

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To provide for new oil and gas leases on public land and in offshore water.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S.** \_\_\_\_\_

To invest in the energy and outdoor infrastructure of the United States to deploy new and innovative technologies, update existing infrastructure to be reliable and resilient, and secure energy infrastructure against physical and cyber threats, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. HYDE-SMITH

Viz:

1 At the end of subtitle E of title III, add the following:

2 **SEC. 34** \_\_\_\_ . **NEW OIL AND GAS LEASES ON PUBLIC LAND OR**

3 **OFFSHORE WATER.**

4 (a) **FINDINGS.**—Congress finds that—

5 (1) section 208 of Executive Order 14008 (86

6 Fed. Reg. 7624 (February 1, 2021)) ordered the

7 Secretary of the Interior (referred to in this section

8 as the “Secretary”) to “pause” new oil and gas

9 leases on public land and in offshore water pending

10 completion of a comprehensive review;

1           (2) since the effective date of Executive Order  
2           14008, no new oil and gas leases on Federal land  
3           have taken place;

4           (3) the Outer Continental Shelf Lands Act (43  
5           U.S.C. 1331 et seq.) directs the Secretary to admin-  
6           ister a leasing program to sell exploration interests  
7           in portions of the outer Continental Shelf to the  
8           highest bidder;

9           (4) current lease sales in the outer Continental  
10          Shelf are governed by the 2017–2022 oil and gas  
11          leasing program under section 18 of that Act (43  
12          U.S.C. 1344);

13          (5) that Act does not grant specific authority to  
14          a President to “pause” offshore oil and gas leases;

15          (6) under the Mineral Leasing Act (30 U.S.C.  
16          181 et seq.), the Secretary is required to hold lease  
17          sales for each State where eligible land is available  
18          not less frequently than quarterly;

19          (7) under the section 706(2)(A) of title 5,  
20          United States Code (commonly known as the “Ad-  
21          ministrative Procedure Act”), Federal administrative  
22          agencies are required to engage in reasonable deci-  
23          sion-making;

24          (8) a command in an Executive order does not  
25          exempt an agency from the reasoned decision-mak-

1 ing requirement under subchapter II of chapter 5,  
2 and chapter 7, of title 5, United States Code (com-  
3 monly known as the “Administrative Procedure  
4 Act”);

5 (9) neither Executive Order 14008, nor subse-  
6 quent action taken by the Secretary, offers any ex-  
7 planation for the pause on new oil and gas leases;  
8 and

9 (10) the Secretary exceeded the statutory au-  
10 thority of the Secretary in implementing a pause on  
11 new oil and natural gas leases on public land and in  
12 offshore water.

13 (b) RESUMPTION OF NEW OIL AND GAS LEASES.—  
14 Notwithstanding any previous administrative or Executive  
15 action, the Secretary shall, immediately and without fur-  
16 ther review, resume oil and gas leasing on public land and  
17 in offshore waters.

18 (c) REPORT ON DEVELOPMENT OF 2022–2027 OIL  
19 AND GAS LEASING PROGRAM.—Not later than 60 days  
20 after the date of enactment of this Act, the Secretary shall  
21 submit to Congress a detailed report describing—

22 (1) the development of the 2022–2027 oil and  
23 gas leasing program under section 18 of the Outer  
24 Continental Shelf Lands Act (43 U.S.C. 1344); and

- 1 (2) a timeline to finalize development of that
- 2 program.