

AMENDMENT TO H.R. 7688
OFFERED BY MR. WESTERMAN OF ARKANSAS

At the end, add the following:

1 **SEC. 3. ENERGY SECURITY PLAN.**

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

4 “ENERGY SECURITY PLAN

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

9 “(1) an evaluation of United States crude oil,
10 petroleum product, and natural gas imports and ex-
11 ports;

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

15 “(3) strategies, including changes to Federal
16 policies and regulations, to encourage increased do-
17 mestic production of crude oil, petroleum products,
18 and natural gas in order to offset any amounts of
19 crude oil, petroleum products, and natural gas im-
20 ported to the United States from Russia.”.

1 **SEC. 4. KEYSTONE XL AUTHORIZATION.**

2 (a) AUTHORIZATION.—TransCanada Keystone Pipe-
3 line, L.P., may construct, connect, operate, and maintain
4 the pipeline facilities at the international border of the
5 United States and Canada at Phillips County, Montana,
6 for the import of oil from Canada to the United States
7 described in the Presidential Permit of March 29, 2019
8 (84 Fed. Reg. 13101).

9 (b) NO PRESIDENTIAL PERMIT REQUIRED.—No
10 Presidential permit (or similar permit) under Executive
11 Order 13867 (3 U.S.C. 301 note; relating to the issuance
12 of permits with respect to facilities and land transpor-
13 tation crossings at the international boundaries of the
14 United States), Executive Order 12038 (42 U.S.C. 7151
15 note; relating to the transfer of certain functions to the
16 Secretary of Energy), Executive Order 10485 (15 U.S.C.
17 717b note; relating to the performance of functions re-
18 specting electric power and natural gas facilities located
19 on United States borders), or any other Executive order
20 shall be required for the construction, connection, oper-
21 ation, or maintenance of the pipeline facilities described
22 in subsection (a).

23 **SEC. 5. ADVANCING UNITED STATES GLOBAL LEADERSHIP.**

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

26 (1) by striking subsections (a) through (c);

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

3 (3) by redesignating subsection (d) as sub-
4 section (c), and moving such subsection after sub-
5 section (b), as so redesignated;

6 (4) in subsection (a), as so redesignated, by
7 amending paragraph (1) to read as follows: “(1) The
8 Commission shall have the exclusive authority to ap-
9 prove or deny an application for the siting, construc-
10 tion, expansion, or operation of a facility to export
11 natural gas from the United States to a foreign
12 country or import natural gas from a foreign coun-
13 try, including an LNG terminal. Except as specifi-
14 cally provided in this Act, nothing in this Act is in-
15 tended to affect otherwise applicable law related to
16 any Federal agency’s authorities or responsibilities
17 related to facilities to import or export natural gas,
18 including LNG terminals.”; and

19 (5) by adding at the end the following new sub-
20 section:

21 “(d)(1) Nothing in this Act limits the authority of
22 the President under the Constitution, the International
23 Emergency Economic Powers Act (50 U.S.C. 1701 et
24 seq.), the National Emergencies Act (50 U.S.C. 1601 et
25 seq.), part B of title II of the Energy Policy and Conserva-

1 tion Act (42 U.S.C. 6271 et seq.), the Trading With the
2 Enemy Act (50 U.S.C. 4301 et seq.), or any other provi-
3 sion of law that imposes sanctions on a foreign person or
4 foreign government (including any provision of law that
5 prohibits or restricts United States persons from engaging
6 in a transaction with a sanctioned person or government),
7 including a country that is designated as a state sponsor
8 of terrorism, to prohibit imports or exports.

9 “(2) In this subsection, the term ‘state sponsor of ter-
10 rorism’ means a country the government of which the Sec-
11 retary of State determines has repeatedly provided sup-
12 port for international terrorism pursuant to—

13 “(A) section 1754(c)(1)(A) of the Export Con-
14 trol Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

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

17 “(C) section 40 of the Arms Export Control Act
18 (22 U.S.C. 2780); or

19 “(D) any other provision of law.”.

20 **SEC. 6. PROHIBITION ON MORATORIA OF NEW ENERGY**
21 **LEASES ON CERTAIN FEDERAL LAND AND ON**
22 **WITHDRAWAL OF FEDERAL LAND FROM EN-**
23 **ERGY DEVELOPMENT.**

24 (a) DEFINITIONS.—In this section:

1 (1) CRITICAL MINERAL.—The term “critical
2 mineral” means any mineral included on the list of
3 critical minerals published in the notice of the Sec-
4 retary of the Interior entitled “Final List of Critical
5 Minerals 2018” (83 Fed. Reg. 23295 (May 18,
6 2018)).

7 (2) FEDERAL LAND.—

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

10 (i) National Forest System land;

11 (ii) public lands (as defined in section
12 103 of the Federal Land Policy and Man-
13 agement Act of 1976 (43 U.S.C. 1702));

14 (iii) the outer Continental Shelf (as
15 defined in section 2 of the Outer Conti-
16 nental Shelf Lands Act (43 U.S.C. 1331));

17 and

18 (iv) land managed by the Secretary of
19 Energy.

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

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

3 (A) the Secretary of Agriculture;

4 (B) the Secretary of Energy; and

5 (C) the Secretary of the Interior.

6 (b) PROHIBITIONS.—

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

13 (A) New oil and gas leases, drill permits,
14 approvals, or authorizations.

15 (B) New coal leases, permits, approvals, or
16 authorizations.

17 (C) New hard rock leases, permits, approv-
18 als, or authorizations.

19 (D) New critical minerals leases, permits,
20 approvals, or authorizations.

21 (2) PROHIBITION ON WITHDRAWAL.—Notwith-
22 standing any other provision of law, the President
23 shall not withdraw any Federal land from forms of
24 entry, appropriation, or disposal under the public
25 land laws, location, entry, and patent under the min-

1 ing laws, or disposition under laws pertaining to
2 mineral and geothermal leasing or mineral materials
3 unless the withdrawal has been authorized by an Act
4 of Congress.

5 **SEC. 7. OIL AND NATURAL GAS LEASING.**

6 (a) ONSHORE LEASE SALES.—

7 (1) REQUIREMENT TO IMMEDIATELY RESUME
8 ONSHORE OIL AND GAS LEASE SALES.—

9 (A) IN GENERAL.—The Secretary of the
10 Interior (referred to in this Act as the “Sec-
11 retary”) shall immediately resume oil and gas
12 lease sales in compliance with the Mineral Leas-
13 ing Act (30 U.S.C. 181 et seq.).

14 (B) REQUIREMENT.—The Secretary shall
15 ensure that any oil and gas lease sale under
16 subparagraph (A) is conducted immediately on
17 completion of all applicable scoping, public com-
18 ment, and environmental analysis requirements
19 under the Mineral Leasing Act (30 U.S.C. 181
20 et seq.) and the National Environmental Policy
21 Act of 1969 (42 U.S.C. 4321 et seq.).

22 (2) ANNUAL LEASE SALES.—

23 (A) IN GENERAL.—Notwithstanding any
24 other provision of law, in accordance with the
25 Mineral Leasing Act (30 U.S.C. 181 et seq.),

1 beginning in fiscal year 2022, the Secretary
2 shall conduct a minimum of 4 oil and natural
3 gas lease sales annually in each of the following
4 States:

5 (i) Wyoming.

6 (ii) New Mexico.

7 (iii) Colorado.

8 (iv) Utah.

9 (v) Montana.

10 (vi) North Dakota.

11 (vii) Oklahoma.

12 (viii) Nevada.

13 (ix) Any other State in which there is
14 land available for oil and natural gas leas-
15 ing under that Act.

16 (B) REQUIREMENT.—In conducting a lease
17 sale under subparagraph (A) in a State de-
18 scribed in that subparagraph, the Secretary
19 shall offer all parcels eligible for oil and gas de-
20 velopment under the resource management plan
21 in effect for the State.

22 (C) REPLACEMENT SALES.—If, for any
23 reason, a lease sale under subparagraph (A) for
24 a calendar year is canceled, delayed, or de-
25 ferred, including for a lack of eligible parcels,

1 the Secretary shall conduct a replacement sale
2 during the same calendar year.

3 (b) OFFSHORE LEASE SALES.—

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

10 (2) GULF OF MEXICO REGION ANNUAL LEASE
11 SALES.—Notwithstanding any other provision of law,
12 beginning in fiscal year 2022, the Secretary shall
13 conduct a minimum of 2 region-wide oil and natural
14 gas lease sales annually in the Gulf of Mexico Re-
15 gion of the outer Continental Shelf, which shall in-
16 clude the following areas described the 2017–2022
17 Outer Continental Shelf Oil and Gas Leasing Pro-
18 posed Final Program (November 2016):

19 (A) The Central Gulf of Mexico Planning
20 Area.

21 (B) The Western Gulf of Mexico Planning
22 Area.

23 (3) ALASKA REGION ANNUAL LEASE SALES.—
24 Notwithstanding any other provision of law, begin-
25 ning in fiscal year 2022, the Secretary shall conduct

1 a minimum of 2 region-wide oil and natural gas
2 lease sales annually in the Alaska Region of the
3 outer Continental Shelf, as described the 2017–2022
4 Outer Continental Shelf Oil and Gas Leasing Pro-
5 posed Final Program (November 2016).

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

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

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

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

17 (A) in subsection (a), in the first sentence
18 of the matter preceding paragraph (1), by strik-
19 ing “subsections (c) and (d) of this section”
20 and inserting “subsections (e) through (f)”;

21 (B) by redesignating subsections (f)
22 through (h) as subsections (g) through (i), re-
23 spectively; and

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

1 “(f) SUBSEQUENT LEASING PROGRAMS.—

2 “(1) IN GENERAL.—Not later than 36 months
3 after conducting the first lease sale under an oil and
4 gas leasing program prepared pursuant to this sec-
5 tion, the Secretary shall begin preparing the subse-
6 quent oil and gas leasing program under this sec-
7 tion.

8 “(2) REQUIREMENT.—Each subsequent oil and
9 gas leasing program under this section shall be ap-
10 proved not later than 180 days before the expiration
11 of the previous oil and gas leasing program.”.

12 **SEC. 8. STRATEGIC PRODUCTION RESPONSE PLAN.**

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

16 “(k) PLAN.—

17 “(1) IN GENERAL.—Except in the case of a se-
18 vere energy supply interruption described in sub-
19 section (d), the Secretary may not execute the first
20 drawdown of petroleum products in the Reserve
21 after the date of enactment of this subsection,
22 whether through sale, exchange, or loan, until the
23 Secretary has developed a plan to increase the per-
24 centage of Federal lands (including submerged lands
25 of the Outer Continental Shelf) under the jurisdic-

1 tion of the Secretary of Agriculture, the Secretary of
2 Energy, the Secretary of the Interior, and the Sec-
3 retary of Defense leased for oil and gas production
4 by the same percentage as the percentage of petro-
5 leum in the Strategic Petroleum Reserve that is to
6 be drawn down in that first and subsequent
7 drawdowns, subject to the limitation under para-
8 graph (2).

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

14 “(3) CONSULTATION.—The Secretary shall pre-
15 pare the plan required by paragraph (1) in consulta-
16 tion with the Secretary of Agriculture, the Secretary
17 of the Interior, and the Secretary of Defense.”.

