

117TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. HOEVEN introduced the following bill; which was read twice and referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. ENERGY SECURITY PLAN.**

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

1 **“SEC. 3B. ENERGY SECURITY PLAN.**

2 “Not later than 30 days after the date of enactment
3 of this section, and biennially thereafter, the President
4 shall submit to Congress an energy security plan that in-
5 cludes—

6 “(1) an evaluation of United States crude oil,
7 petroleum products, and natural gas imports and ex-
8 ports;

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

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

18 **SEC. 3. KEYSTONE XL AUTHORIZATION.**

19 (a) AUTHORIZATION.—TransCanada Keystone Pipe-
20 line, L.P., may construct, connect, operate, and maintain
21 the pipeline facilities at the international border of the
22 United States and Canada at Phillips County, Montana,
23 for the import of oil from Canada to the United States,
24 as described in the Presidential Permit of March 29, 2019
25 (84 Fed. Reg. 13101 (April 3, 2019)).

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

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

16 (a) IN GENERAL.—Section 3 of the Natural Gas Act
17 (15 U.S.C. 717b) is amended—

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

19 (2) by redesignating subsections (d), (e), and
20 (f) as subsections (c), (a), and (b), respectively, and
21 moving subsection (c) (as so redesignated) to appear
22 after subsection (b) (as so redesignated);

23 (3) by striking the section heading and designa-
24 tion and all that follows through paragraph (1) of

1 subsection (a) (as so redesignated) and inserting the
2 following:

3 **“SEC. 3. LNG TERMINALS; AUTHORITY OF THE PRESIDENT**
4 **TO PROHIBIT IMPORTS OR EXPORTS OF NAT-**
5 **URAL GAS.**

6 “(a) LNG TERMINALS.—

7 “(1) AUTHORITY OF THE COMMISSION.—

8 “(A) IN GENERAL.—The Commission shall
9 have the exclusive authority to approve or deny
10 an application for the siting, construction, ex-
11 pansion, or operation of a facility, including an
12 LNG terminal, to export natural gas from the
13 United States to a foreign country or to import
14 natural gas from a foreign country.

15 “(B) EFFECT.—Except as specifically pro-
16 vided in this Act, nothing in this Act affects
17 otherwise applicable law relating to the author-
18 ity or responsibility of any Federal agency re-
19 lating to facilities, including LNG terminals, to
20 import or export natural gas.”; and

21 (4) by adding at the end the following:

22 “(d) RULE OF CONSTRUCTION RELATING TO AU-
23 THORITY TO PROHIBIT IMPORTS OR EXPORTS.—

24 “(1) IN GENERAL.—Nothing in this Act limits
25 the authority of the President under the Constitu-

1 tion or any provision of law specified in paragraph
2 (2) to prohibit imports or exports.

3 “(2) PROVISIONS OF LAW SPECIFIED.—The
4 provisions of law specified in this paragraph are—

5 “(A) the International Emergency Eco-
6 nomic Powers Act (50 U.S.C. 1701 et seq.);

7 “(B) the National Emergencies Act (50
8 U.S.C. 1601 et seq.);

9 “(C) part B of title II of the Energy Policy
10 and Conservation Act (42 U.S.C. 6271 et seq.);

11 “(D) the Trading With the Enemy Act (50
12 U.S.C. 4301 et seq.); and

13 “(E) any other provision of law that—

14 “(i) imposes sanctions with respect to
15 a foreign person or foreign government, in-
16 cluding the government of a country that
17 is designated as a state sponsor of ter-
18 rorism; or

19 “(ii) prohibits or restricts United
20 States persons from engaging in a trans-
21 action with a person or government subject
22 to sanctions imposed by the United States.

23 “(3) STATE SPONSOR OF TERRORISM DE-
24 FINED.—In this subsection, the term ‘state sponsor
25 of terrorism’ means a country the government of

1 which the Secretary of State determines has repeat-
2 edly provided support for international terrorism
3 pursuant to—

4 “(A) section 1754(c)(1)(A) of the Export
5 Control Reform Act of 2018 (50 U.S.C.
6 4318(c)(1)(A));

7 “(B) section 620A of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2371);

9 “(C) section 40 of the Arms Export Con-
10 trol Act (22 U.S.C. 2780); or

11 “(D) any other provision of law.”.

12 (b) CONFORMING AMENDMENT.—Section
13 60104(d)(2) of title 49, United States Code, is amended,
14 in the first sentence, by striking “to import natural gas
15 or”.

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

20 (a) DEFINITIONS.—In this section:

21 (1) CRITICAL MINERAL.—The term “critical
22 mineral” means any mineral included on the list of
23 critical minerals published in the notice of the Sec-
24 retary of the Interior entitled “Final List of Critical

1 Minerals 2018” (83 Fed. Reg. 23295 (May 18,
2 2018)).

3 (2) FEDERAL LAND.—

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

6 (i) National Forest System land;

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

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

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

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

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

23 (A) the Secretary of Agriculture;

24 (B) the Secretary of Energy; and

25 (C) the Secretary of the Interior.

1 (b) PROHIBITIONS.—

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

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

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

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

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

16 (2) PROHIBITION ON WITHDRAWAL.—Notwith-
17 standing any other provision of law, the President
18 shall not withdraw any Federal land from forms of
19 entry, appropriation, or disposal under the public
20 land laws, location, entry, and patent under the min-
21 ing laws, or disposition under laws pertaining to
22 mineral and geothermal leasing or mineral materials
23 unless the withdrawal has been authorized by an Act
24 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 section 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 in the 2017–
12 2022 Outer Continental Shelf Oil and Gas Leasing
13 Proposed 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 in the 2017–
24 2022 Outer Continental Shelf Oil and Gas Leasing
25 Proposed 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:

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 land (including submerged land
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 drawdown and subse-
2 quent drawdowns, subject to the limitation described
3 in paragraph (2).

4 “(2) LIMITATION.—The plan developed under
5 paragraph (1) shall not provide for a total increase
6 in the percentage of Federal land 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 under paragraph (1) in consultation
11 with the Secretary of Agriculture, the Secretary of
12 the Interior, and the Secretary of Defense.”.