AMENDMENT TO SENATE AMENDMENT TO H.R. 5376

OFFERED BY M. __________

At the end, add the following:

TITLE IX—AMERICAN ENERGY INDEPENDENCE FROM RUSSIA

SEC. 90001. ENERGY SECURITY PLAN.

The Natural Gas Act is amended by inserting after section 3A (15 U.S.C. 717b–1) the following:

“ENERGY SECURITY PLAN

“SEC. 3B. Not later than 30 days after the date of enactment of this section, and biennially thereafter, the President shall transmit to Congress an energy security plan which shall include—

“(1) an evaluation of United States crude oil, petroleum product, and natural gas imports and exports;

“(2) an energy security risk assessment, by country of origin, of importing crude oil, petroleum products, and natural gas to the United States; and

“(3) strategies, including changes to Federal policies and regulations, to encourage increased domestic production of crude oil, petroleum products,
and natural gas in order to offset any amounts of crude oil, petroleum products, and natural gas imported to the United States from Russia.”.

SEC. 90002. KEYSTONE XL AUTHORIZATION.

(a) Authorization.—TransCanada Keystone Pipeline, L.P., may construct, connect, operate, and maintain the pipeline facilities at the international border of the United States and Canada at Phillips County, Montana, for the import of oil from Canada to the United States described in the Presidential Permit of March 29, 2019 (84 Fed. Reg. 13101).

(b) No Presidential Permit Required.—No Presidential permit (or similar permit) under Executive Order 13867 (3 U.S.C. 301 note; relating to the issuance of permits with respect to facilities and land transportation crossings at the international boundaries of the United States), Executive Order 12038 (42 U.S.C. 7151 note; relating to the transfer of certain functions to the Secretary of Energy), Executive Order 10485 (15 U.S.C. 717b note; relating to the performance of functions respecting electric power and natural gas facilities located on United States borders), or any other Executive order shall be required for the construction, connection, operation, or maintenance of the pipeline facilities described in subsection (a).
SEC. 90003. ADVANCING UNITED STATES GLOBAL LEADERSHIP.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended—

(1) by striking subsections (a) through (e);

(2) by redesignating subsections (e) and (f) as subsections (a) and (b), respectively;

(3) by redesignating subsection (d) as subsection (c), and moving such subsection after subsection (b), as so redesignated;

(4) in subsection (a), as so redesignated, by amending paragraph (1) to read as follows: “(1) The Commission shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of a facility to export natural gas from the United States to a foreign country or import natural gas from a foreign country, including an LNG terminal. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency’s authorities or responsibilities related to facilities to import or export natural gas, including LNG terminals.”; and

(5) by adding at the end the following new subsection:


“(d)(1) Nothing in this Act limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. 4301 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a country that is designated as a state sponsor of terrorism, to prohibit imports or exports.

“(2) In this subsection, the term ‘state sponsor of terrorism’ means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

“(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

“(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

“(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

“(D) any other provision of law.”.
SEC. 90004. PROHIBITION ON MORATORIA OF NEW ENERGY
LEASES ON CERTAIN FEDERAL LAND AND ON
WITHDRAWAL OF FEDERAL LAND FROM EN-
ERGY DEVELOPMENT.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term “critical mineral” means any mineral included on the list of critical minerals published in the notice of the Secretary of the Interior entitled “Final List of Critical Minerals 2018” (83 Fed. Reg. 23295 (May 18, 2018)).

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means—

(i) National Forest System land;

(ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(iii) the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331));

and

(iv) land managed by the Secretary of Energy.

(B) INCLUSION.—The term “Federal land” includes land described in clauses (i)
through (iv) of subparagraph (A) for which the
rights to the surface estate or subsurface estate
are owned by a non-Federal entity.

(3) President.—The term “President” means
the President or any designee, including—

(A) the Secretary of Agriculture;
(B) the Secretary of Energy; and
(C) the Secretary of the Interior.

(b) Prohibitions.—

(1) In General.—Notwithstanding any other
provision of law, the President shall not carry out
any action that would prohibit or substantially delay
the issuance of any of the following on Federal land,
unless such an action has been authorized by an Act
of Congress:

(A) New oil and gas leases, drill permits,
approvals, or authorizations.
(B) New coal leases, permits, approvals, or
authorizations.
(C) New hard rock leases, permits, approv-
als, or authorizations.
(D) New critical minerals leases, permits,
approvals, or authorizations.

(2) Prohibition on Withdrawal.—Notwith-
standing any other provision of law, the President
shall not withdraw any Federal land from forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, or disposition under laws pertaining to mineral and geothermal leasing or mineral materials unless the withdrawal has been authorized by an Act of Congress.

SEC. 90005. OIL AND NATURAL GAS LEASING.

(a) Onshore Lease Sales.—

(1) Requirement to immediately resume onshore oil and gas lease sales.—

(A) In general.—The Secretary of the Interior (referred to in this Act as the “Secretary”) shall immediately resume oil and gas lease sales in compliance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) Requirement.—The Secretary shall ensure that any oil and gas lease sale under subparagraph (A) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Annual lease sales.—
(A) IN GENERAL.—Notwithstanding any other provision of law, in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), beginning in fiscal year 2022, the Secretary shall conduct a minimum of 4 oil and natural gas lease sales annually in each of the following States:

(i) Wyoming.

(ii) New Mexico.

(iii) Colorado.

(iv) Utah.

(v) Montana.

(vi) North Dakota.

(vii) Oklahoma.

(viii) Nevada.

(ix) Any other State in which there is land available for oil and natural gas leasing under that Act.

(B) REQUIREMENT.—In conducting a lease sale under subparagraph (A) in a State described in that subparagraph, the Secretary shall offer all parcels eligible for oil and gas development under the resource management plan in effect for the State.
(C) Replacement sales.—If, for any reason, a lease sale under subparagraph (A) for a calendar year is canceled, delayed, or deferred, including for a lack of eligible parcels, the Secretary shall conduct a replacement sale during the same calendar year.

(b) Offshore lease sales.—

(1) In general.—The Secretary shall conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016) that have not been conducted as of the date of enactment of this Act by not later than December 31, 2022.

(2) Gulf of Mexico region annual lease sales.—Notwithstanding any other provision of law, beginning in fiscal year 2022, the Secretary shall conduct a minimum of 2 region-wide oil and natural gas lease sales annually in the Gulf of Mexico Region of the outer Continental Shelf, which shall include the following areas described the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(A) The Central Gulf of Mexico Planning Area.
(B) The Western Gulf of Mexico Planning Area.

(3) ALASKA REGION ANNUAL LEASE SALES.— Notwithstanding any other provision of law, beginning in fiscal year 2022, the Secretary shall conduct a minimum of 2 region-wide oil and natural gas lease sales annually in the Alaska Region of the outer Continental Shelf, as described the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Prop-osed Final Program (November 2016).

(4) REQUIREMENTS.—In conducting lease sales under paragraphs (2) and (3) the Secretary shall—

(A) issue leases to the highest responsible qualified bidder or bidders; and

(B) include in each lease sale all unleased areas that are not subject to restrictions as of the date of the lease sale.

(5) OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM.—Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amend-ed—

(A) in subsection (a), in the first sentence of the matter preceding paragraph (1), by strik-ing “subsections (c) and (d) of this section” and inserting “subsections (e) through (f)”;
(B) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(C) by inserting after subsection (e) the following:

“(f) SUBSEQUENT LEASING PROGRAMS.—

“(1) IN GENERAL.—Not later than 36 months after conducting the first lease sale under an oil and gas leasing program prepared pursuant to this section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

“(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved not later than 180 days before the expiration of the previous oil and gas leasing program.”.

SEC. 90006. STRATEGIC PRODUCTION RESPONSE PLAN.

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

“(k) PLAN.—

“(1) IN GENERAL.—Except in the case of a severe energy supply interruption described in subsection (d), the Secretary may not execute the first drawdown of petroleum products in the Reserve
after the date of enactment of this subsection, whether through sale, exchange, or loan, until the Secretary has developed a plan to increase the percentage of Federal lands (including submerged lands of the Outer Continental Shelf) under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense leased for oil and gas production by the same percentage as the percentage of petroleum in the Strategic Petroleum Reserve that is to be drawn down in that first and subsequent drawdowns, subject to the limitation under paragraph (2).

“(2) LIMITATION.—The plan required by paragraph (1) shall not provide for a total increase in the percentage of Federal lands described in paragraph (1) leased for oil and gas production in excess of 10 percent.

“(3) CONSULTATION.—The Secretary shall prepare the plan required by paragraph (1) in consultation with the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense.”.