

117TH CONGRESS
1ST SESSION

S. 3214

To promote domestic energy production, to require onshore oil and natural gas lease sales, development of renewable energy on public lands, and offshore oil and natural gas and wind lease sales, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2021

Mr. DAINES (for himself, Mrs. HYDE-SMITH, Mr. MARSHALL, Ms. LUMMIS, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To promote domestic energy production, to require onshore oil and natural gas lease sales, development of renewable energy on public lands, and offshore oil and natural gas and wind lease sales, 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 “Supporting Made in
5 America Renewable and Traditional Energy Act” or the
6 “SMART Energy Act”.

1 **SEC. 2. OIL AND NATURAL GAS AND WIND LEASING; PRI-**
 2 **ORITY AREAS FOR RENEWABLE ENERGY**
 3 **PROJECTS.**

4 (a) ONSHORE LEASE SALES AND RENEWABLE EN-
 5 ERGY PROJECTS.—

6 (1) REQUIREMENT TO IMMEDIATELY RESUME
 7 ONSHORE AND OFFSHORE OIL AND GAS LEASE
 8 SALES.—

9 (A) IN GENERAL.—The Secretary of the
 10 Interior (referred to in this Act as the “Sec-
 11 retary”) shall immediately resume oil and gas
 12 lease sales in compliance with the Mineral Leas-
 13 ing Act (30 U.S.C. 181 et seq.).

14 (B) REQUIREMENT.—The Secretary shall
 15 ensure that any oil and gas lease sale under
 16 subparagraph (A) is conducted immediately on
 17 completion of all applicable scoping, public com-
 18 ment, and environmental analysis requirements
 19 under the Mineral Leasing Act (30 U.S.C. 181
 20 et seq.) and the National Environmental Policy
 21 Act of 1969 (42 U.S.C. 4321 et seq.).

22 (2) ANNUAL LEASE SALES.—

23 (A) IN GENERAL.—Notwithstanding any
 24 other provision of law, in accordance with the
 25 Mineral Leasing Act (30 U.S.C. 181 et seq.),
 26 beginning in fiscal year 2022, the Secretary

1 shall conduct a minimum of 4 oil and natural
2 gas lease sales annually in each of the following
3 States:

4 (i) Wyoming.

5 (ii) New Mexico.

6 (iii) Colorado.

7 (iv) Utah.

8 (v) Montana.

9 (vi) North Dakota.

10 (vii) Oklahoma.

11 (viii) Nevada.

12 (ix) Any other State in which there is
13 land available for oil and natural gas leas-
14 ing under that Act.

15 (B) REQUIREMENT.—In conducting a lease
16 sale under subparagraph (A) in a State de-
17 scribed in that subparagraph, the Secretary
18 shall offer all parcels eligible for oil and gas de-
19 velopment under the resource management plan
20 in effect for the State.

21 (C) REPLACEMENT SALES.—If, for any
22 reason, a lease sale under subparagraph (A) for
23 a calendar year is canceled, delayed, or de-
24 ferred, including for a lack of eligible parcels,

1 the Secretary shall conduct a replacement sale
 2 during the same calendar year.

3 (3) PRIORITY AREAS FOR GEOTHERMAL, SOLAR,
 4 AND WIND ENERGY PROJECTS.—Not later than 2
 5 years after the date of enactment of this Act, the
 6 Secretary, in consultation with the Secretary of En-
 7 ergy, shall establish priority areas on public lands
 8 (as defined in section 103 of the Federal Land Pol-
 9 icy and Management Act of 1976 (43 U.S.C. 1702))
 10 for geothermal, solar, and wind energy projects, con-
 11 sistent with—

12 (A) the principles of multiple use (as de-
 13 fined in that section); and

14 (B) the national goals for renewable energy
 15 production established pursuant to section 3104
 16 of the Energy Act of 2020 (43 U.S.C. 3004),
 17 including the minimum production goal de-
 18 scribed in subsection (b) of that section.

19 (b) OFFSHORE LEASE SALES.—

20 (1) IN GENERAL.—The Secretary shall conduct
 21 all lease sales described in the 2017–2022 Outer
 22 Continental Shelf Oil and Gas Leasing Proposed
 23 Final Program (November 2016) that have not been
 24 conducted as of the date of enactment of this Act by
 25 not later than December 31, 2022.

1 (2) GULF OF MEXICO REGION ANNUAL LEASE
2 SALES.—Notwithstanding any other provision of law,
3 beginning in fiscal year 2022, the Secretary shall
4 conduct a minimum of 2 region-wide oil and natural
5 gas lease sales annually in the Gulf of Mexico Re-
6 gion of the outer Continental Shelf, which shall in-
7 clude the following areas described in the 2017–
8 2022 Outer Continental Shelf Oil and Gas Leasing
9 Proposed Final Program (November 2016):

10 (A) The Central Gulf of Mexico Planning
11 Area.

12 (B) The Western Gulf of Mexico Planning
13 Area.

14 (3) ALASKA REGION ANNUAL LEASE SALES.—
15 Notwithstanding any other provision of law, begin-
16 ning in fiscal year 2022, the Secretary shall conduct
17 a minimum of 2 region-wide oil and natural gas
18 lease sales annually in the Alaska Region of the
19 outer Continental Shelf, as described in the 2017–
20 2022 Outer Continental Shelf Oil and Gas Leasing
21 Proposed Final Program (November 2016).

22 (4) ATLANTIC REGION AND PACIFIC REGION
23 ANNUAL LEASE SALES.—

24 (A) IN GENERAL.—The Secretary shall im-
25 mediately review and make proposals for the

1 offshore wind leasing program for the Atlantic
2 and Pacific Regions of the outer Continental
3 Shelf in order to reach the goal of conducting
4 a minimum of 2 region-wide wind lease sales
5 annually in each of the Atlantic and Pacific Re-
6 gions of the outer Continental Shelf.

7 (B) REQUIREMENT.—The Secretary shall
8 ensure that the proposals for offshore wind
9 leasing under subparagraph (A) take into con-
10 sideration the locally affected coastal commu-
11 nities.

12 (5) REQUIREMENTS.—In conducting lease sales
13 under paragraphs (2), (3), and (4), the Secretary
14 shall—

15 (A) issue leases to the highest responsible
16 qualified bidder or bidders; and

17 (B) include in each lease sale all unleased
18 areas that are not subject to restrictions as of
19 the date of the lease sale.

20 (6) OUTER CONTINENTAL SHELF OIL AND GAS
21 LEASING PROGRAM.—Section 18 of the Outer Conti-
22 nental Shelf Lands Act (43 U.S.C. 1344) is amend-
23 ed—

24 (A) in subsection (a), in the first sentence
25 of the matter preceding paragraph (1), by strik-

1 ing “subsections (c) and (d) of this section”
 2 and inserting “subsections (c) through (f)”;

3 (B) by redesignating subsections (f)
 4 through (h) as subsections (g) through (i), re-
 5 spectively; and

6 (C) by inserting after subsection (e) the
 7 following:

8 “(f) SUBSEQUENT LEASING PROGRAMS.—

9 “(1) IN GENERAL.—Not later than 36 months
 10 after conducting the first lease sale under an oil and
 11 gas leasing program prepared pursuant to this sec-
 12 tion, the Secretary shall begin preparing the subse-
 13 quent oil and gas leasing program under this sec-
 14 tion.

15 “(2) REQUIREMENT.—Each subsequent oil and
 16 gas leasing program under this section shall be ap-
 17 proved not later than 180 days before the expiration
 18 of the previous oil and gas leasing program.”.

19 (c) PROHIBITION.—

20 (1) IN GENERAL.—The President shall not,
 21 through Executive order or any other administrative
 22 procedure, unreasonably pause, cancel, delay, defer,
 23 or otherwise impede or circumvent the Federal en-
 24 ergy mineral leasing processes under the Mineral
 25 Leasing Act (30 U.S.C. 181 et seq.) or the Outer

1 Continental Shelf Lands Act (43 U.S.C. 1331 et
2 seq.) or a related rulemaking process required by
3 subchapter II of chapter 5, and chapter 7, of title
4 5, United States Code (commonly known as the
5 “Administrative Procedure Act”), without Congres-
6 sional approval.

7 (2) REBUTTABLE PRESUMPTION.—There shall
8 be a rebuttable presumption that any attempt by the
9 President to pause, cancel, delay, defer, or otherwise
10 impede or circumvent any Federal energy mineral
11 leasing process under the Mineral Leasing Act (30
12 U.S.C. 181 et seq.) or the Outer Continental Shelf
13 Lands Act (43 U.S.C. 1331 et seq.) or a related
14 rulemaking process required by subchapter II of
15 chapter 5, and chapter 7, of title 5, United States
16 Code (commonly known as the “Administrative Pro-
17 cedure Act”), without Congressional approval, is a
18 violation of the applicable law.

19 **SEC. 3. REQUIREMENT TO SUBMIT DOCUMENTS AND COM-**
20 **MUNICATIONS.**

21 (a) IN GENERAL.—Not later than 60 days after the
22 date of enactment of this Act, the Secretary shall submit
23 to the Committee on Energy and Natural Resources of
24 the Senate and the Committee on Natural Resources of
25 the House of Representatives all documents and commu-

1 nications relating to the comprehensive review of Federal
2 oil and gas permitting and leasing practices required
3 under section 208 of Executive Order 14008 (86 Fed.
4 Reg. 7624 (February 1, 2021); relating to tackling the
5 climate crisis at home and abroad).

6 (b) INCLUSIONS.—The submission under subsection
7 (a) shall include all documents and communications sub-
8 mitted to the Secretary by members of the public in re-
9 sponse to any public meeting or forum relating to the com-
10 prehensive review described in that subsection.

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