

118TH CONGRESS
1ST SESSION

S. 2389

To require the Secretary of the Interior to conduct certain offshore lease sales under the Outer Continental Shelf Lands Act.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Mr. CASSIDY (for himself and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior to conduct certain offshore lease sales under the Outer Continental Shelf Lands Act.

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 “Offshore Energy Secu-
5 rity Act of 2023”.

6 **SEC. 2. OFFSHORE OIL AND GAS LEASE SALES.**

7 (a) DEFINITIONS.—In this section:

8 (1) OFFSHORE LEASE SALE.—The term “off-
9 shore lease sale” means an oil and gas lease sale—

1 (A) that is held by the Secretary in accord-
2 ance with the Outer Continental Shelf Lands
3 Act (43 U.S.C. 1331 et seq.), notwithstanding
4 the requirements of section 18 of that Act (43
5 U.S.C. 1344);

6 (B) offers the same lease form, lease
7 terms, economic conditions, and stipulations as
8 contained in the final notice of sale entitled
9 “Gulf of Mexico Outer Continental Shelf Oil
10 and Gas Lease Sale 257” (86 Fed. Reg. 54728
11 (October 4, 2021)); and

12 (C) that, if any acceptable bids have been
13 received for any tract offered in the lease sale,
14 results in the issuance of leases within 90 days
15 of the sale to the highest bids on the tracts of-
16 fered, subject to the procedures for determining
17 bid adequacy of the Bureau of Ocean Energy
18 Management, effective March 8, 2016, with re-
19 spect to—

20 (i) Central Gulf of Mexico Sale 241;

21 and

22 (ii) Eastern Gulf of Mexico Sale 226.

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

1 (b) WAIVER.—The Secretary may waive any other re-
2 quirements under section 18 of the Outer Continental
3 Shelf Lands Act (43 U.S.C. 1344) that would delay final
4 approval of an offshore lease sale under subsection (c).

5 (c) REQUIREMENT.—Notwithstanding the expiration
6 of the 2017–2022 leasing program under section 18 of the
7 Outer Continental Shelf Lands Act (43 U.S.C. 1344), the
8 Secretary shall—

9 (1) conduct not fewer than 4 offshore lease
10 sales, as described under subsection (c), during the
11 2-year period beginning on the date of enactment of
12 this Act; and

13 (2) to the maximum extent practicable, carry
14 out a lease sale under this subsection in accordance
15 with the Record of Decision approved by the Sec-
16 retary on January 17, 2017, and described in the
17 notice of availability of the Bureau of Ocean Energy
18 Management entitled “Record of Decision for the
19 2017–2022 Outer Continental Shelf Oil and Gas
20 Leasing Program Final Programmatic Environ-
21 mental Impact Statement; MMAA104000” (82 Fed.
22 Reg. 6643 (January 19, 2017)).

23 (d) TIMING.—In conducting the offshore lease sales
24 under subsection (c), the Secretary shall conduct a lease
25 sale under this section not later than—

- 1 (1) March 31, 2024;
- 2 (2) August 31, 2024;
- 3 (3) March 31, 2025; and
- 4 (4) August 31, 2025.

5 (e) AREA OFFERED FOR LEASE.—

6 (1) ACREAGE.—The Secretary shall offer not
7 fewer than 74,000,000 acres for each offshore lease
8 sale conducted under subsection (c).

9 (2) LOCATION.—An offshore lease sale con-
10 ducted under subsection (c) shall be in the Gulf of
11 Mexico Region Program Area as identified in Figure
12 S-1 of the 2017–2022 Outer Continental Shelf Oil
13 and Gas Leasing Proposed Final Program published
14 on November 18, 2016 by the Bureau of Ocean En-
15 ergy Management (as announced in the notice of
16 availability of the Bureau of Ocean Energy Manage-
17 ment entitled “Notice of Availability of the 2017–
18 2022 Outer Continental Shelf Oil and Gas Leasing
19 Proposed Final Program (81 Fed. Reg. 84612 (No-
20 vember 23, 2016)))”.

21 (f) EFFECT OF LITIGATION.—

22 (1) IN GENERAL.—A civil action relating to an
23 environmental review under the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

1 with respect to an offshore lease sale conducted
2 under this section shall not—

3 (A) affect the validity of a lease issued
4 under the offshore lease sale that is the subject
5 of the civil action; or

6 (B) except as provided in paragraph
7 (3)(B), cause a delay in the timelines for the
8 consideration of an application for permit to
9 drill with respect to a lease issued under the
10 offshore lease sale that is the subject of the civil
11 action.

12 (2) REMAND; PROCESSING OF APPLICATIONS
13 FOR PERMIT TO DRILL.—If, in a civil action de-
14 scribed in paragraph (1), the environmental review
15 for an offshore lease sale is found by the applicable
16 court to violate the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.)—

18 (A) notwithstanding subchapter II of chap-
19 ter 5, and chapter 7, of title 5, United States
20 Code (commonly known as the “Administrative
21 Procedures Act”), the applicable court shall not
22 set aside the offshore lease sale and vacate the
23 leases issued pursuant to the sale but instead
24 remand the matter to the Secretary to resolve
25 the violation; and

1 (B) the Secretary shall continue to process
2 all applicable applications for permit to drill in
3 accordance with the Outer Continental Shelf
4 Lands Act (43 U.S.C. 1331 et seq.).

5 (3) NOTICE.—

6 (A) IN GENERAL.—Not later than 60 days
7 after the date on which a civil action described
8 in paragraph (1) is filed, the Secretary shall no-
9 tify the holder of any lease issued under the
10 lease sale that is the subject of the civil action
11 of the filing of the civil action.

12 (B) TIMELINE.—Not later than 90 days
13 after the date of receipt of a notice under sub-
14 paragraph (A), the holder of the lease may file
15 with the Secretary, and the Secretary may ap-
16 prove, a request to pause the timeline with re-
17 spect to the term of the lease during any period
18 in which the civil action is pending.

19 (g) EFFECT ON OTHER LAW.—Nothing in this sec-
20 tion affects the Presidential memorandum entitled
21 “Memorandum on Withdrawal of Certain Areas of the
22 United States Outer Continental Shelf From Leasing Dis-
23 position” and dated September 8, 2020.

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