

Five-Year Offshore Oil and Gas Leasing Program: History and Background

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Summary

Under Section 18 of the Outer Continental Shelf Lands Act, as amended (OCSLA; 43 U.S.C. §1344), the Secretary of the Interior must prepare and maintain forward-looking plans—typically referred to as *national programs* or *five-year programs*—that indicate proposed public oil and gas lease sales in U.S. waters. In doing so, the Secretary must balance national interests in energy supply and environmental protection. The lead agency within the Department of the Interior (DOI or Interior) responsible for the program has been the Bureau of Ocean Energy Management (BOEM). Under a July 2026 order issued by the Secretary, BOEM and a sister agency are being merged into a new agency within DOI to be called the Marine Minerals Administration.

BOEM's development of a five-year program typically has taken place over two or three years, during which successive drafts of the program are published for review and comment. At the end of the process, the Secretary must submit each program to the President and to Congress for a period of at least 60 days, after which the proposal may be approved by the Secretary and may take effect with no further regulatory or legislative action. In the past, BOEM also developed a programmatic environmental impact statement (PEIS) for the leasing program under the National Environmental Policy Act (NEPA; 42 U.S.C. §4321). The PEIS examined the potential environmental impacts from oil and gas exploration and development on the U.S. outer continental shelf and considered a reasonable range of alternatives to the proposed plan.

Congress typically has been actively involved during the planning phases of BOEM's five-year leasing programs. For example, some Members of Congress have conveyed their views on BOEM's proposals by submitting public comments on draft versions of programs during formal comment periods. Congress also has evaluated programs in committee oversight hearings. Further, although Congress does not play a direct role under the OCSLA in the approval or disapproval of a leasing program, Congress has sometimes influenced the terms of five-year programs through legislation, such as legislation to mandate or prohibit lease sales in certain offshore areas. For example, in the 119th Congress, P.L. 119-21 mandated 12 lease sales (9 for the Gulf of America region and 3 for the Alaska region) in the 2024-2029 period, in addition to the 3 sales already scheduled by the Biden Administration in its 2024-2029 leasing program.

Since 1980, 10 distinct five-year programs and a revised version of one program have been submitted to Congress. The five-year programs have reflected the offshore oil and gas leasing policies of different presidential Administrations, along with input from states, Members of Congress, and other stakeholders. Most recently, in September 2023, DOI submitted BOEM's offshore oil and gas leasing program for 2024-2029, and then-Secretary of the Interior Deb Haaland issued a record of decision approving the program in December 2023. In November 2025, under the second Trump Administration, BOEM published a draft proposed program for 2026-2031 that would replace some years in the current 2024-2029 program. BOEM stated that it would not prepare a PEIS in conjunction with this program. For discussion of recent activities and issues for Congress, see CRS Report R44692, *Five-Year Offshore Oil and Gas Leasing Program: Status and Issues in Brief*.

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Introduction

Under the Outer Continental Shelf Lands Act (OCSLA), as amended,¹ the Department of the Interior (DOI or Interior) must prepare and maintain forward-looking five-year plans—referred to by DOI as *national programs* or *five-year programs*—that indicate proposed public oil and gas lease sales on the U.S. outer continental shelf (OCS) over a five-year period.² In preparing each program, DOI must balance national interests in energy supply and environmental protection.³ Since 2011, the lead agency within DOI responsible for the program has been the Bureau of Ocean Energy Management (BOEM).⁴ In July 2026, the Secretary of the Interior directed the merger of BOEM and a sister agency, the Bureau of Safety and Environmental Enforcement (BSEE), in a new agency within DOI to be called the Marine Minerals Administration, which will administer offshore energy leasing along with safety and enforcement functions.⁵

The development of a five-year program typically takes place over two or three years, during which successive drafts of the program are published for review and comment.⁶ All available leasing areas are initially examined,⁷ and the selection may then be narrowed based on economic and environmental analysis to arrive at a final leasing schedule. At the end of the process, the Secretary of the Interior must submit each program to the President and to Congress for a period of at least 60 days, after which the proposal may be approved by the Secretary and may take effect with no further regulatory or legislative action.⁸

The planning process has typically included preparation of a programmatic environmental impact statement (PEIS) under the National Environmental Policy Act (NEPA).⁹ The PEIS examines the potential environmental impacts from oil and gas exploration and development on the OCS and considers a reasonable range of alternatives to the proposed plan. Public comments from stakeholders, including state governors, companies, individuals, and public interest organizations,

¹ 43 U.S.C. §§1331-1356b. The leasing program requirements, which are codified at 43 U.S.C. §1344, were added in a 1978 amendment (P.L. 95-372; 92 Stat. 629).

² 43 U.S.C. §1344. The U.S. outer continental shelf, or OCS (43 U.S.C. §1331(a)), is an area of submerged lands, subsoil, and seabed that lies between the outer seaward reaches of a state's jurisdiction and the outer seaward reaches of U.S. jurisdiction. For more information, see CRS Report R48901, *Offshore Oil and Gas Development: Legal Framework*, by Adam Vann.

³ The Secretary of the Interior must ensure, “to the maximum extent practicable,” that the timing and location of leasing occurs so as to “obtain a proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone” (43 U.S.C. §1344(a)(3)).

⁴ Prior to 2010, the Secretary of the Interior delegated this responsibility to the Minerals Management Service, and then to the Service's successor agency, the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). The Bureau of Ocean Energy Management (BOEM), one of three successor agencies to BOEMRE, has had the responsibility since a departmental reorganization in October 2011.

⁵ Department of the Interior (DOI) Secretary's Order 3451, “Establishment of the Marine Minerals Administration,” July 10, 2026, <https://www.doi.gov/document-library/secretary-order/so-3451-establishment-marine-minerals-administration>. For discussion of executive agency reorganization authorities, see CRS Report R48523, *Organizing Executive Branch Agencies: Structure and Delegations of Authority*, by Daniel T. Shedd and Jared P. Cole.

⁶ The process has sometimes taken longer, as with development of the 2024-2029 program, and could potentially be shorter, as BOEM projected for development of its new 2026-2031 program. See the section on “Five-Year Program Development Process” for more information.

⁷ Some areas of the OCS may be unavailable for leasing because of presidential or congressional leasing moratoria or other types of protection.

⁸ 43 U.S.C. §1344(d). Congress does not approve or reject the program during the review period, but congressional review may lead to separate legislative action.

⁹ 42 U.S.C. §4321. For more information on environmental impact statements, see CRS In Focus IF12560, *National Environmental Policy Act: An Overview*, by Kristen Hite and Heather McPherron.

are addressed in both the PEIS and the five-year program itself. For the five-year program currently in preparation—a program for the years 2026-2031 that would replace some years in the most recent (2024-2029) program—BOEM announced that the program process would not include NEPA analysis, based on judicial rulings “that found that NEPA was unripe at the National OCS Program stage.”¹⁰

Because of the stages of review and comment required under the OCSLA, BOEM generally could not revise a finalized program—for example, to add new sales—without restarting the program development process.¹¹ However, scheduled sales could potentially be cancelled (but not added) during implementation of the program, based on requirements for environmental review that are associated with each individual sale.

The leasing decisions in BOEM’s five-year programs may affect the economy and environment of individual coastal states and of the nation as a whole. Accordingly, Congress often has been involved in the planning process for the five-year programs. Under the OCSLA, Congress’s review of BOEM’s final program does not include approval or disapproval of the program. However, Members of Congress may influence the program in other ways. Members may convey their views on the Administration’s proposals by submitting public comments on draft versions of the program during formal comment periods, and they may evaluate the program in committee oversight hearings.¹² More directly, Members may introduce legislation to set or alter a program’s terms, such as by prohibiting or mandating specific sales. For example, in the 119th Congress, P.L. 119-21 mandated 12 lease sales (9 for the Gulf of America region and 3 for the Alaska region) in the 2024-2029 period in addition to the 3 lease sales already scheduled by the Biden Administration in its 2024-2029 leasing program.¹³

This report discusses the history and legal framework for DOI’s five-year leasing programs, outlines the program development process, summarizes previous programs, and discusses the role of Congress. The five-year program currently in force, which was prepared during the Biden Administration and covers the years 2024-2029, was approved by then-Secretary of the Interior Deb Haaland in December 2023.¹⁴ This program scheduled three lease sales for the 2024-2029 period, located in specified planning areas of the Gulf of Mexico region of the OCS. (BOEM renamed this region as the Gulf of America region in 2025, pursuant to Executive Order 14172.)¹⁵

¹⁰ BOEM, “Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program MAA104000,” 90 *Federal Register* 17976, April 30, 2025. BOEM cited judicial rulings in *Center for Biological Diversity v. Department of the Interior*, 563 F.3d 466 (D.C. Cir. 2009), and *Center for Sustainable Economy v. Jewell*, 779 F.3d 588 (D.C. Cir. 2015).

¹¹ The Outer Continental Shelf Lands Act (OCSLA) states that the Secretary of the Interior “may revise and reapprove such program, at any time,” but that “such revision and reapproval, except in the case of a revision which is not significant, shall be in the same manner as originally developed” (43 U.S.C. §1344(e)).

¹² See the “Role of Congress” section for more information.

¹³ P.L. 119-21, §50102(a). Altogether, P.L. 119-21 required no fewer than 36 offshore oil and gas lease sales (30 in the Gulf of America region and 6 in the Alaska region) over a 15-year period from 2025 through 2040.

¹⁴ BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing: Proposed Final Program*, September 2023, https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029_NationalOCSProgram_PFP_Sept_2023_Compliant.pdf, hereinafter referred to as the “2024-2029 PFP”; and Secretary of the Interior Deb Haaland, “Record of Decision and Approval of the 2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program,” December 14, 2023, <https://www.boem.gov/sites/default/files/documents/oil-gas-energy/Decision-Memo-National-Program-SIGNED.pdf>, hereinafter referred to as the “2024-2029 ROD.” The final version of a five-year program is published under the title “proposed final program,” or PFP, because it must be reviewed by Congress and the President before final approval by the Secretary of the Interior.

¹⁵ Executive Order 14172, “Restoring Names That Honor American Greatness,” issued on January 31, 2025, directed the renaming of the Gulf of Mexico to the Gulf of America for U.S. federal use; other countries may continue to refer (continued...)

Prior to the December 2023 approval of the 2024-2029 program, a gap occurred between leasing programs, the first prolonged gap since publication of the programs began in 1980.¹⁶ In November 2025, under the second Trump Administration, BOEM published a draft proposed program for 2026-2031.¹⁷ For further discussion of the 2026-2031 program, recent actions, and issues for Congress, see CRS Report R44692, *Five-Year Offshore Oil and Gas Leasing Program: Status and Issues in Brief*.

Historical Background¹⁸

In 1953, Congress enacted two laws that addressed jurisdiction and rights off the coasts of the United States, including rights to regulation of subsurface oil and natural gas exploration and production. The first of these acts, the Submerged Lands Act,¹⁹ provides that coastal states are generally entitled to an area extending 3 geographical miles²⁰ from their officially recognized coasts (or baselines).²¹ The second, the OCSLA, defined the OCS as “all submerged lands lying seaward and outside of” state coastal waters that are subject to the jurisdiction and control of the United States.²² The OCSLA has as its primary purpose “expeditious and orderly development [of OCS resources], subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.”²³

to the water body as the Gulf of Mexico. BOEM identifies four OCS *regions*—the Gulf of America region, the Alaska region, the Atlantic region, and the Pacific region—comprising a total of 27 *planning areas*.

¹⁶ The 2017-2022 program expired on June 30, 2022, with 8 of the 11 scheduled sales having been held, one of which was vacated by a court decision. Subsequently, P.L. 117-169, commonly known as the Inflation Reduction Act of 2022 (IRA), directed BOEM to hold the remaining lease sales in the 2017-2022 program despite the program’s expiration and directed the agency to issue the leases from the vacated lease sale (P.L. 117-169, §50264). BOEM held the three lease sales mandated by the IRA in December 2022, March 2023, and December 2023. The gap between the June 2022 expiration of the 2017-2022 program and the December 2023 approval of the 2024-2029 program was the longest in the history of five-year programs. An earlier and shorter gap had occurred in the transition to the 2012-2017 program. The 2012-2017 proposed final program was published on June 28, 2012, two days before the previous program expired, but because of the required 60-day waiting period before final secretarial approval, the program did not officially take effect until August 27, 2012 (BOEM, “2012-2017 OCS Oil and Gas Leasing Program,” <https://www.boem.gov/oil-gas-energy/leasing/2012-2017-ocs-oil-and-gas-leasing-program>). This timing still allowed for the program’s first scheduled sale to be held as planned in November 2012.

¹⁷ BOEM, *11th National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program: 1st Analysis and Proposal*, November 2025, https://www.boem.gov/sites/default/files/documents/oil-gas-energy/national-program/11th_National_OCS_Program_1stAnalysis_and_Proposal.pdf, hereinafter referred to as BOEM, 2026-2031 DPP.

¹⁸ This section was prepared by Adam Vann, Legislative Attorney.

¹⁹ 43 U.S.C. §1301 et seq.

²⁰ The Submerged Lands Act (SLA) does not further define a “geographical mile,” and the phrase is not defined elsewhere in the *U.S. Code*. One section of the BOEM regulations notes that 50 “geographic miles” is equal to 92.7 kilometers, which would make a single geographic mile equal to 1.854 kilometers. 30 C.F.R. §551.14(b)(7)(ii). The same section of the BOEM regulations subsequently provides that 3 geographic miles are equal to 5.6 kilometers, which would make a single geographic mile equal to roughly 1.867 kilometers. 30 C.F.R. §551.14(d).

The SLA also provides for an extended seaward boundary if a state can show such a boundary was provided for by the state’s “constitution or laws prior to or at the time such State became a member of the Union, or if it has been heretofore approved by Congress.” 43 U.S.C. §1301(b), 1312. After enactment of the SLA, the Supreme Court held that the Gulf coast boundaries of Florida and Texas extend to the 3-marine-league limit (a marine league is 3 nautical miles). Other Gulf coast states were unsuccessful in their challenges. See *United States v. Louisiana*, 363 U.S. 1, 66 (1960); *United States v. Florida*, 363 U.S. 121, 129 (1960).

²¹ 43 U.S.C. §1312.

²² 43 U.S.C. §1331(a).

²³ 43 U.S.C. §1332(3).

As offshore activities expanded in the years following adoption of the OCSLA, Congress sought a means by which to allow for expedited exploration and production in order to achieve national energy goals while also providing for environmental protection, opportunities for state and local governments affected by offshore activity to have their voices heard, and a competitive bidding and leasing process.²⁴ The product was the Outer Continental Shelf Lands Act Amendments of 1978.²⁵ This legislation added a number of new provisions to the OCSLA, including Section 18, which mandates the creation and maintenance of an OCS leasing program to “best meet national energy needs for the five-year period following its approval or reapproval.”²⁶ These five-year programs, which include schedules for lease auctions, have provided the framework for OCS oil and gas exploration and production since the first one was adopted by DOI in 1980.

Although the 1978 amendments were the last major overhaul to the OCSLA, Congress has taken other actions since that time that have altered the scope of offshore oil and gas exploration and production. For example, the Deep Water Royalty Relief Act of 1995 attempted to encourage exploration and production in deep water by providing relief from otherwise applicable royalty payment requirements for some deepwater oil and natural gas production.²⁷ The Gulf of Mexico Energy Security Act of 2006 directed the leasing of certain regions of the Gulf of Mexico for oil and gas exploration and production and placed a moratorium on leasing in other regions.²⁸ It also created a mechanism for sharing revenues from leasing in the region with Gulf states and the Land and Water Conservation Fund.²⁹ Also, starting in 2008, Congress removed language from annual Interior appropriations legislation that had been in place to bar leasing and related activities in certain OCS regions.³⁰ These legislative actions helped to shape subsequent five-year programs.

Legal Framework³¹

The statutory framework governing development of a five-year offshore oil and gas leasing program includes the OCSLA as well as other federal statutes, particularly NEPA and the Coastal Zone Management Act (CZMA).³²

Outer Continental Shelf Lands Act

Section 18 of the OCSLA provides:

The Secretary [of the Interior] ... shall prepare and periodically revise, and maintain an oil and gas leasing program to implement the policies of this subchapter. The leasing program shall consist of a schedule of proposed lease sales indicating, as precisely as possible, the

²⁴ P.L. 95-372, §102 (43 U.S.C. §1802). For a history of U.S. offshore oil and gas development in the 20th century, see Tyler Priest, *Offshore Oildom: America's Energy Expansion Into the Ocean* (Louisiana State University Press, 2026).

²⁵ P.L. 95-372.

²⁶ 43 U.S.C. §1344(a).

²⁷ P.L. 104-58.

²⁸ P.L. 109-432. For more information, see CRS Report R46195, *Gulf of Mexico Energy Security Act (GOMESA): Background and Current Issues*, by Laura B. Comay.

²⁹ P.L. 109-432. For more information on the Land and Water Conservation Fund, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*, by Carol Hardy Vincent.

³⁰ For further discussion of this appropriations-based moratorium, see CRS Report RL33404, *Offshore Oil and Gas Development: Legal Framework*, by Adam Vann.

³¹ This section was prepared by Adam Vann, Legislative Attorney.

³² 16 U.S.C. §§1451-1464.

size, timing, and location of leasing activity which he determines will best meet national energy needs for the five-year period following its approval or reapproval.³³

Section 18 further provides that the OCS is to be managed in a manner “which considers economic, social, and environmental values” of the resources of the OCS as well as the potential impact of oil and gas exploration on the marine, coastal, and human environments.³⁴

Specifically, Section 18 directs the Secretary of the Interior to schedule the timing and location of oil and gas exploration and production among the regions of the OCS based on consideration of a variety of factors, including existing geographical, geological, and ecological characteristics of the regions; relative environmental and other natural resource considerations of the regions; the relative interest of oil and natural gas producers in the regions; and the laws, goals, and policies of the states that would be affected by offshore exploration and production in the region. In addition to striking this balance, leasing under the five-year program must “be conducted to assure receipt of fair market value for the lands leased and the rights conveyed by the Federal Government.”³⁵ The OCSLA also requires that the five-year program include estimates on appropriations and staffing needs.³⁶

The OCSLA also imposes a number of consultation requirements. During preparation of the five-year program, the Secretary of the Interior must “invite and consider suggestions for such program from any interested Federal agency, including the Attorney General, in consultation with the Federal Trade Commission, and from the Governor of any State which may become an affected State under such proposed program.”³⁷ In addition to these mandatory consultation requirements, the Secretary may choose to consult with local government officials in affected states.³⁸

Once the Secretary has satisfied these consultation and other requirements and prepared a proposed program, that program must be submitted to the governor of each affected state for further comments at least 60 days prior to publication of the proposed program in the *Federal Register*.³⁹ The OCSLA also authorizes the Attorney General, in coordination with the Federal Trade Commission, to submit comments regarding potential effects of the proposed program on competition.⁴⁰ At least 60 days prior to the program’s approval, the Secretary must submit the proposed program to Congress and the President, along with an explanation as to why any specific recommendation of the Attorney General or a state or local government was not accepted.⁴¹ Once these steps have been completed, the Secretary is free to approve a final five-year program. The OCSLA also authorizes the Secretary to revise the five-year program at any time pursuant to a mandated review, but any revision that is “significant” must go through the process for the initial five-year program described above.⁴²

DOI regulations applicable to preparation of the five-year program include details regarding these consultation requirements. For example, DOI is required to send letters to governors of affected

³³ 43 U.S.C. §1344(a).

³⁴ 43 U.S.C. §1344(a)(1).

³⁵ 43 U.S.C. §1344(a)(4).

³⁶ 43 U.S.C. §1344(b).

³⁷ 43 U.S.C. §1344(c)(1).

³⁸ 43 U.S.C. §1344(c)(1).

³⁹ 43 U.S.C. §1344(c)(2).

⁴⁰ 43 U.S.C. §1344(d)(1).

⁴¹ 43 U.S.C. §1344(d)(2).

⁴² 43 U.S.C. §1344(e).

states requesting that they identify specific laws, goals, and policies that they would like DOI to consider during preparation of the five-year program.⁴³ The regulations also outline requirements for publication of the proposed program in the *Federal Register*.

Other Federal Statutes

While the OCSLA and the applicable regulations guide the five-year planning process, other federal statutes also play a role in the program's formation. Two federal statutes that have played a prominent role in the preparation of the five-year program are NEPA and the CZMA.

National Environmental Policy Act

NEPA generally requires federal agencies to consider the environmental impacts (i.e., through an environmental review) of their actions prior to finalizing certain decisions.⁴⁴ How a federal agency demonstrates compliance with NEPA depends on the level of the proposed action's impacts.⁴⁵ A proposed action that has a "reasonably foreseeable significant effect on the human environment" typically requires the preparation of an environmental impact statement (EIS).⁴⁶ If the proposed action does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of the effects is unknown, an agency typically prepares an environmental assessment (EA).⁴⁷ BOEM follows DOI regulations and departmental guidance to carry out the NEPA environmental review process.⁴⁸

Historically, BOEM has prepared a PEIS⁴⁹ concurrently with preparation of the five-year program. However, when it published the most recent draft proposed program for 2026-2031, BOEM noted that it would not be preparing a PEIS for the program.⁵⁰ The agency described past reviews as "discretionary," and cited recent judicial decisions that it described as concluding that the five-year program "does not constitute an irreversible and irretrievable commitment of resources" and that "the obligation to fully comply with NEPA does not mature until the lease sale stage."⁵¹ The agency stated that it would, instead, prepare "an environmental analysis outside of the NEPA framework to provide the relevant environmental and predictive information for different areas of the OCS as required by Section 18" of the OCSLA, as discussed above.⁵²

⁴³ 30 C.F.R. §556.16(b).

⁴⁴ 42 U.S.C. §4332(2)(C) and 42 U.S.C. §4336. For more information on NEPA, see CRS In Focus IF12560, *National Environmental Policy Act: An Overview*, by Kristen Hite and Heather McPherron.

⁴⁵ 42 U.S.C. §4336(b).

⁴⁶ 42 U.S.C. §4336(b)(1).

⁴⁷ 42 U.S.C. §4336(b)(2).

⁴⁸ 43 C.F.R. Part 46 and DOI, *Handbook of National Environmental Policy Act Implementing Procedures*, February 2026, <https://www.doi.gov/media/document/doi-handbook-nepa-procedures>.

⁴⁹ 42 U.S.C. §4336e(11) states that a programmatic environmental document—such as a programmatic EIS—analyzes all or some of the environmental effects of a policy, program, or group of related actions. In the past, BOEM has typically prepared a PEIS to evaluate the environmental impacts of the federal program in question from a broad regional perspective, followed by more detailed and geographically focused analyses in compliance with the requirements of NEPA at the planning, leasing, and exploration and development stages.

⁵⁰ BOEM 2026-2031 DPP at 1-7.

⁵¹ *Id.*, citing *Ctr. for Biological Diversity v. Dep't of the Interior*, 563 F.3d 466, 480-81 (D.C. Cir. 2009) (dismissing challenges to a leasing program as "not ripe for review" because no lease sales had occurred); *Ctr. for Sustainable Econ. v. Jewell*, 779 F.3d 588, 599-600 (D.C. Cir. 2015) (dismissing challenges to leasing program as unripe, and asserting that allowing early challenges prior to lease sales would create too much of a procedural burden for the agency).

⁵² BOEM 2026-2031 DPP at 1-7.

Coastal Zone Management Act⁵³

Under the CZMA,⁵⁴ states are encouraged to enact coastal zone management plans to coordinate protection of habitats and resources in coastal waters.⁵⁵ The CZMA establishes a policy of preservation alongside sustainable use and development compatible with resource protection.⁵⁶ State coastal zone management programs that are approved by the Secretary of Commerce are eligible to receive federal monetary and technical assistance. State programs must designate conservation measures and permissible uses for land and water resources,⁵⁷ and must address various sources of water pollution.⁵⁸

The CZMA also requires that the federal government and federally permitted activities comply with these state programs.⁵⁹ To that end, the regulations governing the five-year program provide that “[i]n development of the leasing program, consideration shall be given to the coastal zone management program being developed or administered by an affected coastal State.”⁶⁰ The regulations require DOI to request information concerning the relationship between a state’s coastal zone management program and OCS oil and gas activity from the governors of affected coastal states and the Secretary of Commerce prior to development of the leasing program.⁶¹

Five-Year Program Development Process⁶²

The development of a five-year program typically takes place over two or three years, during which three successive versions of the program proposal are published for review. The process can sometimes take longer; for the 2024-2029 program, program development spanned a six-year period over two presidential Administrations.⁶³ Conversely, BOEM projected a shorter development period for its proposed 2026-2031 program, with an initial request for information for the program published in April 2025 and the first lease sales projected in 2026.⁶⁴ The program drafts are submitted to state governors and federal agencies and, in the final stage, to Congress and the President (see discussion of consultation requirements in the “Legal Framework” section, above). The second and final program proposals have typically been released concurrently with draft and final versions of the PEIS prepared under NEPA, which also are opened to public

⁵³ For additional information on the CZMA, see CRS Report R45460, *Coastal Zone Management Act (CZMA): Overview and Issues for Congress*, by Eva Lipiec.

⁵⁴ 16 U.S.C. §§1451-1464.

⁵⁵ Coastal U.S. states and territories, including the Great Lakes states, are eligible to receive federal assistance for their coastal zone management programs. Currently, there are 34 approved state and territorial plans. See National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, “Coastal Zone Management Programs,” <https://coast.noaa.gov/czm/mystate/>.

⁵⁶ 16 U.S.C. §1452(1), (2).

⁵⁷ 16 U.S.C. §1455(d)(2), (9)-(12).

⁵⁸ 16 U.S.C. §1455(d)(16).

⁵⁹ 16 U.S.C. §1456(c).

⁶⁰ 30 C.F.R. §556.19.

⁶¹ 30 C.F.R. §556.19.

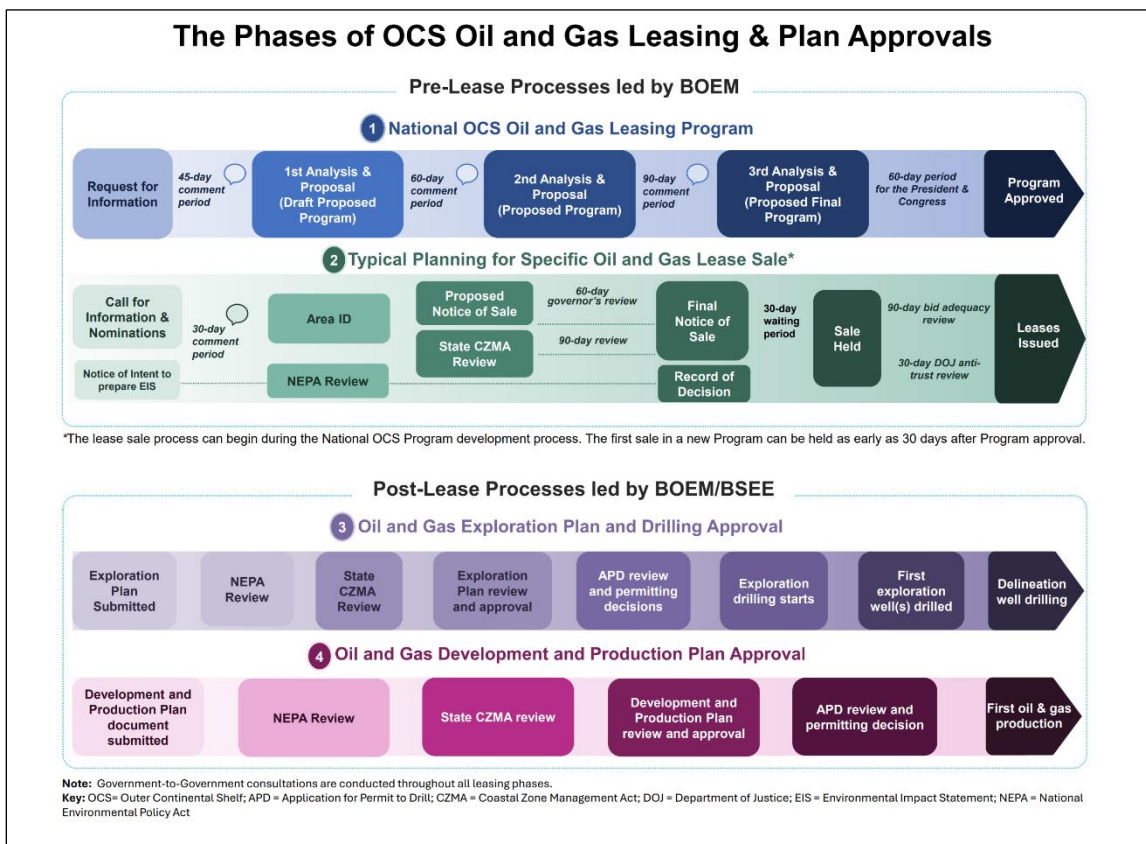
⁶² This section was prepared by Laura Comay, Specialist in Natural Resources Policy.

⁶³ As development of the 2024-2029 program proceeded, the period of proposed program coverage shifted, with the initial draft slated to cover the 2019-2024 period, the second draft covering the 2023-2028 period, and the final proposal covering the 2024-2029 period.

⁶⁴ BOEM, “Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program,” 90 *Federal Register* 17972, April 30, 2025; and BOEM, 2026-2031 DPP. As of September 25, 2026, BOEM had not published the second of three required program versions.

comments (although, as described previously, BOEM is not preparing a PEIS for the 2026-2031 program). After the program takes effect, individual lease sales also undergo NEPA compliance, as do companies' exploration and development plans on leased tracts.⁶⁵ **Figure 1** outlines the steps from development of the five-year program to actual oil and gas production in an individual well.

Figure 1. OCS Oil and Gas Leasing and Permitting Process



Source: Bureau of Ocean Energy Management (BOEM), Oil and Gas Leasing Flow Chart, https://www.boem.gov/sites/default/files/images/pre-lease_processes_graphic.png.

Notes: BSEE = Bureau of Safety and Environmental Enforcement. Under DOI Secretary's Order 3451 of July 10, 2026, BOEM and BSEE are being merged into a unified agency called the Marine Minerals Administration.

Because of the analysis and review undertaken at each stage of drafting the five-year program, the successive drafts represent a winnowing process. The initial draft proposed program (DPP)

⁶⁵ It is unclear whether BOEM's decision not to prepare a PEIS for the 2026-2031 five-year program might affect the timing of NEPA compliance at later stages of the offshore leasing and permitting process (e.g., when individual lease sales are held under the program), given that NEPA compliance at these later stages has typically "tiered" from the PEISs for the five-year programs. "Tiering" refers to "the reliance on and incorporation by reference of general matters in broader [EISs] or [EAs] (such as national program or policy statement[s]) in subsequent narrower or environmental analyses (such as regional or basin-wide program [EISs] or [EAs] or ultimately site-specific [EISs] or [EAs])" (Department of the Interior, *Handbook of National Environmental Policy Act Implementing Procedures*, February 2026, p. 26, <https://www.doi.gov/media/document/doi-handbook-nepa-procedures>). For further discussion of the NEPA tiering process, see CRS In Focus IF12560, *National Environmental Policy Act: An Overview*, by Kristen Hite and Heather McPherron.

examines all of the agency's available planning areas for oil and gas leasing,⁶⁶ analyzing them according to factors in Section 18 of the OCSLA and considering public input, to develop an initial schedule of proposed lease sales. In subsequent versions of the program, BOEM might remove proposed sales on the basis of further analysis, but could not add new sales without reverting to an earlier stage of the process and undertaking new environmental reviews.

The steps of the process are discussed in greater detail below, with examples from the 2024-2029 program, the most recent five-year program to complete the development process. This summary refers to BOEM because it was the DOI agency that published the 2024-2029 program, but as discussed above, as of July 2026, DOI is merging BOEM and its sister agency BSEE into a new Marine Minerals Administration.

- **Step 1. Request for Information.** BOEM initiates development of a new five-year program by publishing in the *Federal Register* a request for information (RFI) from interested parties concerning regional and national energy needs for the next five-year period; leasing interests of possible oil and gas producers; environmental concerns; and concerns of state and local governments, tribes, and the public, among other issues. For example, the RFI for what became the 2024-2029 leasing program was published on July 3, 2017, and was followed by a comment period during which the agency received more than 800,000 comments.⁶⁷ At the time, the leasing program was envisioned as covering a five-year period from 2019 through 2024.
- **Step 2. Draft Proposed Program/Notice of Intent for PEIS.** BOEM publishes a DPP, the first of three program decision documents.⁶⁸ The DPP analyzes all OCS planning areas available for leasing, taking into account comments received on the RFI, and identifies a preliminary lease schedule. BOEM published its DPP for what became the 2024-2029 program (at that time planned as a 2019-2024 program) on January 8, 2018, with a comment period that closed on March 9, 2018.⁶⁹ The DPP was published under the Trump Administration. The DPP's preliminary lease schedule consisted of 47 proposed oil and gas lease sales spanning all four offshore planning regions (Gulf of Mexico [now Gulf of America], Alaska, Atlantic, and Pacific).⁷⁰ BOEM received more than 2 million comments on the DPP.⁷¹

When the DPP is published, BOEM also typically has issued a notice of intent (NOI) to publish a PEIS for the proposed lease areas and has sought public

⁶⁶ BOEM divides the U.S. OCS into 27 planning areas in four regions (the Atlantic, Pacific, Arctic, and Gulf of America regions). The draft proposed program analyzes all of the planning areas except those that are closed to oil and gas leasing activities by congressional or presidential moratoria or other executive or legislative actions.

⁶⁷ BOEM, "Request for Information and Comments on the Preparation of the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program," 82 *Federal Register* 30886, July 3, 2017.

⁶⁸ 30 C.F.R. §556.203. A decision document is one on which the Secretary of the Interior must issue a decision.

⁶⁹ BOEM, 2019-2024 *National Outer Continental Shelf Oil and Gas Leasing: Draft Proposed Program*, January 2018, <https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2019-2024/DPP/NP-Draft-Proposed-Program-2019-2024.pdf>, hereinafter referred to as the "2019-2024 DPP." Also see BOEM, "Notice of Availability (NOA) of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program and Notice of Intent to Prepare a Programmatic Environmental Impact Statement," 83 *Federal Register* 829, January 8, 2018.

⁷⁰ 2019-2024 DPP, p. 8.

⁷¹ BOEM, 2023-2028 *National Outer Continental Shelf Oil and Gas Leasing: Proposed Program*, July 2022, p. 10-1, <https://www.boem.gov/oil-gas-energy/national-program/2023-2028-proposed-program>, hereinafter referred to as the "2023-2028 PP."

input (through a scoping process) on the issues that should be analyzed in the PEIS. The NOI to prepare a PEIS for what became the 2024-2029 program (at that time planned as a 2019-2024 program) was published on January 8, 2018, along with the DPP.⁷² As discussed, for its proposed 2026-2031 program, BOEM announced its intent not to prepare a PEIS.⁷³

- **Step 3. Proposed Program/Draft PEIS.** After further analyzing the lease sale areas proposed in the DPP according to the required factors in Section 18 of the OCSLA, and taking into account the public comments received on the DPP, BOEM publishes a proposed program (PP). This second version refines the proposed locations and timing for OCS oil and gas lease sales. BOEM submits the PP to Congress, state governors, and relevant federal agencies and also solicits public comment on the program.⁷⁴ BOEM published the PP for what became the 2024-2029 program on July 8, 2022, with a comment period that closed on October 6, 2022.⁷⁵ At that time, the PP was envisioned to cover the years 2023-2028. The PP, published under the Biden Administration, revised the draft leasing schedule from the DPP to narrow it to a maximum of 10 proposed lease sales spanning two offshore planning regions (Gulf of Mexico [now Gulf of America] and Alaska).

The PP has typically been accompanied by a draft PEIS analyzing the OCS areas that were identified for leasing at the DPP stage (although BOEM has stated that the 2026-2031 program will not include a PEIS). The draft PEIS for what became the 2024-2029 program (at that time covering the 2023-2028 period) was released along with the PP, with a comment period that closed on October 6, 2022.⁷⁶ BOEM received more than 750,000 comments on the PP and draft PEIS.⁷⁷

- **Step 4. Proposed Final Program/Final PEIS.** The final document published by BOEM is the proposed final program (PFP), which is based on additional analysis of the factors in Section 18 of the OCSLA, along with analysis of the public comments received on the PP and draft PEIS. The PFP is announced in the *Federal Register* and submitted to the President and Congress for a period of at least 60 days. Although Congress does not have an approval role for the PFP, the 60-day review period could allow for legislation to be introduced that would influence the outcome of the program. BOEM published the PFP for

⁷² BOEM, “Notice of Availability (NOA) of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program and Notice of Intent to Prepare a Programmatic Environmental Impact Statement,” 83 *Federal Register* 829, January 8, 2018.

⁷³ 2023-2028 PP; and BOEM, “Request for Information and Comments on the Preparation of the 11th National Outer Continental Shelf Oil and Gas Leasing Program,” 90 *Federal Register* 17976, April 30, 2025; see also BOEM Fact Sheet, “Environmental Analysis,” <https://www.boem.gov/oil-gas-energy/environmental-analysis508pdf>.

⁷⁴ 30 C.F.R. §556.204.

⁷⁵ Also see BOEM, “Notice of Availability of the 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program and Draft Programmatic Environmental Impact Statement,” 87 *Federal Register* 40859, July 8, 2022.

⁷⁶ BOEM, *2023-2028 National Outer Continental Shelf Oil and Gas Leasing Program: Draft Programmatic Environmental Impact Statement*, July 2022, <https://www.boem.gov/sites/default/files/documents/oil-gas-energy/national-program/2023-2028-NationalOCSOilGasLeasingDraftPEISVol1.pdf>. Also see BOEM, “Notice of Availability of the 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Proposed Program and Draft Programmatic Environmental Impact Statement,” 87 *Federal Register* 40859, July 8, 2022.

⁷⁷ 2024-2029 PFP, p. 11-2.

2024-2029 on September 29, 2023.⁷⁸ It contained a final refinement of the proposed lease schedule, narrowing it to three sales in one offshore planning region (the Gulf of Mexico [now Gulf of America] region).

Along with the PFP, BOEM typically has published a final PEIS that concludes the analysis of the areas proposed for leasing (although BOEM has stated that the 2026-2031 program will not include a PEIS). The final PEIS is submitted to the President and Congress along with the PFP. BOEM released the final PEIS for the 2017-2022 program on September 29, 2023, along with the PFP.⁷⁹

- **Step 5. Approval of PFP by Secretary of the Interior.** At least 60 days after the PFP is submitted to the President and Congress, the Secretary of the Interior may approve the PFP, which then becomes final. The Secretary publishes a record of decision (ROD) for the final program.⁸⁰ Secretary of the Interior Deb Haaland issued a record of decision approving the final program for 2024-2029 on December 14, 2023.⁸¹

Five-Year Programs Submitted in Earlier Years⁸²

Since 1980, 10 distinct five-year programs and a revised version of one program have been submitted to Congress.⁸³ Following the 60-day review period required by the OCSLA, each of these five-year programs has taken effect as an approved program. **Table 1** shows the previous submissions, dating back to 1980. The five-year programs have reflected the offshore oil and gas leasing policies of different presidential Administrations, along with input from states, Members of Congress, and other stakeholders.

Table 1. OCSLA Five-Year Programs Submitted to Congress Since 1980

Years	Administration Submitting Plan	Congress	Number of Sales Listed in Submission	Number of Sales Held	Approximate Acres Leased (in millions) ^a
2024-2029	Biden	118 th	3	None (as of July 2026) ^b	None (as of July 2026) ^b
2017-2022	Obama	114 th	11	11 ^c	9.7
2012-2017	Obama	112 th	15	13	7.4
2007-2012 ^d	Obama / G. W. Bush ^d	111 th / 110 th	16 / 21 ^d	11	21.7

⁷⁸ 2024-2029 PFP. Also see BOEM, “Notice of Availability of the 2024-2029 National Outer Continental Shelf Oil and Gas Leasing Proposed Final Program and Final Programmatic Environmental Impact Statement,” 88 *Federal Register* 67798, October 2, 2023.

⁷⁹ BOEM, *2024-2029 National Outer Continental Shelf Oil and Gas Leasing Program: Final Programmatic Environmental Impact Statement*, September 2023, https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/2024-2029NatOCSOilGasLeasing_FinalPEISVol1_0.pdf.

⁸⁰ This record of decision (ROD) relates to the five-year program itself, rather than the PEIS that has historically been prepared to accompany the program.

⁸¹ 2024-2029 ROD.

⁸² This section was prepared by Laura Comay, Specialist in Natural Resources Policy.

⁸³ Prior to 1980, the domestic program for oil and gas leasing encompassed more than 25 years of federal government lease sales from October 1954 through September 1980. See BOEM, “Outer Continental Shelf Lease Sale Statistics: All Lease Offerings,” <https://www.boem.gov/oil-gas-energy/leasing/outer-continental-shelf-lease-sale-statistics>.

Years	Administration Submitting Plan	Congress	Number of Sales Listed in Submission	Number of Sales Held	Approximate Acres Leased (in millions) ^a
2002-2007	G. W. Bush	107 th	20	15	20.5
1997-2002	Clinton	105 th	16	12	22.9
1992-1997	G. H. W. Bush	102 nd	18	12	22.6
1987-1992	Reagan	100 th	42	17	24.7
1982-1987	Reagan	97 th	41	23	21.0
1980-1982 ^e	Carter	96 th	36	12	4.1

Source: CRS.

Note: OCSLA = Outer Continental Shelf Lands Act.

- a. Acreage leased is shown in BOEM, Outer Continental Shelf Lease Sale Statistics, “All Lease Offerings,” <https://www.boem.gov/oil-gas-energy/leasing/outer-continental-shelf-lease-sale-statistics>.
- b. Lease Sale 262 for the Gulf of America, the first scheduled lease sale in the 2024-2029 program, was planned for December 10, 2025. However, after enactment of P.L. 119-21, which required semiannual lease sales for the Gulf of America in addition to those in the five-year program, BOEM deferred Lease Sale 262 and instead held the first lease sale under P.L. 119-21, titled Lease Sale BBG1, on December 10, 2025. See BOEM, “Lease Sale 262,” <https://www.boem.gov/oil-gas-energy/leasing/lease-sale-262>. BOEM also held a second Gulf lease sale under P.L. 119-21, Lease Sale BBG2, on March 11, 2026, and a third sale, Lease Sale BBG3, on August 12, 2026, as well as a sale for Alaska’s Cook Inlet under P.L. 119-21, Lease Sale BBC1, beginning on February 2, 2026 (the Cook Inlet sale was extended through March 4, 2026, but received no bids).
- c. Eight sales were held under the 2017-2022 program prior to its June 30, 2022, expiration. Lease Sale 257 was vacated by a judicial order (*Friends of the Earth v. Haaland*,—F. 3d.—, 2022 WL 254526 (D.D.C. 2022)), and leases were not issued. Subsequent to the program’s expiration, P.L. 117-169 was enacted, requiring BOEM to conduct the remaining lease sales despite the program’s expiration and to issue the leases from the vacated Lease Sale 257. BOEM subsequently held the remaining three lease sales from the program in December 2022, March 2023, and December 2023.
- d. The George W. Bush Administration developed the original program for 2007-2012 and submitted it to the 110th Congress with a lease schedule containing 21 sales. Following a court order in 2009, the Department of the Interior revised the program under the Obama Administration and resubmitted it to the 111th Congress with a revised lease schedule containing 16 sales.
- e. This program was originally referred to as the Comprehensive Program 1980-1985, but the covered years were changed to 1980-1982 due mainly to judicial activity. *California v. Watt*, 688 F.2d 1290 (D.C. Cir. 1981).

Role of Congress

Congress can influence the Administration’s development of a five-year program in a number of ways. Members of Congress may convey their views on the Administration’s proposals by submitting public comments on program drafts during the formal comment periods, and they may evaluate the program in committee oversight hearings. More directly, Members may introduce legislation to set or alter a program’s terms. Congress also has a role under the OCSLA of reviewing each five-year program once it is finalized, but as discussed above, the OCSLA does not require that Congress directly approve the final program in order for it to be implemented.

As examples of these types of participation, this section summarizes congressional action on the 2024-2029 program, the most recent completed program. For developments related to the upcoming 2026-2031 program, see CRS Report R44692, *Five-Year Offshore Oil and Gas Leasing Program: Status and Issues in Brief*.

Public Comment

Members of Congress, along with other stakeholders such as state governors, interested agencies and organizations, and members of the public, may submit comments on draft versions of five-year programs. For the 2024-2029 program, BOEM received 12 comments from Members of Congress on its initial RFI, 49 comments from Members on the DPP, and 3 comments from Members on the PP. Some of these comments came from one or a few Members, and others had many signers (in some cases, 130 Members or more).⁸⁴ Some comments opposed the inclusion of certain regions in the program, whereas others supported the proposed lease sales or sought an expansion of lease areas and a higher number of sales.⁸⁵ The comments also addressed related issues such as seismic testing in the Atlantic.⁸⁶

DOI takes the public comments into account when developing successive drafts of a five-year program. Each draft contains an appendix summarizing the substantive comments received on the previous version, including those from Members of Congress, and explaining the agency's response to each.⁸⁷ The agency may revise the program to partially or fully adopt a suggestion, or may explain why it declined to do so.

Oversight Hearings

The House or Senate may hold oversight hearings to evaluate a proposed five-year oil and gas leasing program. Such hearings help to inform Members in their legislative decisionmaking concerning the program and provide an opportunity for agency officials to hear Members' views. For example, during development of the 2024-2029 program, committees in both chambers held hearings on the program and the offshore oil and gas strategies of both the Biden and Trump Administrations.⁸⁸ Members and witnesses addressed issues such as the Biden Administration's temporary pause on development of the leasing program, the optimal number of sales for the program, and economic and environmental impacts of offshore oil and gas development.

Legislation

Under the OCSLA, the final version of each five-year program must be submitted to Congress for a period of 60 days before the Secretary of the Interior can approve and implement the program.⁸⁹ During or outside the 60-day period, Congress could consider legislation to alter the program.

⁸⁴ The 12 congressional comments received on the request for information (RFI) are discussed on pp. A-75 to A-77 of the 2024-2029 DPP. The 49 congressional comments received on the DPP are discussed on pp. A-125 to A-133 of the 2024-2029 PP. The 3 congressional comments received on the PP are discussed on pp. A-57 to A-58 of the 2017-2022 PFP.

⁸⁵ See BOEM's summaries of comments as cited in footnote 84.

⁸⁶ See BOEM's summaries of comments as cited in footnote 84.

⁸⁷ See Appendix A of each version of the program: the 2024-2029 DPP (summarizing comments on the RFI), the 2024-2029 PP (summarizing comments on the DPP), and the 2024-2029 PFP (summarizing comments on the PP).

⁸⁸ See, for example, Senate Committee on Energy and Natural Resources, "Offshore Energy Development in Federal Waters and Leasing Under the Outer Continental Shelf Lands Act," oversight hearing, May 13, 2021, <https://www.govinfo.gov/app/details/CHRG-117shrg44732/CHRG-117shrg44732>; House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, oversight hearing, "Safeguarding American Jobs and Economic Growth: Examining the Future of the Offshore Leasing Program," July 27, 2023, <https://www.govinfo.gov/app/details/CHRG-118shrg53076/CHRG-118shrg53076>; and Senate Committee on Energy and Natural Resources, "Federal Offshore Energy Strategy and Policies," oversight hearing, October 26, 2023, <https://www.govinfo.gov/content/pkg/CHRG-118shrg55815/pdf/CHRG-118shrg55815.pdf>.

⁸⁹ 43 U.S.C. §1344(d)(2). The final program is also submitted to the President during this period.

Legislation could, for example, remove scheduled lease sales, add new lease sales, or make broader changes to the program. The 118th and 119th Congresses both considered legislation to alter the 2024-2029 program, and one enacted measure, P.L. 119-21, mandated 12 lease sales in the 2024-2029 period in addition to the program's 3 scheduled lease sales. Other bills in the 119th Congress include measures to change the terms of program development or to prohibit leasing consideration for certain areas.⁹⁰

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⁹⁰ For information on 119th Congress legislation, see CRS Report R44692, *Five-Year Offshore Oil and Gas Leasing Program: Status and Issues in Brief*, by Laura B. Comay.