

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6285
OFFERED BY MR. STAUBER OF MINNESOTA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Alaska’s Right to
3 Produce Act of 2023”.

4 SEC. 2. CONGRESSIONAL FINDINGS.

5 Congress finds that—

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

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

17 (3) the Department of the Interior’s cancelling
18 of the leases for the covered Coastal Plain lease

1 tracts represents a major decision of economic and
2 political significance that Congress did not delegate
3 to the Secretary;

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

7 (A) allow for the exploration, development,
8 and production of petroleum products in the
9 National Petroleum Reserve in Alaska; and

10 (B) balance, to the extent consistent with
11 that Act, the protection of ecological and cul-
12 tural values in the National Petroleum Reserve
13 in Alaska; and

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **COASTAL PLAIN.**—The term “Coastal
24 Plain” has the meaning given the term in section

1 20001(a) of Public Law 115–97 (16 U.S.C. 3143
2 note).

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

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

16 (4) RECORD OF DECISION.—The term “Record
17 of Decision” means the record of decision described
18 in the notice of availability of the Bureau of Land
19 Management entitled “Notice of Availability of the
20 Record of Decision for the Final Environmental Im-
21 pact Statement for the Coastal Plain Oil and Gas
22 Leasing Program, Alaska” (85 Fed. Reg. 51754
23 (August 21, 2020)).

24 (5) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

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

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

7 (b) APPROVAL AND RATIFICATION OF EXISTING
8 DOCUMENTATION AND AUTHORIZATIONS.—Notwith-
9 standing any other provision of law, Congress—

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

17 (2) directs the Secretary, the Administrator of
18 the Environmental Protection Agency, the Secretary
19 of the Army (acting through the Chief of Engi-
20 neers), and the heads of other as applicable Federal
21 departments and agencies to process, reinstate, or
22 continue to maintain such authorizations, permits,
23 verifications, extensions, biological opinions, inci-
24 dental take statements, and any other approvals or
25 orders described in paragraph (1).

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

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

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

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

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

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

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

19 (a) REISSUANCE OF CANCELED LEASES.—

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

23 (A) accept the highest valid bid for each
24 covered Coastal Plain lease tract for which a
25 valid bid was received on January 6, 2021, pur-

1 suant to the requirement to hold the first lease
2 sale in the Coastal Plain oil and gas leasing
3 program; and

4 (B) provide the appropriate lease form to
5 each winning bidder under subparagraph (A) to
6 execute and return to the Secretary.

7 (2) LEASE ISSUANCE.—On receipt of an exe-
8 cuted lease form under paragraph (1)(B) and pay-
9 ment in accordance with that lease of the rental for
10 the first year, the balance of the bonus bid (unless
11 deferred), and any required bond or security from
12 the high bidder, the Secretary shall promptly issue
13 to the high bidder a fully executed lease, in accord-
14 ance with—

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

17 (B) the terms and conditions of the Record
18 of Decision.

19 (b) REQUIREMENT FOR FUTURE LEASES.—

20 (1) SECOND LEASE SALE.—Not later than De-
21 cember 22, 2024, the Secretary shall conduct the
22 second lease sale required by section
23 20001(c)(1)(B)(ii)(II) of Public Law 115–97 (16
24 U.S.C. 3143 note) in accordance with the Record of
25 Decision.

1 (2) EXCEPTIONS FOR CANCELING A LEASE.—

2 Notwithstanding any other provision of law, the
3 President and the Secretary may not cancel a lease
4 issued under the Coastal Plain oil and gas leasing
5 program if the Secretary has previously opened bids
6 for such a lease or disclosed the high bidder for any
7 tract that was included in a lease sale under the
8 Coastal Plain oil and gas leasing program unless the
9 lessee is in violation of the terms of the lease and
10 fails to cure the violation after a reasonable period
11 of time.

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

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

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

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

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

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

4 (d) WITHDRAWAL OF SUPPLEMENTAL ENVIRON-
5 MENTAL IMPACT STATEMENT.—The Director of the Bu-
6 reau of Land Management—

7 (1) shall withdraw the notice of availability en-
8 titled “Notice of Availability of the Draft Coastal
9 Plain Oil and Gas Leasing Program Supplemental
10 Environmental Impact Statement” (88 Fed. Reg.
11 62104 (September 8, 2023)); and

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

15 (e) JUDICIAL REVIEW.—

16 (1) JUDICIAL PRECLUSION.—Notwithstanding
17 any other provision of law and except as provided in
18 paragraph (2), no court shall have jurisdiction to re-
19 view any action taken by the Secretary, the Adminis-
20 trator of the Environmental Protection Agency, the
21 Secretary of the Army (acting through the Chief of
22 Engineers), a State administrative agency, an Indian
23 Tribe, or any other Federal agency acting pursuant
24 to Federal law that grants an authorization, permit,
25 verification, biological opinion, incidental take state-

1 ment, or other approval described in section 4(b) for
2 the Coastal Plain Oil and Gas Leasing Program,
3 whether issued prior to, on, or after the date of en-
4 actment of this Act, and including any lawsuit or
5 any other action pending in a court as of the date
6 of enactment of this Act.

7 (2) FORUM EXCLUSIVITY.—The United States
8 Court of Appeals for the District of Columbia Cir-
9 cuit shall have original and exclusive jurisdiction
10 over any claim regarding—

11 (A) the validity of this section; or

12 (B) the scope of authority conferred by
13 this section.

14 (3) RIGHT TO PETITION.—

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

1 (B) DEADLINES.—If a court of competent
2 jurisdiction finds that an agency has failed to
3 act in accordance with section 20001 of Public
4 Law 115–97 (16 U.S.C. 3143 note) or with any
5 law pertaining to the grant of an authorization,
6 permit, verification, biological opinion, inci-
7 dental take statement, or other approval related
8 to the lease holder’s lease, the court shall set a
9 schedule and deadline for the agency to act as
10 soon as practicable, which shall not exceed 90
11 days from the date on which the order of the
12 court is issued, unless the court determines a
13 longer time period is necessary to comply with
14 applicable law.

15 **SEC. 6. NULLIFICATION OF CERTAIN FEDERAL AGENCY AC-**
16 **TIONS.**

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

19 (1) shall withdraw the proposed rule of the Bu-
20 reau of Land Management entitled “Management
21 and Protection of the National Petroleum Reserve in
22 Alaska” (88 Fed. Reg. 62025 (September 8, 2023));
23 and

24 (2) may not take any action to finalize, imple-
25 ment, administer, or enforce the proposed rule de-

1 scribed in paragraph (1) or any substantially similar
2 rule.

3 (b) EXECUTIVE ORDER 13990.—

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

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

12 (c) SECRETARIAL ORDER 3401.—

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

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

