

117TH CONGRESS  
1ST SESSION

# S. 76

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Ms. LUMMIS (for herself, Mr. BARRASSO, Mrs. BLACKBURN, Mrs. CAPITO, Mr. CASSIDY, Mr. COTTON, Mr. CORNYN, Mr. CRAMER, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. HOEVEN, Mrs. HYDE-SMITH, Mr. INHOFE, Mr. KENNEDY, Mr. LEE, Mr. MARSHALL, Mr. TOOMEY, Mr. TUBERVILLE, Mr. RISCH, Mr. ROMNEY, Mr. WICKER, Mr. BOOZMAN, Mr. JOHNSON, Mr. SULLIVAN, Mr. SCOTT of South Carolina, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To prohibit the President from issuing moratoria on leasing and permitting energy and minerals on certain Federal land, 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 “Protecting Our Wealth  
5 of Energy Resources Act of 2021” or the “POWER Act  
6 of 2021”.

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) CRITICAL MINERAL.—The term “critical  
 7 mineral” means any mineral included on the list of  
 8 critical minerals published in the notice of the Sec-  
 9 retary of the Interior entitled “Final List of Critical  
 10 Minerals 2018” (83 Fed. Reg. 23295 (May 18,  
 11 2018)).

12 (2) FEDERAL LAND.—

13 (A) IN GENERAL.—The term “Federal  
 14 land” means—

15 (i) National Forest System land;

16 (ii) public lands (as defined in section  
 17 103 of the Federal Land Policy and Man-  
 18 agement Act of 1976 (43 U.S.C. 1702));

19 (iii) the outer Continental Shelf (as  
 20 defined in section 2 of the Outer Conti-  
 21 nental Shelf Lands Act (43 U.S.C. 1331));  
 22 and

23 (iv) land managed by the Secretary of  
 24 Energy.

25 (B) INCLUSION.—The term “Federal  
 26 land” includes land described in clauses (i)

1 through (iv) of subparagraph (A) for which the  
2 rights to the surface estate or subsurface estate  
3 are owned by a non-Federal entity.

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

6 (A) the Secretary of Agriculture;

7 (B) the Secretary of Energy; and

8 (C) the Secretary of the Interior.

9 (b) PROHIBITIONS.—

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

16 (A) New oil and gas leases, permits, ap-  
17 provals, or authorizations.

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

20 (C) New hard rock leases, permits, approv-  
21 als, or authorizations.

22 (D) New critical minerals leases, permits,  
23 approvals, or authorizations.

24 (2) PROHIBITION ON WITHDRAWAL.—Notwith-  
25 standing any other provision of law, the President

1       shall not withdraw any Federal land from forms of  
2       entry, appropriation, or disposal under the public  
3       land laws, location, entry, and patent under the min-  
4       ing laws, or disposition under laws pertaining to  
5       mineral and geothermal leasing or mineral materials  
6       unless the withdrawal has been authorized by an Act  
7       of Congress.

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