

118TH CONGRESS
1ST SESSION

H. R. 21

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2023

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To provide for the development of a plan to increase oil and gas production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in conjunction with a drawdown of petroleum reserves from the Strategic Petroleum Reserve.

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 “Strategic Production
5 Response Act”.

6 **SEC. 2. COMPENSATORY PRODUCTION INCREASE PLAN.**

7 Section 161 of the Energy Policy and Conservation
8 Act (42 U.S.C. 6241) is amended by adding at the end
9 the following new subsection:

10 “(k) PLAN.—

11 “(1) IN GENERAL.—Except in the case of a se-
12 vere energy supply interruption described in sub-
13 section (d), the Secretary may not execute the first
14 drawdown of petroleum products in the Reserve
15 after the date of enactment of this subsection,
16 whether through sale, exchange, or loan, until the
17 Secretary has developed and submitted to Congress
18 a plan to increase the percentage of Federal lands
19 (including submerged lands of the Outer Continental
20 Shelf) under the jurisdiction of the Secretary of Ag-
21 riculture, the Secretary of Energy, the Secretary of
22 the Interior, and the Secretary of Defense leased for
23 oil and gas production by the same percentage as
24 the percentage of petroleum in the Strategic Petro-
25 leum Reserve that has been drawn down during the

1 period beginning January 21, 2021, and ending on
2 the date of enactment of this Act, and that is to be
3 drawn down in that first and subsequent
4 drawdowns, subject to the limitation under para-
5 graph (2).

6 “(2) LIMITATION.—

7 “(A) IN GENERAL.—The plan required by
8 paragraph (1) shall not provide for—

9 “(i) a total increase in the percentage
10 of Federal lands described in paragraph
11 (1) leased for oil and gas production in ex-
12 cess of 15 percent; or

13 “(ii) the financial benefit or participa-
14 tion of any entity that has a contractual
15 relationship with, or is owned, controlled,
16 or under the influence of, a foreign entity
17 of concern.

18 “(B) DEFINITION.—In this paragraph, the
19 term ‘foreign entity of concern’ means—

20 “(i) the People’s Republic of China;

21 “(ii) the Democratic People’s Republic
22 of Korea;

23 “(iii) the Russian Federation;

24 “(iv) the Islamic Republic of Iran;

25 and

1 “(v) any other country the govern-
2 ment of which is subject to sanctions im-
3 posed by the United States.

4 “(3) CONSULTATION.—The Secretary shall, in
5 consultation with the Secretary of Agriculture, the
6 Secretary of the Interior, and the Secretary of De-
7 fense—

8 “(A) prepare the plan required by para-
9 graph (1); and

10 “(B) ensure such plan will not result in the
11 sale of petroleum products drawn down from
12 the Reserve to Iran, China, North Korea, or
13 Russia.

14 “(4) SUBMISSION TO CONGRESS.—The Sec-
15 retary shall submit the plan developed under para-
16 graph (1) to the Committees on Armed Services, Ag-
17 riculture, Energy and Commerce, and Natural Re-
18 sources of the House of Representatives and the
19 Committees on Energy and Natural Resources, En-
20 vironment and Public Works, Armed Services, and
21 Agriculture, Nutrition, and Forestry of the Senate.

22 “(5) THOMPSON DIVIDE.—As part of the plan
23 developed under paragraph (1), the Secretary shall
24 identify areas to lease within the approximately
25 224,793.73 acres, including approximately

1 200,518.28 acres of National Forest System lands,
2 approximately 15,464.99 acres of public lands, and
3 approximately 8,810.46 acres of reserved Federal
4 mineral interest within the Thompson Divide area in
5 Colorado.

6 “(6) REQUIREMENTS.—The plan required by
7 paragraph (1) shall include a list of parcels planned
8 to be offered for lease, including, for each such par-
9 cel—

10 “(A) the size of the parcel, by acre;

11 “(B) the location of the parcel; and

12 “(C) any permits and approvals necessary
13 to access the parcel and produce oil and gas on
14 the parcel.”.

15 **SEC. 3. NO EFFECT ON CERTAIN WITHDRAWALS OF FED-**
16 **ERAL LANDS.**

17 Nothing in this Act, or any amendments made by this
18 Act, shall affect the Presidential memorandum titled
19 “Memorandum on the Withdrawal of Certain Areas of the
20 United States Outer Continental Shelf from Leasing Dis-
21 position” and dated September 8, 2020.

22 **SEC. 4. NO EFFECT ON EXISTING LEASING RESTRICTIONS.**

23 Nothing in this Act, or the amendments made by this
24 Act, shall affect any statutory or regulatory restrictions
25 in effect on the date of enactment of this Act (including

1 any withdrawal of Federal land) that may prohibit oil and
2 gas leasing within the area designated as the North Atlan-
3 tic Planning Area.

4 **SEC. 5. NO EFFECT ON EXISTING LEASING RESTRICTIONS.**

5 Nothing in this Act, or the amendments made by this
6 Act, shall affect any statutory or regulatory restrictions
7 in effect on the date of enactment of this Act (including
8 any withdrawal of Federal land) that may prohibit oil and
9 gas leasing within the area designated as the South Atlan-
10 tic Planning Area.

11 **SEC. 6. RULE OF CONSTRUCTION WITH RESPECT TO ABUSE**
12 **OF EMERGENCY DECLARATIONS.**

13 Nothing in this Act, or the amendments made by this
14 Act, may be construed to authorize the President to make
15 a determination under section 161(d) of the Energy Policy
16 and Conservation Act (42 U.S.C. 6241(d)) that an emer-
17 gency situation exists in order for the Secretary of Energy
18 to draw down and sell petroleum products under such sub-
19 section for political, non-emergency purposes.

Passed the House of Representatives January 27,
2023.

Attest: CHERYL L. JOHNSON,
Clerk.