13 *quire an operator to obtain a Federal drilling permit*
14 *for oil and gas exploration and production activities*
15 *conducted on non-Federal surface estate, provided*
16 *that—*

17 “(A) *the United States holds an ownership*
18 *interest of less than 50 percent of the subsurface*
19 *mineral estate to be accessed by the proposed ac-*
20 *tion; and*

21 “(B) *the operator submits to the Secretary*
22 *a State permit to conduct oil and gas explo-*
23 *ration and production activities on the non-Fed-*
24 *eral surface estate.*

1 “(2) *NO FEDERAL ACTION.*—Oil and gas explo-
2 ration and production activities carried out under
3 paragraph (1)—

4 “(A) shall require no additional Federal ac-
5 tion;

6 “(B) may commence 30 days after submis-
7 sion of the State permit to the Secretary;

8 “(C) are categorically excluded from any
9 further analysis and documentation under the
10 National Environmental Policy Act of 1969 (42
11 U.S.C. 4321 *et seq.*);

12 “(D) shall not require any analysis under
13 section 106 of the National Historic Preservation
14 Act of 1966, as amended (54 U.S.C. 306108);
15 and

16 “(E) shall not require any analysis, assess-
17 ment, or consultation under section 7 of the En-
18 dangered Species Act of 1973 (16 U.S.C. 1536).

19 “(3) *ROYALTIES AND PRODUCTION ACCOUNT-*
20 *ABILITY.*—(A) Nothing in this subsection shall affect
21 the amount of royalties due to the United States
22 under this Act from the production of oil and gas, or
23 alter the Secretary’s authority to conduct audits and
24 collect civil penalties pursuant to the Federal Oil and

1 *Gas Royalty Management Act of 1982 (30 U.S.C.*
2 *1711 et seq.)*.

3 “(B) *The Secretary may conduct on-site reviews*
4 *and inspections to ensure proper accountability,*
5 *measurement, and reporting of production of Federal*
6 *oil and gas, and payment of royalties.*

7 “(4) *EXCEPTIONS.—This subsection shall not*
8 *apply to actions on Indian lands or resources man-*
9 *aged in trust for the benefit of Indian tribes.*”.

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