Union Calendar No. 384

H. R. 6285

[Report No. 118–463]

To ratify and approve all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the establishment and administration of the Coastal Plain oil and gas leasing program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2023

Mr. STAUBER (for himself, Mrs. PEITOLA, Mr. HERN, and Mr. PFUGER) introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 15, 2024

Additional sponsors: Mrs. HARSHBARGER, Mr. BERGMAN, Mr. WILSON of South Carolina, Mr. NEWHOUSE, Mr. MOOLENAAR, Mrs. MILLER of Illinois, Mrs. BICE, Mrs. RADEWAGEN, Mr. GROTHMAN, Mr. AUSTIN SCOTT of Georgia, Mr. CAREY, Ms. TENNEY, and Mr. BURLISON

APRIL 15, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on November 8, 2023]
A BILL

To ratify and approve all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the establishment and administration of the Coastal Plain oil and gas leasing program, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Alaska’s Right to
Produce Act of 2023”.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) Congress provided clear authorization and
direction that the Secretary of the Interior “shall es-
tablish and administer a competitive oil and gas pro-
gram for the leasing, development, production, and
transportation of oil and gas in and from the Coastal
Plain” in section 20001 of Public Law 115–97 (16
U.S.C. 3143 note) (commonly known as the Tax Cuts
and Jobs Act);

(2) the timely administration of the Coastal
Plain Oil and Gas Leasing Program is required and
in the national and public interest;

(3) the Department of the Interior’s cancelling of
the leases for the covered Coastal Plain lease tracts
represents a major decision of economic and political
significance that Congress did not delegate to the Sec-
retary;
(4) the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.) requires that the Bureau of Land Management—

(A) allow for the exploration, development, and production of petroleum products in the National Petroleum Reserve in Alaska; and

(B) balance, to the extent consistent with that Act, the protection of ecological and cultural values in the National Petroleum Reserve in Alaska; and


SEC. 3. DEFINITIONS.

In this Act:

(1) COASTAL PLAIN.—The term “Coastal Plain” has the meaning given the term in section 20001(a) of Public Law 115–97 (16 U.S.C. 3143 note).

(2) COASTAL PLAIN OIL AND GAS LEASING PROGRAM.—The term “Coastal Plain oil and gas leasing program” means the program established under sec-

(3) COVERED COASTAL PLAIN LEASE TRACT.—

The term “covered Coastal Plain lease tract” means any of tracts 16, 17, 24, 26, 27, and 30 as listed in exhibit B of the document published by the Bureau of Land Management entitled “Amendment to the Detailed Statement of Sale” and dated December 18, 2020 (relating to oil and gas leasing within the Coastal Plain Alaska).

(4) RECORD OF DECISION.—The term “Record of Decision” means the record of decision described in the notice of availability of the Bureau of Land Management entitled “Notice of Availability of the Record of Decision for the Final Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program, Alaska” (85 Fed. Reg. 51754 (August 21, 2020)).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. CONGRESSIONAL APPROVAL OF ORDERS.

(a) MORATORIUM ON OIL AND GAS LEASING.—Any order or action by the President or the Secretary that has the effect of placing a moratorium on or otherwise sus-
pending or pausing oil and gas leasing in the Coastal Plain shall have no force or effect.

(b) APPROVAL AND RATIFICATION OF EXISTING DOCUMENTATION AND AUTHORIZATIONS.—Notwithstanding any other provision of law, Congress—

(1) ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law, as described in the Record of Decision, necessary for the establishment and administration of the Coastal Plain Oil and Gas Leasing Program; and

(2) directs the Secretary, the Administrator of the Environmental Protection Agency, and the heads of other as applicable Federal departments and agencies to process, reinstate, or continue to maintain such authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders described in paragraph (1).

(c) APPLICABILITY OF OTHER LAW.—Notwithstanding any other provision of law, the authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders de-
scribed in subsection (b)(1) shall be considered to satisfy the requirements of—

(1) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142);

(2) section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c));

(3) section 20001 of Public Law 115–97 (16 U.S.C. 3143 note);

(4) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(5) subchapter II of chapter 5 of title 5, United States Code, and chapter 7 of title 5, United States Code.

SEC. 5. COASTAL PLAIN OIL AND GAS LEASING PROGRAM.

(a) REISSUANCE OF CANCELED LEASES.—

(1) ACCEPTANCE OF BIDS.—Not later than 30 days after the date of enactment of this Act, the Secretary shall, without modification or delay—

(A) accept the highest valid bid for each covered Coastal Plain lease tract for which a valid bid was received on January 6, 2021, pursuant to the requirement to hold the first lease sale in the Coastal Plain oil and gas leasing program; and
(B) provide the appropriate lease form to each winning bidder under subparagraph (A) to execute and return to the Secretary.

(2) LEASE ISSUANCE.—On receipt of an executed lease form under paragraph (1)(B) and payment in accordance with that lease of the rental for the first year, the balance of the bonus bid (unless deferred), and any required bond or security from the high bidder, the Secretary shall promptly issue to the high bidder a fully executed lease, in accordance with—

(A) the applicable regulations, as in effect on January 6, 2021; and

(B) the terms and conditions of the Record of Decision.

(b) REQUIREMENT FOR FUTURE LEASES.—

(1) SECOND LEASE SALE.—Not later than December 22, 2024, the Secretary shall conduct the second lease sale required by section 20001(c)(1)(B)(ii)(II) of Public Law 115–97 (16 U.S.C. 3143 note) in accordance with the Record of Decision.

(2) EXCEPTIONS FOR CANCELING A LEASE.—Notwithstanding any other provision of law, the President and the Secretary may not cancel a lease issued under the Coastal Plain oil and gas leasing program
if the Secretary has previously opened bids for such
a lease or disclosed the high bidder for any tract that
was included in a lease sale under the Coastal Plain
oil and gas leasing program unless the lessee is in
violation of the terms of the lease and fails to cure the
violation after a reasonable period of time.

(c) APPLICABILITY OF PRIOR RECORD OF DECISION.—
Notwithstanding any other provision of law and with re-
spect to reissuing leases under subsection (a), the Record
of Decision shall be considered to satisfy the requirements
of—

(1) section 1002 of the Alaska National Interest
Lands Conservation Act (16 U.S.C. 3142);
(2) section 102(2)(c) of the National Environ-
(3) section 20001 of Public Law 115–97 (16
U.S.C. 3143 note);
(4) the Endangered Species Act of 1973 (Public
Law 93–205; 16 U.S.C. 1533); and
(5) subchapter II of chapter 5 of title 5, United
States Code, and chapter 7 of title 5, United States
Code.

(d) WITHDRAWAL OF SUPPLEMENTAL ENVIRON-
MENTAL IMPACT STATEMENT.—The Director of the Bureau
of Land Management—
(1) shall withdraw the notice of availability enti-
tled “Notice of Availability of the Draft Coastal Plain
Oil and Gas Leasing Program Supplemental Envi-
ronmental Impact Statement” (88 Fed. Reg. 62104
(September 8, 2023)); and

(2) may not take any action to finalize, imple-
ment, or enforce the supplemental environmental im-
pace statement described in paragraph (1).

(e) JUDICIAL REVIEW.—

(1) JUDICIAL PRECLUSION.—Notwithstanding
any other provision of law and except as provided in
paragraph (2), no court shall have jurisdiction to re-
view any action taken by the Secretary, the Adminis-
trator of the Environmental Protection Agency, a
State administrative agency, an Indian Tribe, or any
other Federal agency acting pursuant to Federal law
that grants an authorization, permit, verification, bi-
ological opinion, incidental take statement, or other
approval described in section 4(b) for the Coastal
Plain Oil and Gas Leasing Program, whether issued
prior to, on, or after the date of enactment of this Act,
and including any lawsuit or any other action pend-
ing in a court as of the date of enactment of this Act.

(2) FORUM EXCLUSIVITY.—The United States
Court of Appeals for the District of Columbia Circuit
shall have original and exclusive jurisdiction over any claim regarding—

(A) the validity of this section; or

(B) the scope of authority conferred by this section.

(3) Right to Petition.—

(A) In General.—Notwithstanding paragraph (1), a lease holder may obtain a review of an alleged failure by an agency to act in accordance with section 20001 of Public Law 115–97 (16 U.S.C. 3143 note) or with any law pertaining to the grant of an authorization, permit, verification, biological opinion, incidental take statement, or other approval related to the lease holder’s lease by filing a written petition with a court of competent jurisdiction seeking an order under subparagraph (B).

(B) Deadlines.—If a court of competent jurisdiction finds that an agency has failed to act in accordance with section 20001 of Public Law 115–97 (16 U.S.C. 3143 note) or with any law pertaining to the grant of an authorization, permit, verification, biological opinion, incidental take statement, or other approval related to the lease holder’s lease, the court shall set a
schedule and deadline for the agency to act as soon as practicable, which shall not exceed 90 days from the date on which the order of the court is issued, unless the court determines a longer time period is necessary to comply with applicable law.

SEC. 6. NULLIFICATION OF CERTAIN FEDERAL AGENCY ACTIONS.

(a) NPRA RULE.—The Secretary, acting through the Director of the Bureau of Land Management—

(1) shall withdraw the proposed rule of the Bureau of Land Management entitled “Management and Protection of the National Petroleum Reserve in Alaska” (88 Fed. Reg. 62025 (September 8, 2023)); and

(2) may not take any action to finalize, implement, administer, or enforce the proposed rule described in paragraph (1) or any substantially similar rule.

(b) EXECUTIVE ORDER 13990.—

(1) IN GENERAL.—Section 4 of Executive Order 13990 (86 Fed. Reg. 7037; relating to protecting public health and the environment and restoring science to tackle the climate crisis) shall have no force or effect.
(2) **FUNDING.**—No Federal funds may be obligated or expended to carry out section 4 of the Executive Order described in paragraph (1).

(c) **SECRETARIAL ORDER 3401.**—

(1) **IN GENERAL.**—Secretarial Order 3401 (relating to the Comprehensive Analysis and Temporary Halt on all Activities in the Arctic National Wildlife Refuge Relating to the Coastal Plain Oil and Gas Leasing Program), issued by the Secretary on June 1, 2021, shall have no force or effect.

(2) **FUNDING.**—No Federal funds may be obligated or expended to carry out the Secretarial Order described in paragraph (1).
A BILL

To ratify and approve all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued for the establishment and administration of the Coastal Plain oil and gas leasing program, and for other purposes.

April 15, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.