

Union Calendar No. 384

118TH CONGRESS
2D SESSION

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. PELTOLA, Mr. HERN, and Mr. PFLUGER) 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.

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”.*

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 *Congress finds that—*

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

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

19 *(3) the Department of the Interior’s cancelling of*
20 *the leases for the covered Coastal Plain lease tracts*
21 *represents a major decision of economic and political*
22 *significance that Congress did not delegate to the Sec-*
23 *retary;*

1 (4) *the Naval Petroleum Reserves Production Act*
2 *of 1976 (42 U.S.C. 6501 et seq.) requires that the Bu-*
3 *reau of Land Management—*

4 (A) *allow for the exploration, development,*
5 *and production of petroleum products in the Na-*
6 *tional Petroleum Reserve in Alaska; and*

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

11 (5) *the proposed rule of the Bureau of Land*
12 *Management entitled “Management and Protection of*
13 *the National Petroleum Reserve in Alaska” (88 Fed.*
14 *Reg. 62025 (September 8, 2023)) fails to reflect the*
15 *intent of Congress for the Naval Petroleum Reserves*
16 *Production Act of 1976 (42 U.S.C. 6501 et seq.).*

17 **SEC. 3. DEFINITIONS.**

18 *In this Act:*

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

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

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

3 (3) *COVERED COASTAL PLAIN LEASE TRACT.*—
4 *The term “covered Coastal Plain lease tract” means*
5 *any of tracts 16, 17, 24, 26, 27, and 30 as listed in*
6 *exhibit B of the document published by the Bureau of*
7 *Land Management entitled “Amendment to the De-*
8 *tailed Statement of Sale” and dated December 18,*
9 *2020 (relating to oil and gas leasing within the*
10 *Coastal Plain Alaska).*

11 (4) *RECORD OF DECISION.*—*The term “Record of*
12 *Decision” means the record of decision described in*
13 *the notice of availability of the Bureau of Land Man-*
14 *agement entitled “Notice of Availability of the Record*
15 *of Decision for the Final Environmental Impact*
16 *Statement for the Coastal Plain Oil and Gas Leasing*
17 *Program, Alaska” (85 Fed. Reg. 51754 (August 21,*
18 *2020)).*

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

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

22 (a) *MORATORIUM ON OIL AND GAS LEASING.*—*Any*
23 *order or action by the President or the Secretary that has*
24 *the effect of placing a moratorium on or otherwise sus-*

1 *pending or pausing oil and gas leasing in the Coastal Plain*
2 *shall have no force or effect.*

3 (b) *APPROVAL AND RATIFICATION OF EXISTING DOCU-*
4 *MENTATION AND AUTHORIZATIONS.*—*Notwithstanding any*
5 *other provision of law, Congress—*

6 (1) *ratifies and approves all authorizations, per-*
7 *mits, verifications, extensions, biological opinions, in-*
8 *cidental take statements, and any other approvals or*
9 *orders issued pursuant to Federal law, as described in*
10 *the Record of Decision, necessary for the establishment*
11 *and administration of the Coastal Plain Oil and Gas*
12 *Leasing Program; and*

13 (2) *directs the Secretary, the Administrator of*
14 *the Environmental Protection Agency, and the heads*
15 *of other as applicable Federal departments and agen-*
16 *cies to process, reinstate, or continue to maintain*
17 *such authorizations, permits, verifications, extensions,*
18 *biological opinions, incidental take statements, and*
19 *any other approvals or orders described in paragraph*
20 *(1).*

21 (c) *APPLICABILITY OF OTHER LAW.*—*Notwithstanding*
22 *any other provision of law, the authorizations, permits,*
23 *verifications, extensions, biological opinions, incidental*
24 *take statements, and any other approvals or orders de-*

1 *scribed in subsection (b)(1) shall be considered to satisfy*
2 *the requirements of—*

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

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

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

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

11 *(5) subchapter II of chapter 5 of title 5, United*
12 *States Code, and chapter 7 of title 5, United States*
13 *Code.*

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

15 *(a) REISSUANCE OF CANCELED LEASES.—*

16 *(1) ACCEPTANCE OF BIDS.—Not later than 30*
17 *days after the date of enactment of this Act, the Sec-*
18 *retary shall, without modification or delay—*

19 *(A) accept the highest valid bid for each*
20 *covered Coastal Plain lease tract for which a*
21 *valid bid was received on January 6, 2021, pur-*
22 *suant to the requirement to hold the first lease*
23 *sale in the Coastal Plain oil and gas leasing pro-*
24 *gram; and*

1 (B) provide the appropriate lease form to
2 each winning bidder under subparagraph (A) to
3 execute and return to the Secretary.

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

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

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

15 (b) *REQUIREMENT FOR FUTURE LEASES.*—

16 (1) *SECOND LEASE SALE.*—Not later than De-
17 cember 22, 2024, the Secretary shall conduct the sec-
18 ond lease sale required by section
19 20001(c)(1)(B)(ii)(II) of Public Law 115–97 (16
20 U.S.C. 3143 note) in accordance with the Record of
21 Decision.

22 (2) *EXCEPTIONS FOR CANCELING A LEASE.*—Not-
23 withstanding any other provision of law, the Presi-
24 dent and the Secretary may not cancel a lease issued
25 under the Coastal Plain oil and gas leasing program

1 *if the Secretary has previously opened bids for such*
2 *a lease or disclosed the high bidder for any tract that*
3 *was included in a lease sale under the Coastal Plain*
4 *oil and gas leasing program unless the lessee is in*
5 *violation of the terms of the lease and fails to cure the*
6 *violation after a reasonable period of time.*

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

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

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

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

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

20 *(5) subchapter II of chapter 5 of title 5, United*
21 *States Code, and chapter 7 of title 5, United States*
22 *Code.*

23 *(d) WITHDRAWAL OF SUPPLEMENTAL ENVIRON-*
24 *MENTAL IMPACT STATEMENT.—The Director of the Bureau*
25 *of Land Management—*

1 (1) *shall withdraw the notice of availability enti-*
2 *tled “Notice of Availability of the Draft Coastal Plain*
3 *Oil and Gas Leasing Program Supplemental Envi-*
4 *ronmental Impact Statement” (88 Fed. Reg. 62104*
5 *(September 8, 2023)); and*

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

9 (e) *JUDICIAL REVIEW.—*

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

24 (2) *FORUM EXCLUSIVITY.—The United States*
25 *Court of Appeals for the District of Columbia Circuit*

1 shall have original and exclusive jurisdiction over
2 any claim regarding—

3 (A) the validity of this section; or

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

6 (3) *RIGHT TO PETITION.*—

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

18 (B) *DEADLINES.*—If a court of competent
19 jurisdiction finds that an agency has failed to
20 act in accordance with section 20001 of Public
21 Law 115–97 (16 U.S.C. 3143 note) or with any
22 law pertaining to the grant of an authorization,
23 permit, verification, biological opinion, inci-
24 dental take statement, or other approval related
25 to the lease holder’s lease, the court shall set a

1 *schedule and deadline for the agency to act as*
2 *soon as practicable, which shall not exceed 90*
3 *days from the date on which the order of the*
4 *court is issued, unless the court determines a*
5 *longer time period is necessary to comply with*
6 *applicable law.*

7 **SEC. 6. NULLIFICATION OF CERTAIN FEDERAL AGENCY AC-**
8 **TIONS.**

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

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

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

19 *(b) EXECUTIVE ORDER 13990.—*

20 *(1) IN GENERAL.—Section 4 of Executive Order*
21 *13990 (86 Fed. Reg. 7037; relating to protecting pub-*
22 *lic health and the environment and restoring science*
23 *to tackle the climate crisis) shall have no force or ef-*
24 *fect.*

1 (2) *FUNDING.*—*No Federal funds may be obli-*
2 *gated or expended to carry out section 4 of the Execu-*
3 *tive Order described in paragraph (1).*

4 (c) *SECRETARIAL ORDER 3401.*—

5 (1) *IN GENERAL.*—*Secretarial Order 3401 (relat-*
6 *ing to the Comprehensive Analysis and Temporary*
7 *Halt on all Activities in the Arctic National Wildlife*
8 *Refuge Relating to the Coastal Plain Oil and Gas*
9 *Leasing Program), issued by the Secretary on June 1,*
10 *2021, shall have no force or effect.*

11 (2) *FUNDING.*—*No Federal funds may be obli-*
12 *gated or expended to carry out the Secretarial Order*
13 *described in paragraph (1).*

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