

115TH CONGRESS  
2D SESSION

# S. 2319

To empower States to manage the development and production of oil and gas on available Federal land, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2018

Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. LEE, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To empower States to manage the development and production of oil and gas on available Federal land, 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 “Opportunities for the  
5 Nation and States to Harness Onshore Resources for En-  
6 ergy Act” or the “ONSHORE Act”.

1 **SEC. 2. COOPERATIVE FEDERALISM IN OIL AND GAS PER-**  
2 **MITTING ON AVAILABLE FEDERAL LAND.**

3 (a) IN GENERAL.—The Mineral Leasing Act (30  
4 U.S.C. 181 et seq.) is amended—

5 (1) by redesignating section 44 as section 47;

6 and

7 (2) by adding after section 43 the following:

8 **“SEC. 44. COOPERATIVE FEDERALISM IN OIL AND GAS PER-**  
9 **MITTING ON AVAILABLE FEDERAL LAND.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) APD.—The term ‘APD’ means a permit—

12 “(A) that grants authority to drill for oil  
13 and gas; and

14 “(B) for which an application has been re-  
15 ceived that includes—

16 “(i) a drilling plan;

17 “(ii) a surface use plan of operations  
18 described in section 3162.3–1(f) of title 43,  
19 Code of Federal Regulations (or a suc-  
20 cessor regulation);

21 “(iii) evidence of bond coverage; and

22 “(iv) such other information as may  
23 be required by applicable orders and no-  
24 tices.

1           “(2) AVAILABLE FEDERAL LAND.—The term  
2           ‘available Federal land’ means any Federal land  
3           that—

4                   “(A) is located within the boundaries of a  
5           State;

6                   “(B) is not held by the United States in  
7           trust for the benefit of a federally recognized  
8           Indian Tribe or a member of a federally recog-  
9           nized Indian Tribe;

10                   “(C) is not a unit of the National Park  
11           System;

12                   “(D) is not a unit of the National Wildlife  
13           Refuge System, other than a unit of the Na-  
14           tional Wildlife Refuge System for which oil and  
15           gas drilling is allowed under law;

16                   “(E) is not a congressionally approved wil-  
17           derness area under the Wilderness Act (16  
18           U.S.C. 1131 et seq.); and

19                   “(F) has been identified as land available  
20           for lease, or has been leased, for the explo-  
21           ration, development, and production of oil and  
22           gas—

23                           “(i) by the Bureau of Land Manage-  
24           ment under—

1                   “(I) a resource management plan  
2                   under the Federal Land Policy and  
3                   Management Act of 1976 (43 U.S.C.  
4                   1701 et seq.); or

5                   “(II) an integrated activity plan  
6                   with respect to the National Petro-  
7                   leum Reserve—Alaska; or

8                   “(ii) by the Forest Service under a  
9                   National Forest management plan under  
10                  the Forest and Rangeland Renewable Re-  
11                  sources Planning Act of 1974 (16 U.S.C.  
12                  1600 et seq.).

13                  “(3) DRILLING PLAN.—The term ‘drilling plan’  
14                  means a plan described in section 3162.3–1(e) of  
15                  title 43, Code of Federal Regulations (or a successor  
16                  regulation).

17                  “(4) SECRETARY.—The term ‘Secretary’ means  
18                  the Secretary of the Interior.

19                  “(5) STATE APPLICANT.—The term ‘State ap-  
20                  plicant’ means a State that submits an application  
21                  under subsection (c).

22                  “(6) STATE PROGRAM.—The term ‘State pro-  
23                  gram’ means a program in a State under which the  
24                  State may—

1           “(A) issue APDs or approve drilling plans,  
2           as applicable, on available Federal land; and

3           “(B) impose sanctions for violations of  
4           State laws, regulations, or any condition of an  
5           issued APD or approved drilling plan, as appli-  
6           cable.

7           “(7) SUNDRY NOTICE.—The term ‘sundry no-  
8           tice’ means a written request—

9           “(A) to perform work not covered under an  
10          APD or drilling plan; or

11          “(B) for a change to operations covered  
12          under an APD or drilling plan.

13          “(b) AUTHORIZATIONS.—

14          “(1) IN GENERAL.—On receipt of an applica-  
15          tion under subsection (c), the Secretary may dele-  
16          gate to a State exclusive authority—

17          “(A) to issue an APD on available Federal  
18          land; or

19          “(B) to approve drilling plans on available  
20          Federal land.

21          “(2) SUNDRY NOTICES.—On request of a State  
22          for which authority is delegated under paragraph  
23          (1), the authority delegated may include the author-  
24          ity to approve sundry notices.

25          “(3) INSPECTION AND ENFORCEMENT.—

1           “(A) IN GENERAL.—On request of a State  
2           for which authority is delegated under para-  
3           graph (1), the authority delegated may include  
4           the authority to inspect and enforce an APD or  
5           drilling plan, as applicable.

6           “(B) EFFECT.—A delegation of authority  
7           under paragraph (1)(A) shall not affect the  
8           ability of the Secretary to collect inspection fees  
9           under subsection (d) of section 108 of the Fed-  
10          eral Oil and Gas Royalty Management Act of  
11          1982 (30 U.S.C. 1718).

12          “(c) STATE APPLICATION PROCESS.—

13               “(1) SUBMISSION OF APPLICATION.—A State  
14               seeking a delegation of authority under subpara-  
15               graph (A) or (B) of subsection (b)(1) shall submit  
16               to the Secretary an application at such time, in such  
17               manner, and containing such information as the Sec-  
18               retary may require, including—

19                       “(A) a description of the State program  
20                       that the State proposes to administer under  
21                       State law; and

22                       “(B) a statement from the Governor or at-  
23                       torney general of the State that demonstrates  
24                       that the laws of the State provide adequate au-  
25                       thority to carry out the State program.

1           “(2) DEADLINE FOR APPROVAL OR DIS-  
2 APPROVAL.—Not later than 180 days after the date  
3 on which an application under paragraph (1) is re-  
4 ceived, the Secretary shall approve or disapprove the  
5 application.

6           “(3) REQUIREMENTS FOR APPROVAL.—

7           “(A) IN GENERAL.—The Secretary may  
8 approve an application received under para-  
9 graph (1) only if the Secretary determines  
10 that—

11                   “(i) the State applicant would be at  
12 least as effective as the Secretary in  
13 issuing APDs or in approving drilling  
14 plans, as applicable;

15                   “(ii) the State program of the State  
16 applicant—

17                           “(I) complies with this Act; and

18                           “(II) provides for the termination  
19 or modification of an issued APD or  
20 approved drilling plan, as applicable,  
21 for cause, including for—

22                                   “(aa) the violation of any  
23 condition of the issued APD or  
24 approved drilling plan;

1                   “(bb) obtaining the issued  
2                   APD or approved drilling plan by  
3                   misrepresentation; or

4                   “(cc) failure to fully disclose  
5                   in the application all relevant  
6                   facts;

7                   “(iii) the State applicant has suffi-  
8                   cient administrative and technical per-  
9                   sonnel and sufficient funding to carry out  
10                  the State program; and

11                  “(iv) approval of the application  
12                  would not result in decreased royalty pay-  
13                  ments owed to the United States under  
14                  section 35(a), except as provided in sub-  
15                  section (e) of that section.

16                  “(B) MEMORANDA OF UNDERSTANDING.—

17                  With respect to a State applicant seeking au-  
18                  thority under subsection (b)(3)(A) to inspect  
19                  and enforce APDs or drilling plans, as applica-  
20                  ble, before approving the application of the  
21                  State applicant, the Secretary shall enter into a  
22                  memorandum of understanding with the State  
23                  applicant under paragraph (6) that describes  
24                  the Federal and State responsibilities with re-  
25                  spect to the inspection and enforcement.



1           “(C) PUBLIC NOTICE.—Before approving  
2           an application received under paragraph (1),  
3           the Secretary shall—

4                   “(i) provide public notice of the appli-  
5                   cation;

6                   “(ii) solicit public comment for the  
7                   application; and

8                   “(iii) hold a public hearing for the ap-  
9                   plication in the State.

10           “(4) DISAPPROVAL.—If the Secretary dis-  
11           approves an application submitted under paragraph  
12           (1), the Secretary shall provide to the State appli-  
13           cant written notification of—

14                   “(A) the reasons for the disapproval, in-  
15                   cluding any information, data, or analysis on  
16                   which the disapproval is based; and

17                   “(B) any revisions or modifications nec-  
18                   essary to obtain approval.

19           “(5) RESUBMITTAL OF APPLICATION.—A State  
20           may resubmit an application under paragraph (1) at  
21           any time.

22           “(6) STATE MEMORANDA OF UNDER-  
23           STANDING.—Before a State submits an application  
24           under paragraph (1), the Secretary, on request of a  
25           State, may enter into a memorandum of under-

1 standing with the State regarding the proposed  
2 State program—

3 “(A) to describe the Federal and State re-  
4 sponsibilities for oil and gas regulations;

5 “(B) to provide technical assistance; and

6 “(C) to share best management practices.

7 “(d) ADMINISTRATIVE FEES FOR APDS.—

8 “(1) IN GENERAL.—A State for which authority  
9 has been delegated under subsection (b)(1)(A) may  
10 collect a fee for each application for an APD that  
11 is submitted to the State.

12 “(2) NO COLLECTION OF FEE BY SEC-  
13 RETARY.—The Secretary may not collect a fee from  
14 the applicant or from the State for an application  
15 for an APD that is submitted to a State for which  
16 authority has been delegated under subsection  
17 (b)(1)(A).

18 “(3) FEE AMOUNT.—The fee collected under  
19 paragraph (1) shall be less than or equal to the  
20 amount of the fee collected by the Secretary under  
21 section 35(d)(2) from States for which authority has  
22 not been delegated under subsection (b)(1)(A).

23 “(4) USE.—A State shall use 100 percent of  
24 the fees collected under this subsection for the ad-

1       ministration of the approved State program of the  
2       State.

3       “(e) VOLUNTARY TERMINATION OF AUTHORITY.—

4               “(1) IN GENERAL.—After providing written no-  
5       tice to the Secretary, a State may voluntarily termi-  
6       nate any authority delegated to the State under sub-  
7       section (b)(1) on expiration of the 60-day period be-  
8       ginning on the date on which the Secretary receives  
9       the written notice.

10              “(2) RESUMPTION BY SECRETARY.—On termi-  
11       nation of the authority delegated to a State under  
12       paragraph (1), the Secretary shall resume any ac-  
13       tivities for which authority was delegated to the  
14       State under subsection (b)(1).

15       “(f) APPEAL OF DENIAL OF APPLICATION FOR APD  
16       OR APPLICATION FOR APPROVAL OF DRILLING PLAN.—

17              “(1) IN GENERAL.—If a State for which the  
18       Secretary has delegated authority under subsection  
19       (b)(1) denies an application for an APD or an appli-  
20       cation for approval of a drilling plan, the applicant  
21       may appeal the decision to the Office of Hearings  
22       and Appeals of the Department of the Interior.

23              “(2) FEE ALLOWED.—The Secretary may  
24       charge an applicant a fee for an appeal under para-  
25       graph (1).

1       “(g) FEDERAL ADMINISTRATION OF STATE PRO-  
2 GRAM.—

3               “(1) NOTIFICATION.—If the Secretary has rea-  
4 son to believe that a State is not administering or  
5 enforcing an approved State program, the Secretary  
6 shall notify the relevant State regulatory authority  
7 of any possible deficiencies.

8               “(2) STATE RESPONSE.—Not later than 30  
9 days after the date on which a State receives notifi-  
10 cation of a possible deficiency under paragraph (1),  
11 the State shall—

12                       “(A) take appropriate action to correct the  
13 possible deficiency; and

14                       “(B) notify the Secretary of the action in  
15 writing.

16               “(3) DETERMINATION.—

17                       “(A) IN GENERAL.—On expiration of the  
18 30-day period described in paragraph (2), the  
19 Secretary shall issue public notice of any deter-  
20 mination of the Secretary that—

21                               “(i) a violation of all or any part of an  
22 approved State program has resulted from  
23 a failure of the State to administer or en-  
24 force the approved State program of the  
25 State; or

1           “(ii) the State has not demonstrated  
2           the capability and intent of the State to  
3           administer or enforce the State program of  
4           the State.

5           “(B) APPEAL.—A State may appeal the  
6           determination of the Secretary under subpara-  
7           graph (A) in the applicable United States Dis-  
8           trict Court.

9           “(C) RESUMPTION BY SECRETARY PEND-  
10          ING APPEAL.—The Secretary may not resume  
11          activities under paragraph (4) if an appeal  
12          under subparagraph (B) is pending.

13          “(4) RESUMPTION BY SECRETARY.—Except as  
14          provided in paragraph (3)(C), if the Secretary has  
15          made a determination under paragraph (3)(A), the  
16          Secretary shall resume any activities for which au-  
17          thority was delegated to the State during the pe-  
18          riod—

19                 “(A) beginning on the date on which the  
20                 Secretary issues the public notice under para-  
21                 graph (3)(A); and

22                 “(B) ending on the date on which the Sec-  
23                 retary determines that the State may admin-  
24                 ister or enforce, as applicable, the approved  
25                 State program of the State.

1           “(5) STANDING.—A State with an approved  
2 regulatory program shall have standing to sue the  
3 Secretary for any action taken under this sub-  
4 section.”.

5           (b) INSPECTION FEES.—Section 108 of the Federal  
6 Oil and Gas Royalty Management Act of 1982 (30 U.S.C.  
7 1718) is amended by adding at the end the following:

8           “(d) INSPECTION FEES FOR CERTAIN STATES.—

9           “(1) COLLECTION OF FEES.—

10           “(A) IN GENERAL.—The Secretary shall  
11 collect annual nonrefundable inspection fees in  
12 the amount specified in subparagraph (B), from  
13 each designated operator under each lease on  
14 Federal or Indian lands that is—

15           “(i) subject to inspection under sub-  
16 section (b); and

17           “(ii) located in a State for which the  
18 Secretary has delegated authority under  
19 section 44(b)(1)(A) of the Mineral Leasing  
20 Act.

21           “(B) AMOUNT.—The amount of the fees  
22 collected under subparagraph (A) shall be—

23           “(i) \$700 for each lease or unit or  
24 communitization agreement with no active

1 or inactive wells, but with surface use, dis-  
2 turbance or reclamation;

3 “(ii) \$1,225 for each lease or unit or  
4 communitization agreement with 1 to 10  
5 wells, with any combination of active or in-  
6 active wells;

7 “(iii) \$4,900 for each lease or unit or  
8 communitization agreement with 11 to 50  
9 wells, with any combination of active or in-  
10 active wells; and

11 “(iv) \$9,800 for each lease or unit or  
12 communitization agreement with more  
13 than 50 wells, with any combination of ac-  
14 tive or inactive wells.

15 “(2) ONSHORE ENERGY SAFETY FUND.—

16 “(A) IN GENERAL.—There is established in  
17 the Treasury of the United States a fund to be  
18 known as the ‘Onshore Energy Safety Fund’  
19 (referred to in this subsection as the ‘Fund’).

20 “(B) DEPOSITS.—An amount equal to the  
21 amounts collected as fees under paragraph (1)  
22 shall be deposited in the Fund.

23 “(C) AVAILABILITY.—Amounts in the  
24 Fund shall—

1           “(i) only be available to the extent  
2           and in the amount provided in advance in  
3           appropriations Acts;

4           “(ii) be used only for purposes de-  
5           scribed in subparagraph (D);

6           “(iii) remain available until expended;  
7           and

8           “(iv) be credited as offsetting collec-  
9           tions.

10           “(D) USE OF FUNDS.—Notwithstanding  
11           section 3302 of title 31, United States Code,  
12           amounts deposited in the Fund shall only be  
13           available for expenditure for purposes of car-  
14           rying out inspections under subsection (b) in  
15           those States for which the Secretary has dele-  
16           gated authority under section 44(b)(1)(A) of  
17           the Mineral Leasing Act.

18           “(3) PAYMENT DUE DATE.—The Secretary  
19           shall require payment of any fee assessed under  
20           paragraph (1) not later than 30 days after the date  
21           on which the Secretary provides notice of the assess-  
22           ment of the fee after the completion of an inspec-  
23           tion.

24           “(4) PENALTY.—If a designated operator as-  
25           sessed a fee under paragraph (1) fails to pay the full



1 amount of the fee required under this subsection,  
2 the Secretary may, in addition to using any other  
3 applicable enforcement authority, assess civil pen-  
4 alties against the operator under section 109 in the  
5 same manner as if this section were a mineral leas-  
6 ing law.

7 “(5) NOTIFICATION TO STATE OF NONCOMPLI-  
8 ANCE.—If, on the basis of any inspection under sub-  
9 section (b), the Secretary determines that an oper-  
10 ator is failing to comply with the requirements of  
11 mineral leasing laws or this Act, the Secretary shall  
12 notify the State of the failure to comply imme-  
13 diately.”.

14 (c) EXISTING AUTHORITIES.—Section 390(a) of the  
15 Energy Policy Act of 2005 (42 U.S.C. 15942(a)) is  
16 amended—

17 (1) by striking “Action by the Secretary” and  
18 inserting “The Secretary”;

19 (2) by striking “with respect to any of the ac-  
20 tivities described in subsection (b) shall be subject to  
21 a rebuttable presumption that the use of” and in-  
22 serting “shall apply”; and

23 (3) by striking “would apply if the activity” and  
24 inserting “for each action described in subsection (b)  
25 if the action”.

1 **SEC. 3. CONVEYANCE TO CERTAIN STATES OF PROPERTY**  
2 **INTEREST IN STATE SHARE OF ROYALTIES**  
3 **AND OTHER PAYMENTS.**

4 (a) IN GENERAL.—Section 35 of the Mineral Leasing  
5 Act (30 U.S.C. 191) is amended—

6 (1) in subsection (a), in the first sentence, by  
7 striking “shall be paid into the Treasury” and in-  
8 serting “shall, except as provided in subsection (e),  
9 be paid into the Treasury”;

10 (2) in subsection (c)(1), by inserting “and ex-  
11 cept as provided in subsection (e)” before “, any  
12 rentals”; and

13 (3) by adding at the end the following:

14 “(e) CONVEYANCE TO CERTAIN STATES OF PROP-  
15 erty INTEREST IN STATE SHARE.—

16 “(1) IN GENERAL.—Notwithstanding any other  
17 provision of law, on request of a State and in lieu  
18 of any payments to the State under subsection (a),  
19 the Secretary of the Interior shall convey to the  
20 State all right, title, and interest in and to the per-  
21 centage specified in that subsection for that State  
22 that would otherwise be required to be paid into the  
23 Treasury under that subsection.

24 “(2) AMOUNT.—Notwithstanding any other  
25 provision of law, after a conveyance to a State under  
26 paragraph (1), any person shall pay directly to the

1 State any amount owed by the person for which the  
2 right, title, and interest has been conveyed to the  
3 State under this subsection.

4 “(3) NOTICE.—The Secretary of the Interior  
5 shall promptly provide to each holder of a lease of  
6 public land to which subsection (a) applies that is lo-  
7 cated in a State to which right, title, and interest is  
8 conveyed under this subsection notice that—

9 “(A) the Secretary of the Interior has con-  
10 veyed to the State all right, title, and interest  
11 in and to the amounts referred to in paragraph  
12 (1); and

13 “(B) the leaseholder is required to pay the  
14 amounts directly to the State.

15 “(4) REPORT.—A State that has received a  
16 conveyance under this subsection shall report month-  
17 ly to the Office of Natural Resources Revenue of the  
18 Department of the Interior the amount paid to the  
19 State pursuant to this subsection.

20 “(5) APPLICATION.—With respect to the inter-  
21 est conveyed to a State under this subsection from  
22 sales, bonuses, royalties (including interest charges),  
23 and rentals collected under the Federal Oil and Gas  
24 Royalty Management Act of 1982 (30 U.S.C. 1701  
25 et seq.), this subsection shall only apply with respect

1 to States for which the Secretary has delegated any  
2 authority under section 44(b)(1).”.

3 (b) ADMINISTRATIVE COSTS.—Section 35(b) of the  
4 Mineral Leasing Act (30 U.S.C. 191(b)) is amended by  
5 striking “In determining” and inserting “Except with re-  
6 spect to States for which the Secretary has delegated any  
7 authority under section 44(b)(1), in determining”.

8 (c) CONFORMING AMENDMENT.—Section 205(f) of  
9 the Federal Oil and Gas Royalty Management Act of 1982  
10 (30 U.S.C. 1735(f)) is amended in the seventh sentence  
11 by striking “All” and inserting “Subject to subsection (e)  
12 of section 35 of the Mineral Leasing Act (30 U.S.C. 191),  
13 all”.

14 **SEC. 4. PERMITTING ON NON-FEDERAL SURFACE ESTATE.**

15 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is  
16 amended by inserting after section 44 (as added by section  
17 2(a)(2)) the following:

18 **“SEC. 45. PERMITTING ON NON-FEDERAL SURFACE ESTATE.**

19 “(a) PERMITS NOT REQUIRED FOR CERTAIN ACTIVI-  
20 TIES ON NON-FEDERAL SURFACE ESTATE.—The fol-  
21 lowing activities conducted on non-Federal surface estate  
22 shall not require a permit from the Bureau of Land Man-  
23 agement and shall not be considered a major Federal ac-  
24 tion under the National Environmental Policy Act of 1969  
25 (42 U.S.C. 4321 et seq.):

1           “(1) Oil and gas operations for the exploration  
2           for, or development or production of, oil and gas in  
3           a lease or unit or communitization agreement in  
4           which the United States holds a mineral ownership  
5           interest of 50 percent or less.

6           “(2) Oil and gas operations that may have po-  
7           tential drainage impacts, as determined by the Bu-  
8           reau of Land Management, on oil and gas in which  
9           the United States holds a mineral ownership inter-  
10          est.

11          “(b) DOI NOTIFICATION.—The Secretary of the In-  
12          terior shall provide to each State a map or list indicating  
13          Federal mineral ownership within that State.

14          “(c) STATE NOTIFICATION.—Each State with an ap-  
15          proved permit to drill or drilling plan that would impact  
16          or extract oil and gas owned by the Federal Government  
17          shall notify the Secretary of the Interior of the approved  
18          permit to drill or drilling plan.

19          “(d) ROYALTIES.—Nothing in this section affects the  
20          amount of royalties due to the United States under this  
21          Act from the production of oil and gas.”.

1 **SEC. 5. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC**  
2 **FRACTURING REGULATION.**

3 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is  
4 amended by inserting after section 45 (as added by section  
5 4) the following:

6 **“SEC. 46. STATE AND TRIBAL AUTHORITY FOR HYDRAULIC**  
7 **FRACTURING REGULATION.**

8 “(a) **IN GENERAL.**—In this section:

9 “(1) **HYDRAULIC FRACTURING DEFINED.**—The  
10 term ‘hydraulic fracturing’ means the process of cre-  
11 ating small cracks or fractures in underground geo-  
12 logical formations for well stimulation purposes of  
13 bringing hydrocarbons into the wellbore and to the  
14 surface for capture.

15 “(2) **SECRETARY.**—The term ‘Secretary’ means  
16 the Secretary of the Interior.

17 “(b) **ENFORCEMENT OF FEDERAL REGULATIONS.**—  
18 The Secretary shall not enforce any Federal regulation,  
19 guidance, or permit requirement regarding hydraulic frac-  
20 turing relating to oil, gas, or geothermal production activi-  
21 ties on or under any land in any State that has regula-  
22 tions, guidance, or permit requirements for that activity.

23 “(c) **STATE AUTHORITY.**—The Secretary shall defer  
24 to State regulations, guidance, and permit requirements  
25 for all activities regarding hydraulic fracturing relating to

1 oil, gas, or geothermal production activities on Federal  
2 land.

3 “(d) TRANSPARENCY OF STATE REGULATIONS.—

4 “(1) IN GENERAL.—Each State shall submit to  
5 the Bureau of Land Management a copy of the reg-  
6 ulations of the State that apply to hydraulic frac-  
7 turing operations on Federal land, including the reg-  
8 ulations that require disclosure of chemicals used in  
9 hydraulic fracturing operations.

10 “(2) AVAILABILITY.—The Secretary shall make  
11 available to the public on the website of the Sec-  
12 retary the regulations submitted under paragraph  
13 (1).

14 “(e) TRIBAL AUTHORITY ON TRUST LAND.—The  
15 Secretary shall not enforce any Federal regulation, guid-  
16 ance, or permit requirement with respect to hydraulic frac-  
17 turing on any land held in trust or restricted status for  
18 the benefit of a federally recognized Indian Tribe or a  
19 member of a federally recognized Indian Tribe, except  
20 with the express consent of the beneficiary on whose behalf  
21 the land is held in trust or restricted status.”.

22 **SEC. 6. REVIEW OF INTEGRATED ACTIVITY PLAN FOR THE**  
23 **NATIONAL PETROLEUM RESERVE-ALASKA.**

24 The Secretary of the Interior shall—

1           (1) conduct a review of the National Petroleum  
2 Reserve–Alaska Final Integrated Activity Plan/Envi-  
3 ronmental Impact Statement, for which notice of  
4 availability was published in the Federal Register on  
5 December 28, 2012 (77 Fed. Reg. 76515), to deter-  
6 mine which land within the National Petroleum Re-  
7 serve–Alaska should be made available for oil and  
8 gas leasing; and

9           (2) make available the lands described in para-  
10 graph (1) for oil and gas leasing.

11 **SEC. 7. PROTESTED LEASE SALES.**

12       Section 17(b)(1)(A) of the Mineral Leasing Act (30  
13 U.S.C. 226(b)(1)(A)) is amended by inserting after the  
14 seventh sentence the following: “The Secretary shall re-  
15 solve any protest to a lease sale within 60 days following  
16 such payment.”.

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