

118TH CONGRESS
1ST SESSION

S. 319

To prohibit the President from issuing moratoria on leasing and permitting energy and minerals on certain Federal land.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Ms. LUMMIS (for herself, Mr. BARRASSO, Mr. BRAUN, Mrs. BRITT, Mrs. CAPITO, Mr. COTTON, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. HOEVEN, Mr. JOHNSON, Mr. LANKFORD, Mr. LEE, Mr. MARSHALL, Mr. RISCH, Mr. TUBERVILLE, Mr. WICKER, and Mr. MULLIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To prohibit the President from issuing moratoria on leasing and permitting energy and minerals on certain Federal land.

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 “Protecting Our Wealth
5 of Energy Resources Act of 2023” or the “POWER Act”.

1 **SEC. 2. PROHIBITION ON MORATORIA OF NEW ENERGY**
2 **LEASES ON CERTAIN FEDERAL LAND AND ON**
3 **WITHDRAWAL OF FEDERAL LAND FROM EN-**
4 **ERGY DEVELOPMENT.**

5 (a) DEFINITIONS.—In this section:

6 (1) FEDERAL LAND.—

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

9 (i) National Forest System land;

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

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

16 and

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

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

24 (2) MINERAL.—The term “mineral” means any
25 mineral subject to sections 2319 through 2344 of
26 the Revised Statutes (commonly known as the “Min-

1 ing Law of 1872”) (30 U.S.C. 22 et seq.), and min-
2 erals located on “lands acquired by the United
3 States” (as defined in section 2 of the Mineral Leas-
4 ing Act for Acquired Lands (30 U.S.C. 351)).

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

7 (A) the Secretary of Agriculture;

8 (B) the Secretary of Energy; and

9 (C) the Secretary of the Interior.

10 (b) PROHIBITIONS.—

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

17 (A) New oil and gas leases, drill permits,
18 approvals, or authorizations.

19 (B) New coal leases, permits, approvals, or
20 authorizations.

21 (C) New mineral patents, leases, permits,
22 approvals, or authorizations.

23 (2) PROHIBITION ON WITHDRAWAL.—Notwith-
24 standing any other provision of law, the President
25 may not withdraw any Federal land from forms of

1 entry, appropriation, or disposal under the public
2 land laws, location, entry, and patent under the min-
3 ing laws, or disposition under laws pertaining to
4 mineral and geothermal leasing or mineral materials
5 unless the withdrawal has been authorized by an Act
6 of Congress.

