

117TH CONGRESS  
1ST SESSION

# H. R. 859

To prohibit the President from issuing moratoria on leasing and permitting energy and minerals on certain Federal land, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2021

Mrs. BOEBERT (for herself, Mr. PERRY, Mr. GOSAR, Mr. WEBER of Texas, Mr. NEWHOUSE, Mr. BROOKS, Mr. STEUBE, Mr. KELLY of Mississippi, Mr. GOHMERT, Mr. ESTES, Mr. BIGGS, Mr. BABIN, Mr. BANKS, Mr. DUNCAN, Mr. GRIFFITH, Mr. YOUNG, Mr. EMMER, Mr. HICE of Georgia, Mr. STAUBER, Mr. ROY, Mr. BAIRD, Mr. CLINE, and Mr. WESTERMAN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Oversight and Reform, Transportation and Infrastructure, Energy and Commerce, Foreign Affairs, Financial Services, Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit the President from issuing moratoria on leasing and permitting energy and minerals on certain Federal land, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting American  
5 Energy Jobs Act”.

1 **SEC. 2. PROHIBITION ON MORATORIA OF NEW ENERGY**  
2 **LEASES ON CERTAIN FEDERAL LAND AND ON**  
3 **WITHDRAWAL OF FEDERAL LAND FROM EN-**  
4 **ERGY DEVELOPMENT.**

5 (a) DEFINITIONS.—In this section:

6 (1) CRITICAL MINERAL.—The term “critical  
7 mineral” means any mineral included on the list of  
8 critical minerals published in the notice of the Sec-  
9 retary of the Interior entitled “Final List of Critical  
10 Minerals 2018” (83 Fed. Reg. 23295 (May 18,  
11 2018)).

12 (2) FEDERAL LAND.—

13 (A) IN GENERAL.—The term “Federal  
14 land” means—

15 (i) National Forest System land;

16 (ii) public lands (as defined in section  
17 103 of the Federal Land Policy and Man-  
18 agement Act of 1976 (43 U.S.C. 1702));  
19 and

20 (iii) the outer Continental Shelf (as  
21 defined in section 2 of the Outer Conti-  
22 nental Shelf Lands Act (43 U.S.C. 1331)).

23 (B) INCLUSION.—The term “Federal  
24 land” includes land described in clauses (i)  
25 through (iii) of subparagraph (A) for which the

1           rights to the surface estate or subsurface estate  
2           is owned by a non-Federal entity.

3           (3) PRESIDENT.—The term “President” means  
4           the President or any designee, including—

5                     (A) the Secretary of Agriculture; and

6                     (B) the Secretary of the Interior.

7           (b) PROHIBITIONS.—

8                     (1) IN GENERAL.—Notwithstanding any other  
9           provision of law, the President shall not carry out  
10          any action that would prohibit or substantially delay  
11          the issuance of any of the following on Federal land,  
12          unless such an action has been authorized by an Act  
13          of Congress:

14                    (A) New oil and gas leases, drill permits,  
15                    approvals, or authorizations.

16                    (B) New coal leases, permits, approvals, or  
17                    authorizations.

18                    (C) New hard rock leases, permits, approv-  
19                    als, or authorizations.

20                    (D) New critical minerals leases, permits,  
21                    approvals, or authorizations.

22                    (2) PROHIBITION ON WITHDRAWAL.—Notwith-  
23          standing any other provision of law, the President  
24          shall not withdraw any Federal land from forms of  
25          entry, appropriation, or disposal under the public

1 land laws, location, entry, and patent under the min-  
2 ing laws, or disposition under laws pertaining to  
3 mineral and geothermal leasing or mineral materials  
4 unless the withdrawal has been authorized by an Act  
5 of Congress.

6 **SEC. 3. NULLIFICATION OF EXECUTIVE ORDERS RELATING**  
7 **TO FEDERAL LEASING.**

8 Each of the following Executive Orders and Secre-  
9 tarial Order shall have no force or effect:

10 (1) Executive Order 13990, relating to “Pro-  
11 tecting Public Health and the Environment and Re-  
12 storing Science To Tackle the Climate Crisis” (pub-  
13 lished at 86 Fed. Reg. 7037 (January 25, 2021)).

14 (2) Executive Order 14008, relating to “Tack-  
15 ling the Climate Crisis at Home and Abroad” (pub-  
16 lished at 86 Fed. Reg. 7619 (February, 1, 2021)).

17 (3) Secretarial Order 3395 on the Temporary  
18 Suspension of Delegated Authority, issued by the  
19 Acting Secretary of the Interior on January 20,  
20 2021.

21 **SEC. 4. PROHIBITION ON WITHDRAWALS ON CERTAIN UN-**  
22 **LEASED LANDS.**

23 Section 1341 of title 43, United States Code, is  
24 amended by striking section 12(a).

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