AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

118TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
118–463

ALASKA'S RIGHT TO PRODUCE ACT OF 2023

APRIL 15, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 6285]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6285) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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 establish and administer a competitive oil and gas program 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 Secretary;

(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

(5) 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)) fails to reflect the intent of Congress for the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.).

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 section 20001(b)(2)(A) of Public Law 115–97 (16 U.S.C. 3143 note).

(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 suspending 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 described 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 respect 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 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 (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 ENVIRONMENTAL IMPACT STATEMENT.—The Director of the Bureau of Land Management—

(1) shall withdraw the notice of availability entitled "Notice of Availability of the Draft Coastal Plain Oil and Gas Leasing Program Supplemental Environmental Impact Statement" (88 Fed. Reg. 62104 (September 8, 2023)); and

(2) may not take any action to finalize, implement, or enforce the supplemental environmental impact 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 review any action taken by the Secretary, the Administrator 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, biological 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 pending 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).

PURPOSE OF THE LEGISLATION

The purpose of H.R. 6285 is 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.

BACKGROUND AND NEED FOR LEGISLATION

The Tax Cuts and Jobs Act (TCJA)[1] mandates that the Secretary of the Interior must establish an oil and gas leasing program in the 1002 Area of the Arctic National Wildlife Refuge (ANWR). The TCJA also required that the Secretary of the Interior hold "2 lease sales area wide" with "the initial lease sale under the oil and gas program under this section not later than [December 2021]" and "a second lease sale under the oil and gas program under this section not later than [December 2024]".[2] On January 6, 2021, the Bureau of Land Management (BLM) held the first oil and gas lease sale for Alaska's 1002 Area, offering 22 tracts on 1.1 million acres.[3] The sale yielded a total of $14.4 million in bids, and BLM subsequently issued leases for nine tracts covering 437,804 total acres.[4]

On January 20, 2021, President Biden issued Executive Order 13990, which abruptly placed a moratorium on implementing the Coastal Plain Oil and Gas Leasing Program and ordered a review and additional analysis of the potential environmental impacts of the program.[5] On June 1, 2021, Secretary Haaland signed Secretary's Order 3401, which directed the Department of the Interior (DOI) to temporarily halt all activities related to the Coastal Plain Oil and Gas Leasing Program[6] and on September 8, 2023, Sec-

[1] Pub. L. No. 115–97; 131 Stat. 2054.
[2] Pub. L. No. 115 97, § 20001© (1)(B)(ii), 131 Stat. 2237.
[3] Bureau of Land Management, Oil & Gas Lease Sale (Jan. 6, 2021), https://www.blm.gov/sites/default/files/docs/2021-01/BLMAlaska_2021-Coastal-Plain-Sale-Bid-Recap_20210106.pdf.
[4] *Id*.
[5] Exec. Order No. 13990, 86 F.R. 7037 (2020).
[6] Sec. Order No. 3401, DEP'T OF THE INTERIOR (June 1, 2020).

retary Haaland announced the cancellation of the remaining seven oil and gas leases issued by the Trump administration in the Coastal Plain of ANWR.[7]

On the same day, the Secretary issued a proposed rule, "Management and Protection of the National Petroleum Reserve in Alaska"[8] to further limit oil and gas leasing in the National Petroleum Reserve in Alaska (NPR–A),[9] an area which Congress specifically set aside for oil and gas development.[10] The proposed rule would treat 13.1 million acres of Special Areas in the NRP–A as de facto wilderness that would be off limits to energy production.

Both of these actions were heavily criticized by the entire Alaska delegation, as well as the majority of stakeholders on the North Slope. This was due to BLM's failure to consult with Alaska Natives before taking either action, and because of the long-term negative impacts on the people and the state of Alaska. These impacts include the loss of energy revenues that sustain the livelihoods of those who rely on them.[11] In fact, energy production in Alaska generated $3.1 billion in state and local revenue in 2019 and supported over 77,000 direct and indirect jobs.

H.R. 6285 addresses these actions by promptly reinstating the previously issued ANWR leases, that are required by law, and cancelling BLM's proposed NPR–A rule.

COMMITTEE ACTION

H.R. 6285 was introduced on November 8, 2023, by Rep. Pete Stauber (R–MN). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On November 29, 2023, the Subcommittee on Energy and Mineral Resources held a hearing on the bill. On December 6, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Energy and Mineral Resources was discharged from further consideration of H.R. 6285 by unanimous consent. Rep. Stauber (R–MN) offered an Amendment in the Nature of a Substitute designated Stauber_038 ANS. Ranking Member Raúl Grijalva (D–AZ) offered an amendment to the Amendment in the Nature of a Substitute designated Grijalva #3. The amendment was not adopted by a roll call vote of 16 yeas to 22 nays, as follows:

---

[7] U.S. Department of the Interior Press Release, Biden-Harris Administration Takes Major Steps to Protect Arctic Lands and Wildlife in Alaska, 9/6/23, https://www.doi.gov/pressreleases/biden-harris-administration-takes-major-steps-protect-arctic-lands-and-wildlife-alaska.

[8] Management and Protection of the National Petroleum Reserve in Alaska, 43 CFR 2360 (Sep. 8, 2023), https://www.govinfo.gov/content/pkg/FR-2023-09-08/pdf/2023-18990.pdf.

[9] *Id.*

[10] Public Law 94–258.

[11] Senator Dan Sullivan, Press Releases, DELEGATION, ALASKA LEADERS: BIDEN ADMINISTRATION PUTS AMERICAN ENERGY SECURITY AT RISK; HARMS THE STATE AND ALASKA NATIVE COMMUNITIES, 9.6.23, https://www.sullivan.senate.gov/newsroom/press-releases/delegation-alaska-leaders-biden-administration-puts-american-energy-security-at-riskharms-the-state-and-alaska-native-communities.

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: December 6, 2023 Roll Call #1

Meeting on / Amendment on: **Grijalva #3 to Stauber_038 ANS to H.R. 6285 (Rep. Stauber),** *"Alaska's Right to Produce Act of 2023"*

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		*Mr. Grijalva, AZ, Ranking*	X		
Mr. Lamborn, CO				*Ms. Napolitano, CA*	X		
Mr. Wittman, VA		X		*Mr. Sablan, CNMI*	X		
Mr. McClintock, CA				*Mr. Huffman, CA*			
Mr. Gosar, AZ		X		*Mr. Gallego, AZ*			
Mr. Graves, LA		X		*Mr. Neguse, CO*	X		
Mrs. Radewagen, AS		X		*Mr. Levin, CA*	X		
Mr. LaMalfa, CA		X		*Ms. Porter, CA*			
Mr. Webster, FL		X		*Ms. Leger Fernandez, NM*	X		
Ms. González-Colón, PR		X		*Ms. Stansbury, NM*	X		
Mr. Fulcher, ID		X		*Mrs. Peltola, AK*			
Mr. Stauber, MN		X		*Ms. Ocasio-Cortez, NY*	X		
Mr. Curtis, UT		X		*Mr. Mullin, CA*	X		
Mr. Tiffany, WI		X		*Ms. Hoyle, OR*	X		
Mr. Carl, AL		X		*Ms. Kamlager-Dove, CA*	X		
Mr. Rosendale, MT		X		*Mr. Magaziner, RI*	X		
Mrs. Boebert, CO		X		*Ms. Velázquez, NY*	X		
Mr. Bentz, OR		X		*Mr. Case, HI*	X		
Ms. Kiggans, VA		X		*Mrs. Dingell, MI*	X		
Mr. Moylan, Guam		X		*Ms. Lee, NV*	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	22	

Ranking Member Raúl Grijalva (D–AZ) offered a substitute Amendment in the Nature of a Substitute on behalf of Representative Jared Huffman (D–CA) designated Huffman #1 Substitute ANS. The substitute Amendment in the Nature of a Substitute was not adopted by a roll call vote of 16 yeas to 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: December 6, 2023 Roll Call #2

Meeting on / Amendment on: **RM Grijalva offered an amendment designated Huffman #1 Substitute ANS to Stauber_038 to H.R. 6285 (Rep. Stauber),** *"Alaska's Right to Produce Act of 2023"*

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		*Mr. Grijalva, AZ, Ranking*	X		
Mr. Lamborn, CO		X		*Ms. Napolitano, CA*	X		
Mr. Wittman, VA		X		*Mr. Sablan, CNMI*	X		
Mr. McClintock, CA				*Mr. Huffman, CA*			
Mr. Gosar, AZ		X		*Mr. Gallego, AZ*			
Mr. Graves, LA		X		*Mr. Neguse, CO*	X		
Mrs. Radewagen, AS		X		*Mr. Levin, CA*	X		
Mr. LaMalfa, CA		X		*Ms. Porter, CA*			
Mr. Webster, FL		X		*Ms. Leger Fernandez, NM*	X		
Ms. González-Colón, PR		X		*Ms. Stansbury, NM*	X		
Mr. Fulcher, ID		X		*Mrs. Peltola, AK*			
Mr. Stauber, MN		X		*Ms. Ocasio-Cortez, NY*	X		
Mr. Curtis, UT		X		*Mr. Mullin, CA*	X		
Mr. Tiffany, WI		X		*Ms. Hoyle,OR*	X		
Mr. Carl, AL		X		*Ms. Kamlager-Dove, CA*	X		
Mr. Rosendale, MT		X		*Mr. Magaziner, RI*	X		
Mrs. Boebert, CO		X		*Ms. Velázquez, NY*	X		
Mr. Bentz, OR		X		*Mr. Case, HI*	X		
Ms. Kiggans, VA		X		*Mrs. Dingell, MI*	X		
Mr. Moylan, Guam		X		*Ms. Lee, NV*	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	16	23	

Ranking Member Raúl Grijalva (D–AZ) offered an amendment on behalf of Representative Jared Huffman (D–CA) to the Amendment in the Nature of a Substitute designated Huffman #2. The amendment was not adopted by a roll call vote of 18 yeas to 23 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: December 6, 2023 Roll Call #3

Meeting on / Amendment on: **RM Grijalva offered an amendment designated Huffman #2 Substitute ANS to Stauber_038 to H.R. 6285 (Rep. Stauber),** *"Alaska's Right to Produce Act of 2023"*

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman		X		*Mr. Grijalva, AZ, Ranking*	X		
Mr. Lamborn, CO		X		*Ms. Napolitano, CA*	X		
Mr. Wittman, VA		X		*Mr. Sablan, CNMI*	X		
Mr. McClintock, CA				*Mr. Huffman, CA*	X		
Mr. Gosar, AZ		X		*Mr. Gallego, AZ*			
Mr. Graves, LA		X		*Mr. Neguse, CO*	X		
Mrs. Radewagen, AS		X		*Mr. Levin, CA*	X		
Mr. LaMalfa, CA		X		*Ms. Porter, CA*			
Mr. Webster, FL		X		*Ms. Leger Fernandez, NM*	X		
Ms. González-Colón, PR		X		*Ms. Stansbury, NM*	X		
Mr. Fulcher, ID		X		*Mrs. Peltola, AK*	X		
Mr. Stauber, MN		X		*Ms. Ocasio-Cortez, NY*	X		
Mr. Curtis, UT		X		*Mr. Mullin, CA*	X		
Mr. Tiffany, WI		X		*Ms. Hoyle,OR*	X		
Mr. Carl, AL		X		*Ms. Kamlager-Dove, CA*	X		
Mr. Rosendale, MT		X		*Mr. Magaziner, RI*	X		
Mrs. Boebert, CO		X		*Ms. Velázquez, NY*	X		
Mr. Bentz, OR		X		*Mr. Case, HI*	X		
Ms. Kiggans, VA		X		*Mrs. Dingell, MI*	X		
Mr. Moylan, Guam		X		*Ms. Lee, NV*	X		
Mr. Hunt, TX							
Mr. Collins, GA		X					
Ms. Luna, FL		X					
Mr. Duarte, CA		X					
Ms. Hageman, WY		X					
				TOTAL:	18	23	

The Amendment in the Nature of a Substitute designated Stauber_038 ANS was adopted by voice vote. H.R. 6285, as amended, was ordered favorably reported to the House of Representatives by roll call vote of 24 yeas to 17 nays, as follows:

Committee on Natural Resources
U.S. House of Representatives
118th Congress

Date: December 6, 2023 Roll Call #4

Meeting on / Amendment on: **On Favorably Reporting, as amended, H.R. 6285 (Rep. Stauber),** *"Alaska's Right to Produce Act of 2023"*

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman	X			*Mr. Grijalva, AZ, Ranking*		X	
Mr. Lamborn, CO	X			*Ms. Napolitano, CA*		X	
Mr. Wittman, VA	X			*Mr. Sablan, CNMI*		X	
Mr. McClintock, CA				*Mr. Huffman, CA*		X	
Mr. Gosar, AZ	X			*Mr. Gallego, AZ*			
Mr. Graves, LA	X			*Mr. Neguse, CO*		X	
Mrs. Radewagen, AS	X			*Mr. Levin, CA*		X	
Mr. LaMalfa, CA	X			*Ms. Porter, CA*			
Mr. Webster, FL	X			*Ms. Leger Fernandez, NM*		X	
Ms. González-Colón, PR	X			*Ms. Stansbury, NM*		X	
Mr. Fulcher, ID	X			*Mrs. Peltola, AK*	X		
Mr. Stauber, MN	X			*Ms. Ocasio-Cortez, NY*		X	
Mr. Curtis, UT	X			*Mr. Mullin, CA*		X	
Mr. Tiffany, WI	X			*Ms. Hoyle,OR*		X	
Mr. Carl, AL	X			*Ms. Kamlager-Dove, CA*		X	
Mr. Rosendale, MT	X			*Mr. Magaziner, RI*		X	
Mrs. Boebert, CO	X			*Ms. Velázquez, NY*		X	
Mr. Bentz, OR	X			*Mr. Case, HI*		X	
Ms. Kiggans, VA	X			*Mrs. Dingell, MI*		X	
Mr. Moylan, Guam	X			*Ms. Lee, NV*		X	
Mr. Hunt, TX							
Mr. Collins, GA	X						
Ms. Luna, FL	X						
Mr. Duarte, CA	X						
Ms. Hageman, WY	X						
				TOTAL:	24	17	

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Energy and Mineral Resources held on November 29, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the "Alaska's Right to Produce Act of 2023."

Section 2. Congressional findings

Section 2 expresses that, by statute, the DOI must maintain an active oil and gas leasing program in ANWR, that the Naval Petroleum Reserves Production Act (NPRPA) requires the BLM to allow for the development of petroleum products in the NPR–A, and that the Biden administration's recent actions conflict with these statutory requirements.

Section 3. Definitions

Section 3 establishes definitions for the terms Coastal Plain, Coastal Plain Oil and Gas Leasing Program, covered Coastal Plain lease tract, Record of Decision (ROD) and Secretary.

Section 4. Congressional approval of orders

Section 4 clarifies that the President or Secretary of the Department of the Interior may not place a moratorium or otherwise pause leasing in the 1002 Area of ANWR; approves all authorizations and permits and directs applicable agencies to reinstate previously issued authorizations and permits; and clarifies that these authorizations satisfy the requirements of existing laws.

Section 5. Coastal plain oil and gas leasing program

Section 5 mandates reissuance of the canceled ANWR leases within 30 days of enactment and prevents a future administration from taking similar action to revoke leases; reaffirms existing law that DOI must hold another ANWR lease sale by Dec 22, 2024; clarifies that, with respect to reissuing the leases, the 2020 ROD satisfies the requirements of existing law; cancels the Biden administration's recently issued Draft SEIS, and prevents judicial review on subsequent permits, authorizations, verifications, biological opinions, incidental take statements, or other approvals; and stipulates that the United States Court of Appeals for the District of Columbia Circuit has sole jurisdiction for the validity of this section.

Section 6. Nullification of certain Federal agency actions

Section 6 forces DOI to withdraw the NPR–A regulation and prevents the development of a substantially similar rule. It deems that 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) and Section 4 of Executive Order 13990 (relating to protecting public health and the environment and restoring science to tackle the climate crisis) shall have no force or effect.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

PERFORMANCE GOALS AND OBJECTIVES

As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE ESTIMATES

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to the Congressional Budget Act of 1974.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clauses 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

The Committee adopts as its own the estimate of the Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 6285 makes no changes in existing law.

DISSENTING VIEWS

Nowhere on Earth is the climate crisis felt more dramatically than in the Arctic—which is warming at four times the global average—yet Alaska continues to be exploited for its oil and gas resources.

H.R. 6285 would reinstate seven oil and gas leases in the Arctic National Wildlife Refuge (Refuge) previously canceled by the Biden administration and force a second lease sale in the Refuge. The bill would also withdraw the Bureau of Land Management's (BLM's) proposed regulations promoting conservation in the National Petroleum Reserve-Alaska (NPR–A) and open previously withdrawn areas of the Arctic Ocean to offshore oil and gas leasing, including the Northern Bering Sea Climate Resilience Area.

The federal government controls two large swaths of land with high oil and gas production potential and unparalleled ecological and cultural value in Alaska's North Slope, the Refuge and the NPR–A. State oil fields in and around Prudhoe Bay have made Alaska one of the top oil-producing states in the United States, but production has declined over 75 percent since its peak in 1988.[1] Oil and gas revenues underpin Alaska's economy, and recent discoveries of oil reserves on federal lands have increased pressure to drill on federal lands.

The Arctic National Wildlife Refuge is approximately 7.2 million acres of wilderness, with 1.5 million acres of the coastal plain originally designated to be studied for potential oil and gas development. For the Gwich'in people, the coastal plain is "the sacred place where life begins."

In 2017, Congressional Republicans attached a provision to the Tax Cuts and Jobs Act that opened the Arctic Refuge to oil and gas leasing and development. The legislation required that the first lease sale in the Refuge be held within four years (by December 2021) and a second lease sale within seven years (by December 2024). Revenues from drilling in the Refuge were included as a partial offset for massive tax cuts for the wealthiest corporations and Americans.

Despite significant opposition, on January 6, 2021, the Trump administration held the first oil and gas lease sale in the Refuge's coastal plain. Only half of the offered leases received bids. In total, BLM issued nine 10-year leases covering more than 430,000 acres. An Alaskan state-owned economic development corporation bought seven leases for the minimum bid price of $25 per acre; only two oil companies, neither oil majors, bid on and received two leases.

[1] Alaska's Oil and Gas Industry, AK Resource Development Council, Last Accessed November 11, 2023 https://www.akrdc.org/oil-and-gas.

The sale brought in less than $15 million, less than one percent of initial revenue estimates.[2]

On January 21, 2021, President Biden issued Executive Order 13990, directing DOI to review oil and gas leasing in the Refuge "[i]n light of the alleged legal deficiencies underlying the program."[3] On June 1, 2021, Secretary of the Interior Deb Haaland issued Secretarial Order 3401, directing a new, comprehensive analysis of the potential environmental impacts of the Coastal Plain Leasing Program.[4] Since then, the two private oil companies who purchased leases have requested and been granted cancellation and refunds of their two leases. The remaining seven leases, covering 365,000 acres, were held by the Alaska State Development Authority. On September 6, 2023, DOI announced that the leases issued by the previous administration in the Refuge would be canceled due to significant deficiencies in the Trump administration's analysis required by the National Environmental Policy Act (NEPA).[5]

H.R. 6285 would prohibit the Secretary of the Interior from placing any moratorium or pause on oil and gas leasing in the Coastal Plain and would automatically approve all authorizations and permits in the Final Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program. It would require the Secretary to reissue the canceled leases and declare that no court shall have jurisdiction over the review of past decisions regarding the Coastal Plain Oil and Gas Leasing Program.

National Petroleum Reserve–Alaska (NPR–A) extends from the northwest slope of the Brooks Range to the Arctic Coast and encompasses roughly 23 million acres of public land managed by the BLM. Tribal Nations have occupied lands within the NPR–A since time immemorial, and over 40 Indigenous communities continue to rely on subsistence activities in the Reserve, harvesting caribou, shore and waterbirds, and many other fish and wildlife species. Under the Naval Petroleum Reserves Production Act (NPRPA) of 1976, Congress directed the BLM to balance oil and gas development with managing and protecting sensitive landscapes—Special Areas—and surface resources across the Reserve.

The Obama administration released the first management plan for the entire NPR–A in 2013. It made 52 percent of the Reserve available for oil and gas development, with varying levels of protec-

---

[2] The 10-year Congressional Budget Office revenues estimates from ANWR lease sales were based on lease sales and bonus bids alone, because oil production was not expected to begin within the 10 year period of analysis. See: "H.R. 1146, Arctic Cultural and Coastal Plain Protection Act," Congressional Budget Office, June 21, 2019. https://www.cbo.gov/system/files/2019-06/hr1146.pdf.

[3] Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," January 20, 2021. https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/.

[4] Secretarial Order 3401, June 1, 2021. https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3401-comprehensive-analysis-and-temporary-halt-on-all-activitives-in-the-arctic-national-wildlife-refuge-relating-to-the-coastal-plain-oil-and-gas-leasing-program.pdf.

[5] Friedman, Lisa, (September 6, 2023) Biden Administration to Bar Drilling on Millions of Acres in Alaska, New York Times, https://www.nytimes.com/2023/09/06/climate/biden-drilling-alaska-wildlife-refuge.html.

tion for the off-limits 11 million acres, including expanding and protecting Special Areas within the Reserve.[6]

In the first months of the Trump administration, then-Secretary of the Interior Ryan Zinke signed a Secretarial Order "to jump-start Alaskan energy production," instructing BLM to reassess oil and gas resources and management in the NPR–A and ANWR. The Trump administration held historically large lease sales in the NPR–A in 2017, 2018, and 2019. In 2020, the Trump administration released a new Integrated Activity Plan and Environmental Impact Statement for the NPR–A. The Trump management plan opened more than 82 percent of the NPR–A to leasing, including biologically important Special Areas. Environmental organizations immediately challenged the plan in court, alleging the EIS was insufficient. On April 25, 2022, the Biden administration reinstated the Obama-era 2013 NPR–A integrated management plan.[7]

On September 6, 2023, the Biden administration announced a proposed rule to ensure maximum protection of 13 million acres of Special Areas. The proposed rule would also require BLM to review and gather public input—at least every five years—on whether existing special areas should be expanded, new special areas should be designated, and additional resources within special areas should be identified for protection.

The proposed rule would protect the 13 million acres of special areas by limiting future oil and gas leasing and industrial development in places collectively known for their globally significant intact habitat for wildlife, including grizzly and polar bears, caribou, and hundreds of thousands of migratory birds. The rule would establish an outright prohibition on any new leasing in 10.6 million acres, more than 40 percent of the NPR–A. The proposed rule was published in the Federal Register on September 8, 2023; the public comment period was extended from the original 60 days to 90 days and closed on December 7, 2023.[8]

H.R. 6285 would require BLM to withdraw the proposed rule and would prohibit any substantially similar rules from being proposed by BLM.

The North Bering Sea Climate Resilience Area encompasses 112,300 square miles of ocean area, which is considered one of the most historically, environmentally, and culturally significant places on the planet. Protections for the Bering Sea were requested by a significant coalition of Tribes, including the Association of Village Council Presidents and the Bering Sea Elders Group, among others. In 2016, President Obama withdrew areas in Arctic waters and the Bering Sea from oil and gas drilling and established the Northern Bering Sea Climate Resilience Area. In April 2017, the Trump administration subsequently revoked the order in E.O. 13795 (Implementing an America-First Offshore Energy Strategy).[9] On his

---

[6] National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement, November 2012. https://eplanning.blm.gov/public_projects/nepa/5251/41003/43153/Vol1_NPR_A_Final_IAP_FEIS.pdf.

[7] "Oil and Gas Development in Alaska's National Petroleum Reserve", Energy & Environmental Law Program, Harvard University, Accessed November 20, 2023 https://eelp.law.harvard.edu/2018/12/national-petroleum-reserve-oil-and-gas-development/.

[8] Bureau of Land Management. "National Petroleum Reserve in Alaska Rule." Accessed February 27, 2024. https://www.blm.gov/about/laws-and-regulations/NPR-A-Rule.

[9] Executive Order 13795, "Implementing an America-First Offshore Energy Strategy," April 28, 2017. https://www.govinfo.gov/content/pkg/DCPD-201700287/pdf/DCPD-201700287.pdf.

first day in office, President Biden reinstated the withdrawal through Executive Order 13990.[10] H.R. 6285 would nullify E.O. 13990 and again revoke the Bering Sea withdrawal.

Many Democrats have long supported efforts to permanently ban oil and gas development in the Refuge and sensitive regions offshore and are supportive of efforts to increase conservation measures in the NRP–A. While Indigenous communities in the North Slope of Alaska have complex relationships with oil and gas resources, and perspectives on this issue differ across communities, oil and gas development threatens subsistence and cultural resources and compounds the increasingly severe impacts of the climate crisis.

For these reasons, Congress should reject H.R. 6285.

RAÚL M. GRIJALVA,
Ranking Member.

○

[10] Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," January 20, 2021. https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/.