

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Mineral Leasing Act to provide for transparency and landowner protections in the conduct of lease sales under that Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend the Mineral Leasing Act to provide for transparency and landowner protections in the conduct of lease sales under that Act, 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 “Public Engagement  
5 Opportunity on Public Land Exploration Act of 2021” or  
6 the “PEOPLE Act of 2021”.

7 **SEC. 2. TRANSPARENCY AND LANDOWNER PROTECTIONS.**

8 (a) REQUIREMENTS FOR INCLUSION OF LAND IDEN-  
9 TIFIED IN EXPRESSIONS OF INTEREST IN LEASE

1 SALES.—Section 17(b) of the Mineral Leasing Act (30  
2 U.S.C. 226(b)) is amended by adding at the end the fol-  
3 lowing:

4           “(4) REQUIREMENTS FOR INCLUSION OF LAND  
5 IDENTIFIED IN EXPRESSIONS OF INTEREST IN  
6 LEASE SALES.—

7           “(A) IN GENERAL.—A member of the pub-  
8 lic may submit to the Secretary an expression  
9 of interest that identifies land for consideration  
10 for inclusion by the Secretary in a lease sale  
11 under this section.

12           “(B) INCLUSION OF LAND IN LEASE  
13 SALE.—Subject to the requirements of this sec-  
14 tion, the Secretary may include in a lease sale  
15 under this section the land identified under an  
16 expression of interest received by the Secretary.

17           “(C) NOTIFICATION.—On receipt of an ex-  
18 pression of interest, the Secretary shall notify  
19 by certified mail, electronic mail, and electronic  
20 posting on the website of the relevant leasing or  
21 land management agency—

22                   “(i) any owners of surface rights on  
23 land identified under the expression of in-  
24 terest;

1                   “(ii) any holders of recreational or  
2 special use permits on the land;

3                   “(iii) any holders of grazing rights on  
4 the land;

5                   “(iv) any owner of a water right the  
6 water of which originates on or flows over  
7 the land;

8                   “(v) any owner of a water conveyance  
9 structure, such as a ditch, on the land; and

10                   “(vi) the local government with juris-  
11 diction over the area in which the land is  
12 located.

13                   “(D) TRANSPARENCY.—

14                   “(i) IN GENERAL.—The Secretary  
15 shall require that each bid for a lease de-  
16 scribed in subparagraph (B) include—

17                   “(I) the name of the person or  
18 entity submitting the bid, including  
19 the name of all subsidiaries, affiliates,  
20 and entities controlled by, or under  
21 common control with, the person or  
22 entity;

23                   “(II) if an agent is submitting  
24 the bid on behalf of a person or enti-  
25 ty, the name of the person or entity

1 on behalf of which the agent is acting,  
2 including all subsidiaries, affiliates,  
3 and entities controlled by, or under  
4 common control with, the person or  
5 entity; and

6 “(III) if the person or entity sub-  
7 mitting the bid is the person or entity  
8 that submitted the applicable expres-  
9 sion of interest, or if an agent is sub-  
10 mitting the bid on behalf of the per-  
11 son or entity that submitted the appli-  
12 cable expression of interest, a disclo-  
13 sure of that fact.

14 “(ii) PUBLICATION.—The Secretary  
15 shall publish on the website of the relevant  
16 leasing or land management agency each  
17 name disclosed in a bid under clause (i).”.

18 (b) NOTICE REQUIREMENTS.—Section 17(f) of the  
19 Mineral Leasing Act (30 U.S.C. 226(f)) is amended—

20 (1) in the sixth sentence, by striking “The re-  
21 quirements” and inserting the following:

22 “(6) APPLICABILITY OF OTHER NOTICE RE-  
23 QUIREMENTS.—The requirements”;

24 (2) in the fifth sentence, by striking “Such  
25 maps” and inserting the following:

1                   “(C) LOCATION.—A map included in a no-  
2                   tice under paragraph (1)”;

3                   (3) in the fourth sentence, by striking “Where  
4                   the inclusion of maps in such notice” and inserting  
5                   the following:

6                   “(B) AVAILABILITY.—If the inclusion of  
7                   maps in a notice under paragraph (1)”;

8                   (4) in the third sentence, by striking “Such no-  
9                   tice” and inserting the following:

10                  “(2) REQUIRED INCLUSIONS.—

11                   “(A) IN GENERAL.—A notice required  
12                   under paragraph (1)”;

13                   (5) by striking “(f) At least” and all that fol-  
14                   lows through “land management agencies.” and in-  
15                   serting the following:

16                  “(f) NOTICE REQUIREMENTS.—

17                   “(1) IN GENERAL.—Not later than 90 days be-  
18                   fore offering land for lease under this section, and  
19                   not later than 30 days before approving an applica-  
20                   tion for permit to drill under the provisions of a  
21                   lease issued under this section, modifying the terms  
22                   of any lease issued under this section, or granting a  
23                   waiver, exception, or modification of any stipulation  
24                   of a lease issued under this section, the Secretary  
25                   shall—

1           “(A) post notice in the appropriate local  
2 offices, and on the electronic websites, of the  
3 leasing and land management agencies offering  
4 the land for lease;

5           “(B) notify by certified mail and electronic  
6 mail any—

7           “(i) owners of surface rights on the  
8 land covered by the lease;

9           “(ii) holders of special recreation per-  
10 mits for commercial use, competitive  
11 events, or other organized activities on the  
12 land covered by the lease;

13           “(iii) holders of grazing rights on the  
14 land covered by the lease;

15           “(iv) owner of a water right the water  
16 of which originates on or flows over the  
17 land;

18           “(v) owner of a water conveyance  
19 structure, such as a ditch, on the land; and

20           “(vi) as applicable, members of the  
21 public who have submitted to the Secretary  
22 a request to receive notice regarding pro-  
23 posed actions of the Secretary applicable  
24 to—

25           “(I) a geographic area; or

1 “(II) a resource.”; and

2 (6) by inserting after paragraph (2) (as so des-  
3 ignated) the following:

4 “(3) ADDITIONAL REQUIREMENTS.—

5 “(A) IN GENERAL.—Before determining  
6 the parcels to be included in a lease sale under  
7 this section, the Secretary shall provide a  
8 scoping period of not less than 30 days during  
9 which the Secretary shall provide public notice  
10 and an opportunity for comment regarding all  
11 parcels that may be included in the lease sale.

12 “(B) ENVIRONMENTAL ANALYSIS.—

13 “(i) PUBLIC NOTICE AND COM-  
14 MENT.—Before conducting a lease sale  
15 under this section, the Secretary, in com-  
16 plying with the National Environmental  
17 Policy Act of 1969 (42 U.S.C. 4321 et  
18 seq.), shall ensure that the public has the  
19 period of time required under that Act to  
20 comment on any environmental analysis  
21 carried out with respect to the lease sale.

22 “(ii) REQUIREMENT.—The period for  
23 public comment under clause (i) shall be  
24 not less than 30 days.

1                   “(C) REQUIREMENT TO CONDUCT NEPA  
2 ANALYSIS.—

3                   “(i) IN GENERAL.—Before conducting  
4 a lease sale under this section, the Sec-  
5 retary shall conduct an analysis under the  
6 National Environmental Policy Act of  
7 1969 (42 U.S.C. 4321 et seq.) unless the  
8 Secretary determines that—

9                   “(I) the proposed action is ade-  
10 quately covered by relevant existing  
11 analyses under that Act, such as an  
12 environmental impact statement or  
13 environmental assessment (including  
14 supporting data and records);

15                   “(II) the proposed action is in  
16 conformance with the relevant land  
17 use plan; and

18                   “(III) there are no new cir-  
19 cumstances, new information, or un-  
20 anticipated or unanalyzed environ-  
21 mental impacts that warrant new or  
22 supplemental analysis.

23                   “(ii) PUBLIC NOTICE AND COM-  
24 MENT.—Before making a determination  
25 under clause (i) that an analysis under the

1 National Environmental Policy Act of  
2 1969 (42 U.S.C. 4321 et seq.) is not re-  
3 quired with respect to a lease sale under  
4 this section, the Secretary shall provide a  
5 period of public comment for that deter-  
6 mination of not less than 30 days.

7 “(D) NEPA ANALYSIS REQUIREMENTS.—

8 “(i) IN GENERAL.—Any analysis pre-  
9 pared pursuant to the National Environ-  
10 mental Policy Act of 1969 (42 U.S.C.  
11 4321 et seq.) for a lease sale under this  
12 section shall address all parcels being con-  
13 sidered for sale.

14 “(ii) RESTRICTION.—No parcel may  
15 be included in a lease sale under this sec-  
16 tion—

17 “(I) without compliance with—

18 “(aa) the public notice and  
19 comment requirements of this  
20 subsection; and

21 “(bb) the National Environ-  
22 mental Policy Act of 1969 (42  
23 U.S.C. 4321 et seq.); and

24 “(II) unless the parcel is specifi-  
25 cally identified and considered in the

1 analysis for that specific lease sale  
2 carried out in compliance with the  
3 National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.).

5 “(E) SURFACE MANAGEMENT BY ANOTHER  
6 FEDERAL AGENCY.—With respect to a parcel  
7 the surface of which is managed by another  
8 Federal agency, the parcel may not be included  
9 in a lease sale under this section without the  
10 consent of that Federal agency for that specific  
11 lease sale.

12 “(F) PROTESTS.—

13 “(i) IN GENERAL.—Any party may  
14 file a protest regarding the inclusion of a  
15 parcel in a lease sale under this section.

16 “(ii) DEADLINE; METHOD OF FIL-  
17 ING.—A protest under clause (i)—

18 “(I) shall be filed by the date  
19 that is not later than 45 days after  
20 the date on which the Secretary gives  
21 notice of the lease sale under para-  
22 graph (1); and

23 “(II) may be filed by electronic  
24 mail.

1           “(4) LOCAL GOVERNMENTS.—Before taking  
2 any action for which notice or opportunity for com-  
3 ment is required under this subsection, the Secretary  
4 shall provide to local governments with jurisdiction  
5 over the area in which land covered by a proposed  
6 action is located notice and an opportunity for com-  
7 ment that meets or exceeds the requirements for no-  
8 tice and opportunity for comment under this sub-  
9 section.

10           “(5) INDIAN TRIBES.—

11           “(A) DEFINITIONS.—In this paragraph:

12           “(i) CULTURAL SITE.—The term ‘cul-  
13 tural site’ means—

14           “(I) a sacred site;

15           “(II) a historic property (as de-  
16 fined in section 800.16 of title 36,  
17 Code of Federal Regulations (as in ef-  
18 fect on the date of enactment of the  
19 PEOPLE Act of 2021)); and

20           “(III) a landform or landscape  
21 that—

22           “(aa) is the site of impor-  
23 tant customs, practices, objects,  
24 places, or ceremonies of Indian  
25 Tribes;

1                   “(bb) is important to an In-  
2                   dian Tribe for the undertaking of  
3                   religious, cultural, spiritual, or  
4                   traditional practices;

5                   “(cc) is connected through  
6                   features or ceremonies to other  
7                   sites or a larger sacred land-  
8                   scape; or

9                   “(dd) contains important  
10                  traditional food or material gath-  
11                  ering areas.

12                 “(ii) FORMER RESERVATION.—The  
13                 term ‘former reservation’ means land that  
14                 is within the exterior boundaries of any  
15                 previous reservation that was established  
16                 by treaty, Executive order, or Secretarial  
17                 order for an Indian Tribe.

18                 “(iii) INDIAN TRIBE.—The term ‘In-  
19                 dian Tribe’ means an Indian tribe included  
20                 on the list published by the Secretary  
21                 under section 104 of the Federally Recog-  
22                 nized Indian Tribe List Act of 1994 (25  
23                 U.S.C. 5131).

24                 “(iv) INTERESTED INDIAN TRIBE.—  
25                 The term ‘interested Indian Tribe’, with

1           respect to land under consideration for in-  
2           clusion by the Secretary in a lease sale  
3           under this section, means an Indian Tribe  
4           with—

5                       “(I) historic, prehistoric, cultural,  
6                       or religious connection to a cultural  
7                       site located on the land;

8                       “(II) a former reservation located  
9                       on the land; or

10                      “(III) treaty rights or other re-  
11                      served rights that can be exercised on  
12                      the land.

13                      “(v) SACRED SITE.—The term ‘sacred  
14                      site’ means a specific, discrete, narrowly  
15                      delineated site on land subject to leasing  
16                      under this section that is identified by an  
17                      Indian Tribe as sacred by virtue of the es-  
18                      tablished religious significance of the site  
19                      to, or ceremonial use of the site by, an In-  
20                      dian Tribe.

21                      “(B) NOTICE AND OPPORTUNITY FOR COM-  
22                      MENT; FORMAL CONSULTATION.—Before taking  
23                      any action for which notice or opportunity for  
24                      comment is required under this subsection, the  
25                      Secretary shall—

1                   “(i) provide any interested Indian  
2                   Tribe notice and an opportunity for com-  
3                   ment that meets or exceeds the require-  
4                   ments for notice and opportunity for com-  
5                   ment under this subsection; and

6                   “(ii) at the request of any interested  
7                   Indian Tribe, initiate formal consultation  
8                   with the interested Indian Tribe regarding  
9                   the proposed action.”.

10           (c) SURFACE ESTATE OWNER PROTECTION.—Sec-  
11           tion 17 of the Mineral Leasing Act (30 U.S.C. 226) is  
12           amended by adding at the end the following:

13           “(q) SURFACE ESTATE OWNER PROTECTION.—

14                   “(1) DEFINITION OF COVERED LAND.—In this  
15                   subsection, the term ‘covered land’ means land sub-  
16                   ject to a lease under this section—

17                           “(A) the title to the oil and gas resources  
18                           of which is held by the United States; but

19                           “(B) the title to the surface estate of  
20                           which is not held by the United States.

21           “(2) POST-LEASE SURFACE USE AGREEMENT.—

22                   “(A) IN GENERAL.—Except as provided in  
23                   paragraph (3), the Secretary shall not authorize  
24                   any operator to conduct exploration and drilling  
25                   operations on covered land until the operator

1 files with the Secretary a document, signed by  
2 the operator and the 1 or more surface estate  
3 owners, demonstrating that the operator has se-  
4 cured a written surface use agreement between  
5 the operator and the 1 or more surface estate  
6 owners that meets the requirements of subpara-  
7 graph (B).

8 “(B) CONTENTS.—The surface use agree-  
9 ment under subparagraph (A) shall provide  
10 for—

11 “(i) the use by the operator of only  
12 such portion of the surface estate as is rea-  
13 sonably necessary for exploration and drill-  
14 ing operations based on site-specific condi-  
15 tions;

16 “(ii) the accommodation of the sur-  
17 face estate owner to the maximum extent  
18 practicable, including the location, use,  
19 timing, and type of exploration and drilling  
20 operations, consistent with the right of the  
21 operator to develop the oil and gas estate;

22 “(iii) placement, specifications, main-  
23 tenance, and design of well pads, gathering  
24 pipelines, and roads to be constructed for

1 oil and gas operations, to the extent  
2 known;

3 “(iv) terms of ingress and egress on  
4 the surface of the land for oil and gas op-  
5 erations;

6 “(v) construction, maintenance, and  
7 placement of all pits and equipment used  
8 or planned for oil and gas operations, to  
9 the extent known;

10 “(vi) use and impoundment of water  
11 on the surface of the land;

12 “(vii) removal and restoration of plant  
13 life;

14 “(viii) surface water drainage  
15 changes;

16 “(ix) actions to limit and effectively  
17 control precipitation runoff and erosion;

18 “(x) control and management of  
19 noise, weeds, dust, traffic, trespass, litter,  
20 and interference with the use of the sur-  
21 face estate owner;

22 “(xi) operator indemnification for in-  
23 jury to persons caused by the operator or  
24 a subcontractor or agent of the operator;

1           “(xii) the reclamation of the site to a  
2           condition capable of supporting the uses  
3           that the land was capable of supporting  
4           prior to exploration and drilling operations;  
5           and

6           “(xiii) compensation for damages re-  
7           sulting from exploration and drilling oper-  
8           ations, including—

9                   “(I) loss of income and increased  
10                  costs incurred;

11                   “(II) groundwater contamination  
12                  and negative impacts to air quality;

13                   “(III) damage to, or destruction  
14                  of, personal property, including crops,  
15                  forage, and livestock; and

16                   “(IV) failure to reclaim the site  
17                  in accordance with clause (xii).

18           “(C) PROCEDURE.—

19                   “(i) NOTICE OF INTENT TO ENTER  
20                  INTO AGREEMENT.—An operator shall no-  
21                  tify the 1 or more surface estate owners of  
22                  the desire of the operator to conclude an  
23                  agreement under this paragraph by cer-  
24                  tified mail or electronic mail.

25                   “(ii) ARBITRATION.—

1                   “(I) IN GENERAL.—If the surface  
2                   estate owner and the operator do not  
3                   reach an agreement under clause (i)  
4                   by the date that is 90 days after the  
5                   date on which the operator provides  
6                   notice under that clause, the operator  
7                   may submit the matter to third-party  
8                   arbitration.

9                   “(II) DEADLINE FOR ARBITRA-  
10                  TION.—An arbitration under sub-  
11                  clause (I) shall be concluded within a  
12                  period of 90 days.

13                  “(III) COST.—The cost of an ar-  
14                  bitration under subclause (I) shall be  
15                  the responsibility of the operator.

16                  “(IV) LIST OF ARBITRATORS.—  
17                  The Secretary shall make publicly  
18                  available a list of persons who are  
19                  qualified to arbitrate disputes under  
20                  this clause.

21                  “(V) QUALIFICATIONS OF ARBI-  
22                  TRATORS.—In order to arbitrate a  
23                  dispute under this clause, an arbi-  
24                  trator shall meet the minimum quali-

1                   fication criteria of the American Arbi-  
2                   tration Association, including—

3                   “*(aa)* a minimum of 10  
4                   years of senior-level business or  
5                   professional experience or legal  
6                   practice;

7                   “*(bb)* an educational degree  
8                   or professional licenses appro-  
9                   priate to the oil and gas industry;

10                  “*(cc)* training or experience  
11                  in arbitration or other forms of  
12                  dispute resolution; and

13                  “*(dd)* membership in rel-  
14                  evant professional associations.

15                  “*(VI)* REFERRAL.—Referral of a  
16                  matter for arbitration by an operator  
17                  to an arbitrator identified by the Sec-  
18                  retary pursuant to subclause *(IV)*  
19                  shall be sufficient to constitute com-  
20                  pliance with subclause *(V)*.

21                  “*(3)* AUTHORIZED EXPLORATION AND DRILL-  
22                  ING OPERATIONS.—

23                  “*(A)* AUTHORIZATION WITHOUT SURFACE  
24                  USE AGREEMENT.—



1                   “(III) the operator posts a bond  
2                   or other financial assurance in the  
3                   form of a surety bond, trust fund, let-  
4                   ter of credit, government security, cer-  
5                   tificate of deposit, cash, or equivalent  
6                   in an amount the Secretary deter-  
7                   mines to be adequate to ensure com-  
8                   pensation to the 1 or more surface es-  
9                   tate owners for any damages to, or  
10                  reclamation of, the site.

11                  “(ii) LIMITATION.—Self-bonding shall  
12                  not be an acceptable form of financial as-  
13                  surance under clause (i)(III).

14                  “(B) SURFACE ESTATE OWNER PARTICIPA-  
15                  TION.—In addition to any participation oppor-  
16                  tunities provided to members of the public  
17                  under this section, with respect to a lease  
18                  issued under this section for covered land, the  
19                  Secretary shall provide surface estate owners  
20                  with—

21                  “(i) before authorizing an operator to  
22                  conduct exploration and drilling operations  
23                  on the covered land, a period of not less  
24                  than 30 days to comment on the plans of  
25                  operations of the operator;



1 exploration and drilling operations pursu-  
2 ant to the lease.

3 “(ii) FORM OF COMPENSATION.—If  
4 the Secretary approves the petition under  
5 clause (i), the Secretary may use the bond  
6 or other financial assurance referred to in  
7 that clause to provide compensation to the  
8 surface estate owner for the damages de-  
9 scribed in the petition.

10 “(4) SURFACE ESTATE OWNER NOTIFICA-  
11 TION.—In addition to any notice provided to mem-  
12 bers of the public under this section, with respect to  
13 a lease of covered land under this section, the Sec-  
14 retary shall notify the 1 or more surface estate own-  
15 ers by certified mail, electronic mail, and electronic  
16 posting on the website of the relevant leasing or land  
17 management agency—

18 “(A) of the lease sale by not later than 90  
19 days before conducting the lease sale;

20 “(B) of the identity and address of the les-  
21 see by not later than 10 business days after the  
22 lease is issued;

23 “(C) of any subsequent request or decision  
24 regarding the lease, including any request or  
25 decision to modify the lease, waive a stipulation,

1 or approve a right of way, by not later than 5  
2 business days after the Secretary receives the  
3 request or makes the decision; and

4 “(D) of any issuance of a permit to drill  
5 under the lease, by not later than 5 business  
6 days after issuance of the permit.

7 “(5) BONDS OR FINANCIAL ASSURANCES.—

8 “(A) IN GENERAL.—With respect to a  
9 lease of covered land under this section, the  
10 Secretary shall notify the 1 or more surface es-  
11 tate owners by certified mail, electronic mail,  
12 and electronic posting on the website of the rel-  
13 evant leasing or land management agency by  
14 not later than 30 days before establishing or re-  
15 leasing a bond or other financial assurance  
16 under subsection (g).

17 “(B) OBJECTIONS.—If a surface estate  
18 owner objects to the amount of the bond or  
19 other financial assurance to be required for a  
20 lease of covered land, the Secretary shall re-  
21 spond in writing to the objections of the surface  
22 estate owner, including a description of the ra-  
23 tionale for the amount.

24 “(C) RELEASE OF BOND OF OTHER FINAN-  
25 CIAL ASSURANCE.—The Secretary may release

1 the bond or other financial assurance required  
2 for a lease of covered land only if—

3 “(i) the Secretary determines that  
4 compensation for damages has been paid  
5 in accordance with, as applicable—

6 “(I) the terms of the surface use  
7 agreement under paragraph  
8 (2)(B)(xiii); or

9 “(II) the determination of the  
10 Secretary under paragraph (3)(A)(iii);

11 “(ii) the surface estate owner and the  
12 operator have executed, and submitted to  
13 the Secretary, a surface use and compensa-  
14 tion agreement providing that the bond or  
15 other financial assurance should be re-  
16 leased;

17 “(iii) the Secretary determines that—

18 “(I) there has been a final reso-  
19 lution of any action for damages; and

20 “(II) any damages awarded pur-  
21 suant to that action have been paid;

22 or

23 “(iv) the Secretary determines that—

1                   “(I) all wells on the covered land  
2                   have been plugged and abandoned;  
3                   and

4                   “(II) the operator has not con-  
5                   ducted oil and gas operations on the  
6                   covered land for a period of not less  
7                   than 6 years.”.