

117TH CONGRESS
2D SESSION

H. R. 6858

To strengthen United States energy security, encourage domestic production of crude oil, petroleum products, and natural gas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2022

Mrs. RODGERS of Washington (for herself, Mr. WESTERMAN, Mr. MCCARTHY, Mr. SCALISE, Mr. UPTON, Mr. BURGESS, Mr. LATTA, Mr. GUTHRIE, Mr. MCKINLEY, Mr. GRIFFITH, Mr. BILIRAKIS, Mr. JOHNSON of Ohio, Mr. LONG, Mr. BUCSHON, Mr. MULLIN, Mr. HUDSON, Mr. WALBERG, Mr. CARTER of Georgia, Mr. DUNCAN, Mr. PALMER, Mr. DUNN, Mr. CURTIS, Mrs. LESKO, Mr. PENCE, Mr. CRENSHAW, Mr. JOYCE of Pennsylvania, Mr. ARMSTRONG, Mr. BENTZ, Mrs. BOEBERT, Mr. CARL, Mr. FULCHER, Mr. GOSAR, Ms. HERRELL, Mr. HICE of Georgia, Mr. LAMBORN, Mr. MCCLINTOCK, Mr. MOORE of Utah, Mr. OBERNOLTE, Mrs. RADEWAGEN, Mr. ROSENDALE, Mr. STAUBER, Mr. TIFFANY, Mr. WEBSTER of Florida, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen United States energy security, encourage domestic production of crude oil, petroleum products, and natural gas, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Energy Inde-
3 pendence from Russia Act”.

4 **SEC. 2. ENERGY SECURITY PLAN.**

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

7 “ENERGY SECURITY PLAN

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

12 “(1) an evaluation of United States crude oil,
13 petroleum product, and natural gas imports and ex-
14 ports;

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

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

24 **SEC. 3. KEYSTONE XL AUTHORIZATION.**

25 (a) AUTHORIZATION.—TransCanada Keystone Pipe-
26 line, L.P., may construct, connect, operate, and maintain

1 the pipeline facilities at the international border of the
2 United States and Canada at Phillips County, Montana,
3 for the import of oil from Canada to the United States
4 described in the Presidential Permit of March 29, 2019
5 (84 Fed. Reg. 13101).

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

20 **SEC. 4. ADVANCING UNITED STATES GLOBAL LEADERSHIP.**

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

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

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

1 (3) by redesignating subsection (d) as sub-
2 section (e), and moving such subsection after sub-
3 section (b), as so redesignated;

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

17 (5) by adding at the end the following new sub-
18 section:

19 “(d)(1) Nothing in this Act limits the authority of
20 the President under the Constitution, the International
21 Emergency Economic Powers Act (50 U.S.C. 1701 et
22 seq.), the National Emergencies Act (50 U.S.C. 1601 et
23 seq.), part B of title II of the Energy Policy and Conserva-
24 tion Act (42 U.S.C. 6271 et seq.), the Trading With the
25 Enemy Act (50 U.S.C. 4301 et seq.), or any other provi-

1 sion of law that imposes sanctions on a foreign person or
 2 foreign government (including any provision of law that
 3 prohibits or restricts United States persons from engaging
 4 in a transaction with a sanctioned person or government),
 5 including a country that is designated as a state sponsor
 6 of terrorism, to prohibit imports or exports.

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

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

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

15 “(C) section 40 of the Arms Export Control Act
 16 (22 U.S.C. 2780); or

17 “(D) any other provision of law.”

18 **SEC. 5. PROHIBITION ON MORATORIA OF NEW ENERGY**
 19 **LEASES ON CERTAIN FEDERAL LAND AND ON**
 20 **WITHDRAWAL OF FEDERAL LAND FROM EN-**
 21 **ERGY DEVELOPMENT.**

22 (a) DEFINITIONS.—In this section:

23 (1) CRITICAL MINERAL.—The term “critical
 24 mineral” means any mineral included on the list of
 25 critical minerals published in the notice of the Sec-

1 retary of the Interior entitled “Final List of Critical
2 Minerals 2018” (83 Fed. Reg. 23295 (May 18,
3 2018)).

4 (2) FEDERAL LAND.—

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

7 (i) National Forest System land;

8 (ii) public lands (as defined in section
9 103 of the Federal Land Policy and Man-
10 agement Act of 1976 (43 U.S.C. 1702));

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

14 and

15 (iv) land managed by the Secretary of
16 Energy.

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

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

24 (A) the Secretary of Agriculture;

25 (B) the Secretary of Energy; and

1 (C) the Secretary of the Interior.

2 (b) PROHIBITIONS.—

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

9 (A) New oil and gas leases, drill permits,
10 approvals, or authorizations.

11 (B) New coal leases, permits, approvals, or
12 authorizations.

13 (C) New hard rock leases, permits, approv-
14 als, or authorizations.

15 (D) New critical minerals leases, permits,
16 approvals, or authorizations.

17 (2) PROHIBITION ON WITHDRAWAL.—Notwith-
18 standing any other provision of law, the President
19 shall not withdraw any Federal land from forms of
20 entry, appropriation, or disposal under the public
21 land laws, location, entry, and patent under the min-
22 ing laws, or disposition under laws pertaining to
23 mineral and geothermal leasing or mineral materials
24 unless the withdrawal has been authorized by an Act
25 of Congress.

1 **SEC. 6. OIL AND NATURAL GAS LEASING.**

2 (a) ONSHORE LEASE SALES.—

3 (1) REQUIREMENT TO IMMEDIATELY RESUME
4 ONSHORE OIL AND GAS LEASE SALES.—

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

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

18 (2) ANNUAL LEASE SALES.—

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

26 (i) Wyoming.

- 1 (ii) New Mexico.
- 2 (iii) Colorado.
- 3 (iv) Utah.
- 4 (v) Montana.
- 5 (vi) North Dakota.
- 6 (vii) Oklahoma.
- 7 (viii) Nevada.
- 8 (ix) Any other State in which there is
- 9 land available for oil and natural gas leas-
- 10 ing under that Act.

11 (B) REQUIREMENT.—In conducting a lease
12 sale under subparagraph (A) in a State de-
13 scribed in that subparagraph, the Secretary
14 shall offer all parcels eligible for oil and gas de-
15 velopment under the resource management plan
16 in effect for the State.

17 (C) REPLACEMENT SALES.—If, for any
18 reason, a lease sale under subparagraph (A) for
19 a calendar year is canceled, delayed, or de-
20 ferred, including for a lack of eligible parcels,
21 the Secretary shall conduct a replacement sale
22 during the same calendar year.

23 (b) OFFSHORE LEASE SALES.—

24 (1) IN GENERAL.—The Secretary shall conduct
25 all lease sales described in the 2017–2022 Outer

1 Continental Shelf Oil and Gas Leasing Proposed
2 Final Program (November 2016) that have not been
3 conducted as of the date of enactment of this Act by
4 not later than December 31, 2022.

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

14 (A) The Central Gulf of Mexico Planning
15 Area.

16 (B) The Western Gulf of Mexico Planning
17 Area.

18 (3) ALASKA REGION ANNUAL LEASE SALES.—
19 Notwithstanding any other provision of law, begin-
20 ning in fiscal year 2022, the Secretary shall conduct
21 a minimum of 2 region-wide oil and natural gas
22 lease sales annually in the Alaska Region of the
23 outer Continental Shelf, as described the 2017–2022
24 Outer Continental Shelf Oil and Gas Leasing Pro-
25 posed Final Program (November 2016).

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

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

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

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

12 (A) in subsection (a), in the first sentence
13 of the matter preceding paragraph (1), by strik-
14 ing “subsections (c) and (d) of this section”
15 and inserting “subsections (c) through (f)”;

16 (B) by redesignating subsections (f)
17 through (h) as subsections (g) through (i), re-
18 spectively; and

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

21 “(f) SUBSEQUENT LEASING PROGRAMS.—

22 “(1) IN GENERAL.—Not later than 36 months
23 after conducting the first lease sale under an oil and
24 gas leasing program prepared pursuant to this sec-
25 tion, the Secretary shall begin preparing the subse-

1 quent oil and gas leasing program under this sec-
2 tion.

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

7 **SEC. 7. STRATEGIC PRODUCTION RESPONSE PLAN.**

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

11 “(k) PLAN.—

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

1 be drawn down in that first and subsequent
2 drawdowns, subject to the limitation under para-
3 graph (2).

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

9 “(3) CONSULTATION.—The Secretary shall pre-
10 pare the plan required by paragraph (1) in consulta-
11 tion with the Secretary of Agriculture, the Secretary
12 of the Interior, and the Secretary of Defense.”.

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