

118TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2023

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

A BILL

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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 “Alaska’s Right to
5 Produce Act of 2023”.

1 **SEC. 2. CONGRESSIONAL FINDINGS.**

2 Congress finds that—

3 (1) Congress provided clear authorization and
4 direction that the Secretary of the Interior “shall es-
5 tablish and administer a competitive oil and gas pro-
6 gram for the leasing, development, production, and
7 transportation of oil and gas in and from the Coast-
8 al Plain” in section 20001 of Public Law 115–97
9 (16 U.S.C. 3143 note) (commonly known as the Tax
10 Cuts and Jobs Act);

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

14 (3) the Department of the Interior’s cancelling
15 of the leases for the covered Coastal Plain lease
16 tracts represents a major decision of economic and
17 political significance that Congress did not delegate
18 to the Secretary;

19 (4) the Naval Petroleum Reserves Production
20 Act of 1976 (42 U.S.C. 6501 et seq.) requires that
21 the Bureau of Land Management—

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

25 (B) equally balance, to the extent con-
26 sistent with that Act, the protection of ecologi-

1 cal and cultural values in the National Petro-
2 leum Reserve in Alaska; and

3 (5) the proposed rule of the Bureau of Land
4 Management entitled “Management and Protection
5 of the National Petroleum Reserve in Alaska” (88
6 Fed. Reg. 62025 (September 8, 2023)) fails to re-
7 flect the intent of Congress for the Naval Petroleum
8 Reserves Production Act of 1976 (42 U.S.C. 6501
9 et seq.).

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) COASTAL PLAIN.—The term “Coastal
13 Plain” has the meaning given the term in section
14 20001(a) of Public Law 115–97 (16 U.S.C. 3143
15 note).

16 (2) COASTAL PLAIN OIL AND GAS LEASING PRO-
17 GRAM.—The term “Coastal Plain oil and gas leasing
18 program” means the program established under sec-
19 tion 20001(b)(2)(A) of Public Law 115–97 (16
20 U.S.C. 3143 note).

21 (3) COVERED COASTAL PLAIN LEASE TRACT.—
22 The term “covered Coastal Plain lease tract” means
23 any of tracts 16, 17, 24, 26, 27, and 30 as listed
24 in exhibit B of the document published by the Bu-
25 reau of Land Management entitled “Amendment to

1 the Detailed Statement of Sale” and dated Decem-
2 ber 18, 2020 (relating to oil and gas leasing within
3 the Coastal Plain Alaska).

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

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

14 **SEC. 4. CONGRESSIONAL APPROVAL OF ORDERS.**

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

20 (b) APPROVAL AND RATIFICATION OF EXISTING
21 DOCUMENTATION AND AUTHORIZATIONS.—Notwith-
22 standing any other provision of law, Congress—

23 (1) ratifies and approves all authorizations, per-
24 mits, verifications, extensions, biological opinions, in-
25 cidental take statements, and any other approvals or

1 orders issued pursuant to Federal law, as described
2 in the Record of Decision, necessary for the estab-
3 lishment and administration of the Coastal Plain Oil
4 and Gas Leasing Program; and

5 (2) directs the Secretary, the Administrator of
6 the Environmental Protection Agency, and the heads
7 of other as applicable Federal departments and
8 agencies to process, reinstate, or continue to main-
9 tain such authorizations, permits, verifications, ex-
10 tensions, biological opinions, incidental take state-
11 ments, and any other approvals or orders described
12 in paragraph (1).

13 (c) APPLICABILITY OF OTHER LAW.—Notwith-
14 standing any other provision of law, the authorizations,
15 permits, verifications, extensions, biological opinions, inci-
16 dental take statements, and any other approvals or orders
17 described in subsection (b)(1) shall be considered to sat-
18 isfy the requirements of—

19 (1) section 1002 of the Alaska National Inter-
20 est Lands Conservation Act (16 U.S.C. 3142);

21 (2) section 102(2)(c) of the National Environ-
22 mental Policy Act of 1969 (42 U.S.C. 4332(2)(c));

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

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

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

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

7 (a) REISSUANCE OF CANCELED LEASES.—

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

11 (A) accept the highest valid bid for each
12 covered Coastal Plain lease tract for which a
13 valid bid was received on January 6, 2021, pur-
14 suant to the requirement to hold the first lease
15 sale in the Coastal Plain oil and gas leasing
16 program; and

17 (B) provide the appropriate lease form to
18 each winning bidder under subparagraph (A) to
19 execute and return to the Secretary.

20 (2) LEASE ISSUANCE.—On receipt of an exe-
21 cuted lease form under paragraph (1)(B) and pay-
22 ment in accordance with that lease of the rental for
23 the first year, the balance of the bonus bid (unless
24 deferred), and any required bond or security from
25 the high bidder, the Secretary shall promptly issue

1 to the high bidder a fully executed lease, in accord-
2 ance with—

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

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

7 (b) REQUIREMENT FOR FUTURE LEASES.—

8 (1) SECOND LEASE SALE.—Not later than De-
9 cember 22, 2024, the Secretary shall conduct the
10 second lease sale required by section
11 20001(c)(1)(B)(ii)(II) of Public Law 115–97 (16
12 U.S.C. 3143 note) in accordance with the Record of
13 Decision.

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

1 (c) APPLICABILITY OF PRIOR RECORD OF DECI-
2 SION.—Notwithstanding any other provision of law and
3 with respect to reissuing leases under subsection (a), the
4 Record of Decision shall be considered to satisfy the re-
5 quirements of—

6 (1) section 1002 of the Alaska National Inter-
7 est Lands Conservation Act (16 U.S.C. 3142);

8 (2) section 102(2)(c) of the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4332(2)(c));

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

12 (4) the Endangered Species Act of 1973 (Public
13 Law 93–205; 16 U.S.C. 1533); and

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

17 (d) WITHDRAWAL OF SUPPLEMENTAL ENVIRON-
18 MENTAL IMPACT STATEMENT.—The Director of the Bu-
19 reau of Land Management—

20 (1) shall withdraw the notice of availability en-
21 titled “Notice of Availability of the Draft Coastal
22 Plain Oil and Gas Leasing Program Supplemental
23 Environmental Impact Statement” (88 Fed. Reg.
24 62104 (September 8, 2023)); and

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

4 (e) JUDICIAL REVIEW.—

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

20 (2) FORUM EXCLUSIVITY.—The United States
21 Court of Appeals for the District of Columbia Cir-
22 cuit shall have original and exclusive jurisdiction
23 over any claim regarding—

24 (A) the validity of this section; or

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

3 (3) RIGHT TO PETITION.—

4 (A) IN GENERAL.—Notwithstanding para-
5 graph (1), a lease holder may obtain a review
6 of an alleged failure by an agency to act in ac-
7 cordance with section 20001 of Public Law
8 115–97 (16 U.S.C. 3143 note) or with any law
9 pertaining to the grant of an authorization, per-
10 mit, verification, biological opinion, incidental
11 take statement, or other approval related to the
12 lease holder’s lease by filing a written petition
13 with a court of competent jurisdiction seeking
14 an order under subparagraph (B).

15 (B) DEADLINES.—If a court of competent
16 jurisdiction finds that an agency has failed to
17 act in accordance with section 20001 of Public
18 Law 115–97 (16 U.S.C. 3143 note) or with any
19 law pertaining to the grant of an authorization,
20 permit, verification, biological opinion, inci-
21 dental take statement, or other approval related
22 to the lease holder’s lease, the court shall set a
23 schedule and deadline for the agency to act as
24 soon as practicable, which shall not exceed 90
25 days from the date on which the order of the

1 court is issued, unless the court determines a
2 longer time period is necessary to comply with
3 applicable law.

4 **SEC. 6. NULLIFICATION OF CERTAIN FEDERAL AGENCY AC-**
5 **TIONS.**

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

8 (1) shall withdraw the proposed rule of the Bu-
9 reau of Land Management entitled “Management
10 and Protection of the National Petroleum Reserve in
11 Alaska” (88 Fed. Reg. 62025 (September 8, 2023));
12 and

13 (2) may not take any action to finalize, imple-
14 ment, administer, or enforce the proposed rule de-
15 scribed in paragraph (1) or any substantially similar
16 rule.

17 (b) EXECUTIVE ORDER 13990.—

18 (1) IN GENERAL.—Section 4 of Executive
19 Order 13990 (86 Fed. Reg. 7037; relating to pro-
20 tecting public health and the environment and re-
21 storing science to tackle the climate crisis) shall
22 have no force or effect.

23 (2) FUNDING.—No Federal funds may be obli-
24 gated or expended to carry out section 4 of the Ex-
25 ecutive Order described in paragraph (1).

1 (c) SECRETARIAL ORDER 3401.—

2 (1) IN GENERAL.—Secretarial Order 3401 (re-
3 lating to the Comprehensive Analysis and Tem-
4 porary Halt on all Activities in the Arctic National
5 Wildlife Refuge Relating to the Coastal Plain Oil
6 and Gas Leasing Program), issued by the Secretary
7 on June 1, 2021, shall have no force or effect.

8 (2) FUNDING.—No Federal funds may be obli-
9 gated or expended to carry out the Secretarial Order
10 described in paragraph (1).

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