

118TH CONGRESS
2D SESSION

H. R. 6285

IN THE SENATE OF THE UNITED STATES

MAY 2, 2024

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

AN ACT

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 Coast-
13 al Plain” in section 20001 of Public Law 115–97
14 (16 U.S.C. 3143 note) (commonly known as the Tax
15 Cuts 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
20 of the leases for the covered Coastal Plain lease
21 tracts represents a major decision of economic and
22 political significance that Congress did not delegate
23 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

1 program” means the program established under sec-
2 tion 20001(b)(2)(A) of Public Law 115–97 (16
3 U.S.C. 3143 note).

4 (3) COVERED COASTAL PLAIN LEASE TRACT.—

5 The term “covered Coastal Plain lease tract” means
6 any of tracts 16, 17, 24, 26, 27, and 30 as listed
7 in exhibit B of the document published by the Bu-
8 reau of Land Management entitled “Amendment to
9 the Detailed Statement of Sale” and dated Decem-
10 ber 18, 2020 (relating to oil and gas leasing within
11 the Coastal Plain Alaska).

12 (4) RECORD OF DECISION.—The term “Record

13 of Decision” means the record of decision described
14 in the notice of availability of the Bureau of Land
15 Management entitled “Notice of Availability of the
16 Record of Decision for the Final Environmental Im-
17 pact Statement for the Coastal Plain Oil and Gas
18 Leasing Program, Alaska” (85 Fed. Reg. 51754
19 (August 21, 2020)).

20 (5) SECRETARY.—The term “Secretary” means

21 the Secretary of the Interior.

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

23 (a) MORATORIUM ON OIL AND GAS LEASING.—Any

24 order or action by the President or the Secretary that has
25 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
4 DOCUMENTATION AND AUTHORIZATIONS.—Notwith-
5 standing any 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
10 in the Record of Decision, necessary for the estab-
11 lishment and administration of the Coastal Plain Oil
12 and Gas 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
16 agencies to process, reinstate, or continue to main-
17 tain such authorizations, permits, verifications, ex-
18 tensions, biological opinions, incidental take state-
19 ments, and any other approvals or orders described
20 in paragraph (1).

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

1 described in subsection (b)(1) shall be considered to sat-
2 isfy the requirements of—

3 (1) section 1002 of the Alaska National Inter-
4 est 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
18 Secretary 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
24 program; 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 exe-
5 cuted lease form under paragraph (1)(B) and pay-
6 ment in accordance with that lease of the rental for
7 the first year, the balance of the bonus bid (unless
8 deferred), and any required bond or security from
9 the high bidder, the Secretary shall promptly issue
10 to the high bidder a fully executed lease, in accord-
11 ance with—

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

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

16 (b) REQUIREMENT FOR FUTURE LEASES.—

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

23 (2) EXCEPTIONS FOR CANCELING A LEASE.—
24 Notwithstanding any other provision of law, the
25 President and the Secretary may not cancel a lease

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

9 (c) APPLICABILITY OF PRIOR RECORD OF DECISION.—Notwithstanding any other provision of law and
10 with respect to reissuing leases under subsection (a), the
11 Record of Decision shall be considered to satisfy the re-
12 quirements of—
13

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

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

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

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

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

1 (d) WITHDRAWAL OF SUPPLEMENTAL ENVIRON-
2 MENTAL IMPACT STATEMENT.—The Director of the Bu-
3 reau of Land Management—

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

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

12 (e) JUDICIAL REVIEW.—

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

1 pending in a court as of the date of enactment of
2 this Act.

3 (2) FORUM EXCLUSIVITY.—The United States
4 Court of Appeals for the District of Columbia Cir-
5 cuit shall have original and exclusive jurisdiction
6 over any claim regarding—

7 (A) the validity of this section; or

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

10 (3) RIGHT TO PETITION.—

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

22 (B) DEADLINES.—If a court of competent
23 jurisdiction finds that an agency has failed to
24 act in accordance with section 20001 of Public
25 Law 115–97 (16 U.S.C. 3143 note) or with any

1 law pertaining to the grant of an authorization,
2 permit, verification, biological opinion, inci-
3 dental take statement, or other approval related
4 to the lease holder’s lease, the court shall set a
5 schedule and deadline for the agency to act as
6 soon as practicable, which shall not exceed 90
7 days from the date on which the order of the
8 court is issued, unless the court determines a
9 longer time period is necessary to comply with
10 applicable law.

11 **SEC. 6. NULLIFICATION OF CERTAIN FEDERAL AGENCY AC-**
12 **TIONS.**

13 (a) NPRA RULE.—The final rule based on the pro-
14 posed rule of the Bureau of Land Management entitled
15 “Management and Protection of the National Petroleum
16 Reserve in Alaska” (88 Fed. Reg. 62025 (September 8,
17 2023)) shall have no force or effect.

18 (b) EXECUTIVE ORDER 13990.—

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

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

4 (c) SECRETARIAL ORDER 3401.—

5 (1) IN GENERAL.—Secretarial Order 3401 (re-
6 lating to the Comprehensive Analysis and Tem-
7 porary Halt on all Activities in the Arctic National
8 Wildlife Refuge Relating to the Coastal Plain Oil
9 and Gas Leasing Program), issued by the Secretary
10 on June 1, 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).

14 **SEC. 7. DESIGNATION OF SPECIAL AREAS OF THE NA-**
15 **TIONAL PETROLEUM RESERVE IN ALASKA.**

16 Beginning on the date of enactment of this Act, the
17 Secretary may not designate any new Special Areas, add
18 resource values to existing Special Areas, or expand exist-
19 ing Special Areas in the National Petroleum Reserve in
20 Alaska unless an Act of Congress enacted after the date

1 of enactment of this Act specifically authorizes the Sec-
2 retary to do so.

Passed the House of Representatives May 1, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.