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113TH CONGRESS
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IN THE SENATE OF THE UNITED STATES

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AN ACT

To streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, 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 “Federal Lands Jobs
5 and Energy Security Act of 2013”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FEDERAL LANDS JOBS AND ENERGY SECURITY

Sec. 1001. Short title.

Sec. 1002. Policies regarding buying, building, and working for America.

Subtitle A—Onshore Oil and Gas Permit Streamlining

Sec. 1101. Short title.

CHAPTER 1—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

Sec. 1111. Permit to drill application timeline.

Sec. 1112. Solar and wind right-of-way rental reform.

CHAPTER 2—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM

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CHAPTER 3—PERMIT STREAMLINING

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Sec. 1142. Exclusive venue for certain civil actions relating to covered energy projects.

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Sec. 1146. Limitation on injunction and prospective relief.

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CHAPTER 5—KNOWING AMERICA'S OIL AND GAS RESOURCES

Sec. 1151. Funding oil and gas resource assessments.

Subtitle B—Oil and Gas Leasing Certainty

Sec. 1201. Short title.

Sec. 1202. Minimum acreage requirement for onshore lease sales.

Sec. 1203. Leasing certainty.

Sec. 1204. Leasing consistency.

Sec. 1205. Reduce redundant policies.

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Subtitle C—Oil Shale

Sec. 1301. Short title.

Sec. 1302. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.

Sec. 1303. Oil shale leasing.

Subtitle D—Miscellaneous Provisions

Sec. 1401. Rule of construction.

TITLE II—PLANNING FOR AMERICAN ENERGY

- Sec. 2001. Short title.
 Sec. 2002. Onshore domestic energy production strategic plan.

TITLE III—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

- Sec. 3001. Short title.
 Sec. 3002. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
 Sec. 3003. National Petroleum Reserve in Alaska: lease sales.
 Sec. 3004. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
 Sec. 3005. Issuance of a new integrated activity plan and environmental impact statement.
 Sec. 3006. Departmental accountability for development.
 Sec. 3007. Deadlines under new proposed integrated activity plan.
 Sec. 3008. Updated resource assessment.

TITLE IV—BLM LIVE INTERNET AUCTIONS

- Sec. 4001. Short title.
 Sec. 4002. Internet-based onshore oil and gas lease sales.

TITLE V—NATIVE AMERICAN ENERGY

- Sec. 5001. Short title.
 Sec. 5002. Appraisals.
 Sec. 5003. Standardization.
 Sec. 5004. Environmental reviews of major Federal actions on Indian lands.
 Sec. 5005. Judicial review.
 Sec. 5006. Tribal biomass demonstration project.
 Sec. 5007. Tribal resource management plans.
 Sec. 5008. Leases of restricted lands for the Navajo Nation.
 Sec. 5009. Nonapplicability of certain rules.

1 **TITLE I—FEDERAL LANDS JOBS**
 2 **AND ENERGY SECURITY**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Federal Lands Jobs
 5 and Energy Security Act”.

6 **SEC. 1002. POLICIES REGARDING BUYING, BUILDING, AND**
 7 **WORKING FOR AMERICA.**

8 (a) CONGRESSIONAL INTENT.—It is the intent of the
 9 Congress that—

1 (1) this title will support a healthy and growing
2 United States domestic energy sector that, in turn,
3 helps to reinvigorate American manufacturing,
4 transportation, and service sectors by employing the
5 vast talents of United States workers to assist in the
6 development of energy from domestic sources;

7 (2) to ensure a robust onshore energy produc-
8 tion industry and ensure that the benefits of devel-
9 opment support local communities, under this title,
10 the Secretary shall make every effort to promote the
11 development of onshore American energy, and shall
12 take into consideration the socioeconomic impacts,
13 infrastructure requirements, and fiscal stability for
14 local communities located within areas containing
15 onshore energy resources; and

16 (3) the Congress will monitor the deployment of
17 personnel and material onshore to encourage the de-
18 velopment of American manufacturing to enable
19 United States workers to benefit from this title
20 through good jobs and careers, as well as the estab-
21 lishment of important industrial facilities to support
22 expanded access to American resources.

23 (b) REQUIREMENT.—The Secretary of the Interior
24 shall when possible, and practicable, encourage the use of
25 United States workers and equipment manufactured in

1 the United States in all construction related to mineral
2 resource development under this title.

3 **Subtitle A—Onshore Oil and Gas**
4 **Permit Streamlining**

5 **SEC. 1101. SHORT TITLE.**

6 This subtitle may be cited as the “Streamlining Per-
7 mitting of American Energy Act of 2013”.

8 **CHAPTER 1—APPLICATION FOR PERMITS**
9 **TO DRILL PROCESS REFORM**

10 **SEC. 1111. PERMIT TO DRILL APPLICATION TIMELINE.**

11 Section 17(p)(2) of the Mineral Leasing Act (30
12 U.S.C. 226(p)(2)) is amended to read as follows:

13 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
14 FORM AND PROCESS.—

15 “(A) TIMELINE.—The Secretary shall de-
16 cide whether to issue a permit to drill within 30
17 days after receiving an application for the per-
18 mit. The Secretary may extend such period for
19 up to 2 periods of 15 days each, if the Sec-
20 retary has given written notice of the delay to
21 the applicant. The notice shall be in the form
22 of a letter from the Secretary or a designee of
23 the Secretary, and shall include the names and
24 titles of the persons processing the application,
25 the specific reasons for the delay, and a specific

1 date a final decision on the application is ex-
2 pected.

3 “(B) NOTICE OF REASONS FOR DENIAL.—

4 If the application is denied, the Secretary shall
5 provide the applicant—

6 “(i) in writing, clear and comprehen-
7 sive reasons why the application was not
8 accepted and detailed information con-
9 cerning any deficiencies; and

10 “(ii) an opportunity to remedy any de-
11 ficiencies.

12 “(C) APPLICATION DEEMED APPROVED.—

13 If the Secretary has not made a decision on the
14 application by the end of the 60-day period be-
15 ginning on the date the application is received
16 by the Secretary, the application is deemed ap-
17 proved, except in cases in which existing reviews
18 under the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.) or Endangered
20 Species Act of 1973 (16 U.S.C. 1531 et seq.)
21 are incomplete.

22 “(D) DENIAL OF PERMIT.—If the Sec-
23 retary decides not to issue a permit to drill in
24 accordance with subparagraph (A), the Sec-
25 retary shall—

1 “(i) provide to the applicant a descrip-
2 tion of the reasons for the denial of the
3 permit;

4 “(ii) allow the applicant to resubmit
5 an application for a permit to drill during
6 the 10-day period beginning on the date
7 the applicant receives the description of
8 the denial from the Secretary; and

9 “(iii) issue or deny any resubmitted
10 application not later than 10 days after the
11 date the application is submitted to the
12 Secretary.

13 “(E) FEE.—

14 “(i) IN GENERAL.—Notwithstanding
15 any other law, the Secretary shall collect a
16 single \$6,500 permit processing fee per ap-
17 plication from each applicant at the time
18 the final decision is made whether to issue
19 a permit under subparagraph (A). This fee
20 shall not apply to any resubmitted applica-
21 tion.

22 “(ii) TREATMENT OF PERMIT PROC-
23 ESSING FEE.—Of all fees collected under
24 this paragraph, 50 percent shall be trans-
25 ferred to the field office where they are col-

1 lected and used to process protests, leases,
2 and permits under this Act subject to ap-
3 propriation.”.

4 **SEC. 1112. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**
5 **FORM.**

6 (a) IN GENERAL.—Subject to subsection (b), and
7 notwithstanding any other provision of law, of fees col-
8 lected each fiscal year as annual wind energy and solar
9 energy right-of-way authorization fees required under sec-
10 tion 504(g) of the Federal Land Policy and Management
11 Act of 1976 (43 U.S.C. 1764(g))—

12 (1) no less than 25 percent shall be available,
13 subject to appropriation, for use for solar and wind
14 permitting and management activities by Depart-
15 ment of the Interior field offices responsible for the
16 land where the fees were collected;

17 (2) no less than 25 percent shall be available,
18 subject to appropriation, for Bureau of Land Man-
19 agement solar and wind permit approval activities;
20 and

21 (3) no less than 25 percent shall be available,
22 subject to appropriation, to the Secretary of the In-
23 terior for department-wide solar and wind permitting
24 activities.

1 (b) LIMITATION.—The amount used under subsection
2 (a) each fiscal year shall not exceed \$5,000,000.

3 **CHAPTER 2—ADMINISTRATIVE PROTEST**
4 **DOCUMENTATION REFORM**

5 **SEC. 1121. ADMINISTRATIVE PROTEST DOCUMENTATION**
6 **REFORM.**

7 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
8 226(p)) is further amended by adding at the end the fol-
9 lowing:

10 “(4) PROTEST FEE.—

11 “(A) IN GENERAL.—The Secretary shall
12 collect a \$5,000 documentation fee to accom-
13 pany each protest for a lease, right of way, or
14 application for permit to drill.

15 “(B) TREATMENT OF FEES.—Of all fees
16 collected under this paragraph, 50 percent shall
17 remain in the field office where they are col-
18 lected and used to process protests subject to
19 appropriation.”.

20 **CHAPTER 3—PERMIT STREAMLINING**

21 **SEC. 1131. IMPROVE FEDERAL ENERGY PERMIT COORDINA-**
22 **TION.**

23 (a) ESTABLISHMENT.—The Secretary of the Interior
24 (referred to in this section as the “Secretary”) shall estab-
25 lish a Federal Permit Streamlining Project (referred to

1 in this section as the “Project”) in every Bureau of Land
2 Management field office with responsibility for permitting
3 energy projects on Federal land.

4 (b) MEMORANDUM OF UNDERSTANDING.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of enactment of this Act, the Secretary
7 shall enter into a memorandum of understanding for
8 purposes of this section with—

9 (A) the Secretary of Agriculture;

10 (B) the Administrator of the Environ-
11 mental Protection Agency; and

12 (C) the Chief of the Army Corps of Engi-
13 neers.

14 (2) STATE PARTICIPATION.—The Secretary
15 may request that the Governor of any State with en-
16 ergy projects on Federal lands to be a signatory to
17 the memorandum of understanding.

18 (c) DESIGNATION OF QUALIFIED STAFF.—

19 (1) IN GENERAL.—Not later than 30 days after
20 the date of the signing of the memorandum of un-
21 derstanding under subsection (b), all Federal signa-
22 tory parties shall, if appropriate, assign to each of
23 the Bureau of Land Management field offices an
24 employee who has expertise in the regulatory issues
25 relating to the office in which the employee is em-

1 employed, including, as applicable, particular expertise
2 in—

3 (A) the consultations and the preparation
4 of biological opinions under section 7 of the En-
5 dangered Species Act of 1973 (16 U.S.C.
6 1536);

7 (B) permits under section 404 of Federal
8 Water Pollution Control Act (33 U.S.C. 1344);

9 (C) regulatory matters under the Clean Air
10 Act (42 U.S.C. 7401 et seq.);

11 (D) planning under the National Forest
12 Management Act of 1976 (16 U.S.C. 472a et
13 seq.); and

14 (E) the preparation of analyses under the
15 National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.).

17 (2) DUTIES.—Each employee assigned under
18 paragraph (1) shall—

19 (A) not later than 90 days after the date
20 of assignment, report to the Bureau of Land
21 Management Field Managers in the office to
22 which the employee is assigned;

23 (B) be responsible for all issues relating to
24 the energy projects that arise under the au-
25 thorities of the employee’s home agency; and

1 (C) participate as part of the team of per-
2 sonnel working on proposed energy projects,
3 planning, and environmental analyses on Fed-
4 eral lands.

5 (d) **ADDITIONAL PERSONNEL.**—The Secretary shall
6 assign to each Bureau of Land Management field office
7 identified in subsection (a) any additional personnel that
8 are necessary to ensure the effective approval and imple-
9 mentation of energy projects administered by the Bureau
10 of Land Management field offices, including inspection
11 and enforcement relating to energy development on Fed-
12 eral land, in accordance with the multiple use mandate
13 of the Federal Land Policy and Management Act of 1976
14 (43 U.S.C. 1701 et seq.).

15 (e) **FUNDING.**—Funding for the additional personnel
16 shall come from the Department of the Interior reforms
17 identified in sections 1111, 1112, and 1121.

18 (f) **SAVINGS PROVISION.**—Nothing in this section af-
19 fects—

20 (1) the operation of any Federal or State law;

21 or

22 (2) any delegation of authority made by the
23 head of a Federal agency whose employees are par-
24 ticipating in the Project.

1 (g) DEFINITION.—For purposes of this section the
2 term “energy projects” includes oil, natural gas, coal, and
3 other energy projects as defined by the Secretary.

4 **SEC. 1132. ADMINISTRATION OF CURRENT LAW.**

5 Notwithstanding any other law, the Secretary of the
6 Interior shall not require a finding of extraordinary cir-
7 cumstances in administering section 390 of the Energy
8 Policy Act of 2005 (42 U.S.C. 15942).

9 **CHAPTER 4—JUDICIAL REVIEW**

10 **SEC. 1141. DEFINITIONS.**

11 In this chapter—

12 (1) the term “covered civil action” means a civil
13 action containing a claim under section 702 of title
14 5, United States Code, regarding agency action (as
15 defined for the purposes of that section) affecting a
16 covered energy project on Federal lands of the
17 United States; and

18 (2) the term “covered energy project” means
19 the leasing of Federal lands of the United States for
20 the exploration, development, production, processing,
21 or transmission of oil, natural gas, wind, or any
22 other source of energy, and any action under such
23 a lease, except that the term does not include any
24 disputes between the parties to a lease regarding the

1 obligations under such lease, including regarding
2 any alleged breach of the lease.

3 **SEC. 1142. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
4 **RELATING TO COVERED ENERGY PROJECTS.**

5 Venue for any covered civil action shall lie in the dis-
6 trict court where the project or leases exist or are pro-
7 posed.

8 **SEC. 1143. TIMELY FILING.**

9 To ensure timely redress by the courts, a covered civil
10 action must be filed no later than the end of the 90-day
11 period beginning on the date of the final Federal agency
12 action to which it relates.

13 **SEC. 1144. EXPEDITION IN HEARING AND DETERMINING**
14 **THE ACTION.**

15 The court shall endeavor to hear and determine any
16 covered civil action as expeditiously as possible.

17 **SEC. 1145. STANDARD OF REVIEW.**

18 In any judicial review of a covered civil action, admin-
19 istrative findings and conclusions relating to the chal-
20 lenged Federal action or decision shall be presumed to be
21 correct, and the presumption may be rebutted only by the
22 preponderance of the evidence contained in the adminis-
23 trative record.

1 **SEC. 1146. LIMITATION ON INJUNCTION AND PROSPECTIVE**
2 **RELIEF.**

3 In a covered civil action, the court shall not grant
4 or approve any prospective relief unless the court finds
5 that such relief is narrowly drawn, extends no further than
6 necessary to correct the violation of a legal requirement,
7 and is the least intrusive means necessary to correct that
8 violation. In addition, courts shall limit the duration of
9 preliminary injunctions to halt covered energy projects to
10 no more than 60 days, unless the court finds clear reasons
11 to extend the injunction. In such cases of extensions, such
12 extensions shall only be in 30-day increments and shall
13 require action by the court to renew the injunction.

14 **SEC. 1147. LIMITATION ON ATTORNEYS' FEES.**

15 Sections 504 of title 5, United States Code, and 2412
16 of title 28, United States Code, (together commonly called
17 the Equal Access to Justice Act) do not apply to a covered
18 civil action, nor shall any party in such a covered civil ac-
19 tion receive payment from the Federal Government for
20 their attorneys' fees, expenses, and other court costs.

21 **SEC. 1148. LEGAL STANDING.**

22 Challengers filing appeals with the Department of the
23 Interior Board of Land Appeals shall meet the same
24 standing requirements as challengers before a United
25 States district court.

1 **CHAPTER 5—KNOWING AMERICA’S OIL**
2 **AND GAS RESOURCES**

3 **SEC. 1151. FUNDING OIL AND GAS RESOURCE ASSESS-**
4 **MENTS.**

5 (a) **IN GENERAL.**—The Secretary of the Interior shall
6 provide matching funding for joint projects with States to
7 conduct oil and gas resource assessments on Federal lands
8 with significant oil and gas potential.

9 (b) **COST SHARING.**—The Federal share of the cost
10 of activities under this section shall not exceed 50 percent.

11 (c) **RESOURCE ASSESSMENT.**—Any resource assess-
12 ment under this section shall be conducted by a State, in
13 consultation with the United States Geological Survey.

14 (d) **AUTHORIZATION OF APPROPRIATIONS.**—There is
15 authorized to be appropriated to the Secretary to carry
16 out this section a total of \$50,000,000 for fiscal years
17 2014 through 2017.

18 **Subtitle B—Oil and Gas Leasing**
19 **Certainty**

20 **SEC. 1201. SHORT TITLE.**

21 This subtitle may be cited as the “Providing Leasing
22 Certainty for American Energy Act of 2013”.

1 **SEC. 1202. MINIMUM ACREAGE REQUIREMENT FOR ON-**
2 **SHORE LEASE SALES.**

3 In conducting lease sales as required by section 17(a)
4 of the Mineral Leasing Act (30 U.S.C. 226(a)), each year
5 the Secretary of the Interior shall perform the following:

6 (1) The Secretary shall offer for sale no less
7 than 25 percent of the annual nominated acreage
8 not previously made available for lease. Acreage of-
9 fered for lease pursuant to this paragraph shall not
10 be subject to protest and shall be eligible for cat-
11 egorical exclusions under section 390 of the Energy
12 Policy Act of 2005 (42 U.S.C. 15942), except that
13 it shall not be subject to the test of extraordinary
14 circumstances.

15 (2) In administering this section, the Secretary
16 shall only consider leasing of Federal lands that are
17 available for leasing at the time the lease sale oc-
18 curs.

19 **SEC. 1203. LEASING CERTAINTY.**

20 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
21 226(a)) is amended by inserting “(1)” before “All lands”,
22 and by adding at the end the following:

23 “(2)(A) The Secretary shall not withdraw any cov-
24 ered energy project issued under this Act without finding
25 a violation of the terms of the lease by the lessee.

1 “(B) The Secretary shall not infringe upon lease
2 rights under leases issued under this Act by indefinitely
3 delaying issuance of project approvals, drilling and seismic
4 permits, and rights of way for activities under such a
5 lease.

6 “(C) No later than 18 months after an area is des-
7 ignated as open under the current land use plan the Sec-
8 retary shall make available nominated areas for lease
9 under the criteria in section 2.

10 “(D) Notwithstanding any other law, the Secretary
11 shall issue all leases sold no later than 60 days after the
12 last payment is made.

13 “(E) The Secretary shall not cancel or withdraw any
14 lease parcel after a competitive lease sale has occurred and
15 a winning bidder has submitted the last payment for the
16 parcel.

17 “(F) Not later than 60 days after a lease sale held
18 under this Act, the Secretary shall adjudicate any lease
19 protests filed following a lease sale. If after 60 days any
20 protest is left unsettled, said protest is automatically de-
21 nied and appeal rights of the protestor begin.

22 “(G) No additional lease stipulations may be added
23 after the parcel is sold without consultation and agree-
24 ment of the lessee, unless the Secretary deems such stipu-

1 lations as emergency actions to conserve the resources of
2 the United States.”.

3 **SEC. 1204. LEASING CONSISTENCY.**

4 Federal land managers must follow existing resource
5 management plans and continue to actively lease in areas
6 designated as open when resource management plans are
7 being amended or revised, until such time as a new record
8 of decision is signed.

9 **SEC. 1205. REDUCE REDUNDANT POLICIES.**

10 Bureau of Land Management Instruction Memo-
11 randum 2010–117 shall have no force or effect.

12 **SEC. 1206. STREAMLINED CONGRESSIONAL NOTIFICATION.**

13 Section 31(e) of the Mineral Leasing Act (30 U.S.C.
14 188(e)) is amended in the matter following paragraph (4)
15 by striking “at least thirty days in advance of the rein-
16 statement” and inserting “in an annual report”.

17 **Subtitle C—Oil Shale**

18 **SEC. 1301. SHORT TITLE.**

19 This subtitle may be cited as the “Protecting Invest-
20 ment in Oil Shale the Next Generation of Environmental,
21 Energy, and Resource Security Act” or the “PIONEERS
22 Act”.

1 **SEC. 1302. EFFECTIVENESS OF OIL SHALE REGULATIONS,**
2 **AMENDMENTS TO RESOURCE MANAGEMENT**
3 **PLANS, AND RECORD OF DECISION.**

4 (a) REGULATIONS.—Notwithstanding any other law
5 or regulation to the contrary, the final regulations regard-
6 ing oil shale management published by the Bureau of
7 Land Management on November 18, 2008 (73 Fed. Reg.
8 69,414) are deemed to satisfy all legal and procedural re-
9 quirements under any law, including the Federal Land
10 Policy and Management Act of 1976 (43 U.S.C. 1701 et
11 seq.), the Endangered Species Act of 1973 (16 U.S.C.
12 1531 et seq.), and the National Environmental Policy Act
13 of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of
14 the Interior shall implement those regulations, including
15 the oil shale leasing program authorized by the regula-
16 tions, without any other administrative action necessary.

17 (b) AMENDMENTS TO RESOURCE MANAGEMENT
18 PLANS AND RECORD OF DECISION.—Notwithstanding
19 any other law or regulation to the contrary, the November
20 17, 2008 U.S. Bureau of Land Management Approved Re-
21 source Management Plan Amendments/Record of Decision
22 for Oil Shale and Tar Sands Resources to Address Land
23 Use Allocations in Colorado, Utah, and Wyoming and
24 Final Programmatic Environmental Impact Statement are
25 deemed to satisfy all legal and procedural requirements
26 under any law, including the Federal Land Policy and

1 Management Act of 1976 (43 U.S.C. 1701 et seq.), the
2 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
3 and the National Environmental Policy Act of 1969 (42
4 U.S.C. 4321 et seq.), and the Secretary of the Interior
5 shall implement the oil shale leasing program authorized
6 by the regulations referred to in subsection (a) in those
7 areas covered by the resource management plans amended
8 by such amendments, and covered by such record of deci-
9 sion, without any other administrative action necessary.

10 **SEC. 1303. OIL SHALE LEASING.**

11 (a) **ADDITIONAL RESEARCH AND DEVELOPMENT**
12 **LEASE SALES.**—The Secretary of the Interior shall hold
13 a lease sale within 180 days after the date of enactment
14 of this Act offering an additional 10 parcels for lease for
15 research, development, and demonstration of oil shale re-
16 sources, under the terms offered in the solicitation of bids
17 for such leases published on January 15, 2009 (74 Fed.
18 Reg. 10).

19 (b) **COMMERCIAL LEASE SALES.**—No later than Jan-
20 uary 1, 2016, the Secretary of the Interior shall hold no
21 less than 5 separate commercial lease sales in areas con-
22 sidered to have the most potential for oil shale develop-
23 ment, as determined by the Secretary, in areas nominated
24 through public comment. Each lease sale shall be for an

1 area of not less than 25,000 acres, and in multiple lease
2 blocs.

3 **Subtitle D—Miscellaneous** 4 **Provisions**

5 **SEC. 1401. RULE OF CONSTRUCTION.**

6 Nothing in this title shall be construed to authorize
7 the issuance of a lease under the Mineral Leasing Act (30
8 U.S.C. 181 et seq.) to any person designated for the im-
9 position of sanctions pursuant to—

10 (1) the Iran Sanctions Act of 1996 (50 U.S.C.
11 1701 note), the Comprehensive Iran Sanctions, Ac-
12 countability and Divestiture Act of 2010 (22 U.S.C.
13 8501 et seq.), the Iran Threat Reduction and Syria
14 Human Rights Act of 2012 (22 U.S.C. 8701 et
15 seq.), section 1245 of the National Defense Author-
16 ization Act for Fiscal Year 2012 (22 U.S.C. 8513a),
17 or the Iran Freedom and Counter-Proliferation Act
18 of 2012 (22 U.S.C. 8801 et seq.);

19 (2) Executive Order No. 13622 (July 30,
20 2012), Executive Order No. 13628 (October 9,
21 2012), or Executive Order No. 13645 (June 3,
22 2013);

23 (3) Executive Order No. 13224 (September 23,
24 2001) or Executive Order No. 13338 (May 11,
25 2004); or

1 (4) the Syria Accountability and Lebanese Sov-
2 ereignty Restoration Act of 2003 (22 U.S.C. 2151
3 note).

4 **TITLE II—PLANNING FOR** 5 **AMERICAN ENERGY**

6 **SEC. 2001. SHORT TITLE.**

7 This title may be cited as the “Planning for American
8 Energy Act of 2013”.

9 **SEC. 2002. ONSHORE DOMESTIC ENERGY PRODUCTION** 10 **STRATEGIC PLAN.**

11 (a) IN GENERAL.—The Mineral Leasing Act (30
12 U.S.C. 181 et seq.) is amended by redesignating section
13 44 as section 45, and by inserting after section 43 the
14 following:

15 **“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE** 16 **ENERGY PRODUCTION STRATEGY.**

17 “(a) IN GENERAL.—

18 “(1) The Secretary of the Interior (hereafter in
19 this section referred to as ‘Secretary’), in consulta-
20 tion with the Secretary of Agriculture with regard to
21 lands administered by the Forest Service, shall de-
22 velop and publish every 4 years a Quadrennial Fed-
23 eral Onshore Energy Production Strategy. This
24 Strategy shall direct Federal land energy develop-
25 ment and department resource allocation in order to

1 promote the energy and national security of the
2 United States in accordance with Bureau of Land
3 Management’s mission of promoting the multiple use
4 of Federal lands as set forth in the Federal Land
5 Policy and Management Act of 1976 (43 U.S.C.
6 1701 et seq.).

7 “(2) In developing this Strategy, the Secretary
8 shall consult with the Administrator of the Energy
9 Information Administration on the projected energy
10 demands of the United States for the next 30-year
11 period, and how energy derived from Federal on-
12 shore lands can put the United States on a trajec-
13 tory to meet that demand during the next 4-year pe-
14 riod. The Secretary shall consider how Federal lands
15 will contribute to ensuring national energy security,
16 with a goal for increasing energy independence and
17 production, during the next 4-year period.

18 “(3) The Secretary shall determine a domestic
19 strategic production objective for the development of
20 energy resources from Federal onshore lands. Such
21 objective shall be—

22 “(A) the best estimate, based upon com-
23 mercial and scientific data, of the expected in-
24 crease in domestic production of oil and natural
25 gas from the Federal onshore mineral estate,

1 with a focus on lands held by the Bureau of
2 Land Management and the Forest Service;

3 “(B) the best estimate, based upon com-
4 mercial and scientific data, of the expected in-
5 crease in domestic coal production from Federal
6 lands;

7 “(C) the best estimate, based upon com-
8 mercial and scientific data, of the expected in-
9 crease in domestic production of strategic and
10 critical energy minerals from the Federal on-
11 shore mineral estate;

12 “(D) the best estimate, based upon com-
13 mercial and scientific data, of the expected in-
14 crease in megawatts for electricity production
15 from each of the following sources: wind, solar,
16 biomass, hydropower, and geothermal energy
17 produced on Federal lands administered by the
18 Bureau of Land Management and the Forest
19 Service;

20 “(E) the best estimate, based upon com-
21 mercial and scientific data, of the expected in-
22 crease in unconventional energy production,
23 such as oil shale;

24 “(F) the best estimate, based upon com-
25 mercial and scientific data, of the expected in-

1 crease in domestic production of oil, natural
2 gas, coal, and other renewable sources from
3 tribal lands for any federally recognized Indian
4 tribe that elects to participate in facilitating en-
5 ergy production on its lands;

6 “(G) the best estimate, based upon com-
7 mercial and scientific data, of the expected in-
8 crease in production of helium on Federal lands
9 administered by the Bureau of Land Manage-
10 ment and the Forest Service; and

11 “(H) the best estimate, based upon com-
12 mercial and scientific data, of the expected in-
13 crease in domestic production of geothermal,
14 solar, wind, or other renewable energy sources
15 from ‘available lands’ (as such term is defined
16 in section 203 of the Hawaiian Homes Commis-
17 sion Act, 1920 (42 Stat. 108 et seq.), and in-
18 cluding any other lands deemed by the Terri-
19 tory or State of Hawaii, as the case may be, to
20 be included within that definition) that the
21 agency or department of the government of the
22 State of Hawaii that is responsible for the ad-
23 ministration of such lands selects to be used for
24 such energy production.

1 “(4) The Secretary shall consult with the Ad-
2 ministrators of the Energy Information Administra-
3 tion regarding the methodology used to arrive at its
4 estimates for purposes of this section.

5 “(5) The Secretary has the authority to expand
6 the energy development plan to include other energy
7 production technology sources or advancements in
8 energy on Federal lands.

9 “(6) The Secretary shall include in the Strategy
10 a plan for addressing new demands for transmission
11 lines and pipelines for distribution of oil and gas
12 across Federal lands to ensure that energy produced
13 can be distributed to areas of need.

14 “(b) TRIBAL OBJECTIVES.—It is the sense of Con-
15 gress that federally recognized Indian tribes may elect to
16 set their own production objectives as part of the Strategy
17 under this section. The Secretary shall work in coopera-
18 tion with any federally recognized Indian tribe that elects
19 to participate in achieving its own strategic energy objec-
20 tives designated under this subsection.

21 “(c) EXECUTION OF THE STRATEGY.—The relevant
22 Secretary shall have all necessary authority to make deter-
23 minations regarding which additional lands will be made
24 available in order to meet the production objectives estab-
25 lished by strategies under this section. The Secretary shall

1 also take all necessary actions to achieve these production
2 objectives unless the President determines that it is not
3 in the national security and economic interests of the
4 United States to increase Federal domestic energy produc-
5 tion and to further decrease dependence upon foreign
6 sources of energy. In administering this section, the rel-
7 evant Secretary shall only consider leasing Federal lands
8 available for leasing at the time the lease sale occurs.

9 “(d) STATE, FEDERALLY RECOGNIZED INDIAN
10 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In
11 developing each strategy, the Secretary shall solicit the
12 input of affected States, federally recognized Indian tribes,
13 local governments, and the public.

14 “(e) REPORTING.—The Secretary shall report annu-
15 ally to the Committee on Natural Resources of the House
16 of Representatives and the Committee on Energy and
17 Natural Resources of the Senate on the progress of meet-
18 ing the production goals set forth in the strategy. The Sec-
19 retary shall identify in the report projections for produc-
20 tion and capacity installations and any problems with leas-
21 ing, permitting, siting, or production that will prevent
22 meeting the goal. In addition, the Secretary shall make
23 suggestions to help meet any shortfalls in meeting the pro-
24 duction goals.

1 “(f) PROGRAMMATIC ENVIRONMENTAL IMPACT
2 STATEMENT.—Not later than 12 months after the date
3 of enactment of this section, in accordance with section
4 102(2)(C) of the National Environmental Policy Act of
5 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall com-
6 plete a programmatic environmental impact statement.
7 This programmatic environmental impact statement will
8 be deemed sufficient to comply with all requirements
9 under that Act for all necessary resource management and
10 land use plans associated with the implementation of the
11 strategy.

12 “(g) CONGRESSIONAL REVIEW.—At least 60 days
13 prior to publishing a proposed strategy under this section,
14 the Secretary shall submit it to the President and the Con-
15 gress, together with any comments received from States,
16 federally recognized Indian tribes, and local governments.
17 Such submission shall indicate why any specific rec-
18 ommendation of a State, federally recognized Indian tribe,
19 or local government was not accepted.

20 “(h) STRATEGIC AND CRITICAL ENERGY MINERALS
21 DEFINED.—For purposes of this section, the term ‘stra-
22 tegic and critical energy minerals’ means those that are
23 necessary for the Nation’s energy infrastructure including
24 pipelines, refining capacity, electrical power generation
25 and transmission, and renewable energy production and

1 those that are necessary to support domestic manufac-
 2 turing, including but not limited to, materials used in en-
 3 ergy generation, production, and transportation.”.

4 (b) **FIRST QUADRENNIAL STRATEGY.**—Not later
 5 than 18 months after the date of enactment of this Act,
 6 the Secretary of the Interior shall submit to Congress the
 7 first Quadrennial Federal Onshore Energy Production
 8 Strategy under the amendment made by subsection (a).

9 **TITLE III—NATIONAL PETRO-**
 10 **LEUM RESERVE IN ALASKA**
 11 **ACCESS**

12 **SEC. 3001. SHORT TITLE.**

13 This title may be cited as the “National Petroleum
 14 Reserve Alaska Access Act”.

15 **SEC. 3002. SENSE OF CONGRESS AND REAFFIRMING NA-**
 16 **TIONAL POLICY FOR THE NATIONAL PETRO-**
 17 **LEUM RESERVE IN ALASKA.**

18 It is the sense of Congress that—

19 (1) the National Petroleum Reserve in Alaska
 20 remains explicitly designated, both in name and legal
 21 status, for purposes of providing oil and natural gas
 22 resources to the United States; and

23 (2) accordingly, the national policy is to actively
 24 advance oil and gas development within the Reserve
 25 by facilitating the expeditious exploration, produc-

1 tion, and transportation of oil and natural gas from
2 and through the Reserve.

3 **SEC. 3003. NATIONAL PETROLEUM RESERVE IN ALASKA:**
4 **LEASE SALES.**

5 Section 107(a) of the Naval Petroleum Reserves Pro-
6 duction Act of 1976 (42 U.S.C. 6506a(a)) is amended to
7 read as follows:

8 “(a) IN GENERAL.—The Secretary shall conduct an
9 expeditious program of competitive leasing of oil and gas
10 in the reserve in accordance with this Act. Such program
11 shall include at least one lease sale annually in those areas
12 of the reserve most likely to produce commercial quantities
13 of oil and natural gas each year in the period 2013
14 through 2023.”.

15 **SEC. 3004. NATIONAL PETROLEUM RESERVE IN ALASKA:**
16 **PLANNING AND PERMITTING PIPELINE AND**
17 **ROAD CONSTRUCTION.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, the Secretary of the Interior, in consultation
20 with other appropriate Federal agencies, shall facilitate
21 and ensure permits, in a timely and environmentally re-
22 sponsible manner, for all surface development activities,
23 including for the construction of pipelines and roads, nec-
24 essary to—

1 (1) develop and bring into production any areas
2 within the National Petroleum Reserve in Alaska
3 that are subject to oil and gas leases; and

4 (2) transport oil and gas from and through the
5 National Petroleum Reserve in Alaska in the most
6 direct manner possible to existing transportation or
7 processing infrastructure on the North Slope of
8 Alaska.

9 (b) **TIMELINE.**—The Secretary shall ensure that any
10 Federal permitting agency shall issue permits in accord-
11 ance with the following timeline:

12 (1) Permits for such construction for transpor-
13 tation of oil and natural gas produced under existing
14 Federal oil and gas leases with respect to which the
15 Secretary has issued a permit to drill shall be ap-
16 proved within 60 days after the date of enactment
17 of this Act.

18 (2) Permits for such construction for transpor-
19 tation of oil and natural gas produced under Federal
20 oil and gas leases shall be approved within 6 months
21 after the submission to the Secretary of a request
22 for a permit to drill.

23 (c) **PLAN.**—To ensure timely future development of
24 the Reserve, within 270 days after the date of the enact-
25 ment of this Act, the Secretary of the Interior shall submit

1 to Congress a plan for approved rights-of-way for a plan
2 for pipeline, road, and any other surface infrastructure
3 that may be necessary infrastructure that will ensure that
4 all leasable tracts in the Reserve are within 25 miles of
5 an approved road and pipeline right-of-way that can serve
6 future development of the Reserve.

7 **SEC. 3005. ISSUANCE OF A NEW INTEGRATED ACTIVITY**
8 **PLAN AND ENVIRONMENTAL IMPACT STATE-**
9 **MENT.**

10 (a) ISSUANCE OF NEW INTEGRATED ACTIVITY
11 PLAN.—The Secretary of the Interior shall, within 180
12 days after the date of enactment of this Act, issue—

13 (1) a new proposed integrated activity plan
14 from among the non-adopted alternatives in the Na-
15 tional Petroleum Reserve Alaska Integrated Activity
16 Plan Record of Decision issued by the Secretary of
17 the Interior and dated February 21, 2013; and

18 (2) an environmental impact statement under
19 section 102(2)(C) of the National Environmental
20 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for
21 issuance of oil and gas leases in the National Petro-
22 leum Reserve-Alaska to promote efficient and max-
23 imum development of oil and natural gas resources
24 of such reserve.

1 (b) NULLIFICATION OF EXISTING RECORD OF DECI-
2 SION, IAP, AND EIS.—Except as provided in subsection
3 (a), the National Petroleum Reserve-Alaska Integrated
4 Activity Plan Record of Decision issued by the Secretary
5 of the Interior and dated February 21, 2013, including
6 the integrated activity plan and environmental impact
7 statement referred to in that record of decision, shall have
8 no force or effect.

9 **SEC. 3006. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOP-**
10 **MENT.**

11 The Secretary of the Interior shall issue regulations
12 not later than 180 days after the date of enactment of
13 this Act that establish clear requirements to ensure that
14 the Department of the Interior is supporting development
15 of oil and gas leases in the National Petroleum Reserve-
16 Alaska.

17 **SEC. 3007. DEADLINES UNDER NEW PROPOSED INTE-**
18 **GRATED ACTIVITY PLAN.**

19 At a minimum, the new proposed integrated activity
20 plan issued under section 3005(a)(1) shall—

21 (1) require the Department of the Interior to
22 respond within 5 business days to a person who sub-
23 mits an application for a permit for development of
24 oil and natural gas leases in the National Petroleum

1 Reserve-Alaska acknowledging receipt of such appli-
2 cation; and

3 (2) establish a timeline for the processing of
4 each such application, that—

5 (A) specifies deadlines for decisions and
6 actions on permit applications; and

7 (B) provide that the period for issuing
8 each permit after submission of such an appli-
9 cation shall not exceed 60 days without the con-
10 currence of the applicant.

11 **SEC. 3008. UPDATED RESOURCE ASSESSMENT.**

12 (a) IN GENERAL.—The Secretary of the Interior shall
13 complete a comprehensive assessment of all technically re-
14 coverable fossil fuel resources within the National Petro-
15 leum Reserve in Alaska, including all conventional and un-
16 conventional oil and natural gas.

17 (b) COOPERATION AND CONSULTATION.—The re-
18 source assessment required by subsection (a) shall be car-
19 ried out by the United States Geological Survey in co-
20 operation and consultation with the State of Alaska and
21 the American Association of Petroleum Geologists.

22 (c) TIMING.—The resource assessment required by
23 subsection (a) shall be completed within 24 months of the
24 date of the enactment of this Act.

1 (d) FUNDING.—The United States Geological Survey
2 may, in carrying out the duties under this section, coop-
3 eratively use resources and funds provided by the State
4 of Alaska.

5 **TITLE IV—BLM LIVE INTERNET**
6 **AUCTIONS**

7 **SEC. 4001. SHORT TITLE.**

8 This title may be cited as the “BLM Live Internet
9 Auctions Act”.

10 **SEC. 4002. INTERNET-BASED ONSHORE OIL AND GAS LEASE**
11 **SALES.**

12 (a) AUTHORIZATION.—Section 17(b)(1) of the Min-
13 eral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

14 (1) in subparagraph (A), in the third sentence,
15 by inserting “, except as provided in subparagraph
16 (C)” after “by oral bidding”; and

17 (2) by adding at the end the following:

18 “(C) In order to diversify and expand the Nation’s
19 onshore leasing program to ensure the best return to the
20 Federal taxpayer, reduce fraud, and secure the leasing
21 process, the Secretary may conduct onshore lease sales
22 through Internet-based bidding methods. Each individual
23 Internet-based lease sale shall conclude within 7 days.”.

24 (b) REPORT.—Not later than 90 days after the tenth
25 Internet-based lease sale conducted under the amendment

1 made by subsection (a), the Secretary of the Interior shall
2 analyze the first 10 such lease sales and report to Con-
3 gress the findings of the analysis. The report shall in-
4 clude—

5 (1) estimates on increases or decreases in such
6 lease sales, compared to sales conducted by oral bid-
7 ding, in—

8 (A) the number of bidders;

9 (B) the average amount of bid;

10 (C) the highest amount bid; and

11 (D) the lowest bid;

12 (2) an estimate on the total cost or savings to
13 the Department of the Interior as a result of such
14 sales, compared to sales conducted by oral bidding;
15 and

16 (3) an evaluation of the demonstrated or ex-
17 pected effectiveness of different structures for lease
18 sales which may provide an opportunity to better
19 maximize bidder participation, ensure the highest re-
20 turn to the Federal taxpayers, minimize opportuni-
21 ties for fraud or collusion, and ensure the security
22 and integrity of the leasing process.

1 **TITLE V—NATIVE AMERICAN**
2 **ENERGY**

3 **SEC. 5001. SHORT TITLE.**

4 This title may be cited as the “Native American En-
5 ergy Act”.

6 **SEC. 5002. APPRAISALS.**

7 (a) AMENDMENT.—Title XXVI of the Energy Policy
8 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-
9 ing at the end the following:

10 **“SEC. 2607. APPRAISAL REFORMS.**

11 “(a) OPTIONS TO INDIAN TRIBES.—With respect to
12 a transaction involving Indian land or the trust assets of
13 an Indian tribe that requires the approval of the Sec-
14 retary, any appraisal relating to fair market value required
15 to be conducted under applicable law, regulation, or policy
16 may be completed by—

17 “(1) the Secretary;

18 “(2) the affected Indian tribe; or

19 “(3) a certified, third-party appraiser pursuant
20 to a contract with the Indian tribe.

21 “(b) TIME LIMIT ON SECRETARIAL REVIEW AND AC-
22 TION.—Not later than 30 days after the date on which
23 the Secretary receives an appraisal conducted by or for
24 an Indian tribe pursuant to paragraphs (2) or (3) of sub-
25 section (a), the Secretary shall—

1 “(1) review the appraisal; and

2 “(2) provide to the Indian tribe a written notice
3 of approval or disapproval of the appraisal.

4 “(c) FAILURE OF SECRETARY TO APPROVE OR DIS-
5 APPROVE.—If, after 60 days, the Secretary has failed to
6 approve or disapprove any appraisal received, the ap-
7 praisal shall be deemed approved.

8 “(d) OPTION TO INDIAN TRIBES TO WAIVE AP-
9 PRAISAL.—

10 “(1) An Indian tribe wishing to waive the re-
11 quirements of subsection (a), may do so after it has
12 satisfied the requirements of subsections (2) and (3)
13 below.

14 “(2) An Indian tribe wishing to forego the ne-
15 cessity of a waiver pursuant to this section must
16 provide to the Secretary a written resolution, state-
17 ment, or other unambiguous indication of tribal in-
18 tent, duly approved by the governing body of the In-
19 dian tribe.

20 “(3) The unambiguous indication of intent pro-
21 vided by the Indian tribe to the Secretary under
22 paragraph (2) must include an express waiver by the
23 Indian tribe of any claims for damages it might have
24 against the United States as a result of the lack of
25 an appraisal undertaken.

1 “(e) DEFINITION.—For purposes of this subsection,
2 the term ‘appraisal’ includes appraisals and other esti-
3 mates of value.

4 “(f) REGULATIONS.—The Secretary shall develop
5 regulations for implementing this section, including stand-
6 ards the Secretary shall use for approving or disapproving
7 an appraisal.”.

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents of the Energy Policy Act of 1992 (42 U.S.C. 13201
10 note) is amended by adding at the end of the items relat-
11 ing to title XXVI the following:

“Sec. 2607. Appraisal reforms.”.

12 **SEC. 5003. STANDARDIZATION.**

13 As soon as practicable after the date of the enactment
14 of this Act, the Secretary of the Interior shall implement
15 procedures to ensure that each agency within the Depart-
16 ment of the Interior that is involved in the review, ap-
17 proval, and oversight of oil and gas activities on Indian
18 lands shall use a uniform system of reference numbers and
19 tracking systems for oil and gas wells.

20 **SEC. 5004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL**
21 **ACTIONS ON INDIAN LANDS.**

22 Section 102 of the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4332) is amended by inserting
24 “(a) IN GENERAL.—” before the first sentence, and by
25 adding at the end the following:

1 “(b) REVIEW OF MAJOR FEDERAL ACTIONS ON IN-
2 DIAN LANDS.—

3 “(1) IN GENERAL.—For any major Federal ac-
4 tion on Indian lands of an Indian tribe requiring the
5 preparation of a statement under subsection
6 (a)(2)(C), the statement shall only be available for
7 review and comment by the members of the Indian
8 tribe and by any other individual residing within the
9 affected area.

10 “(2) REGULATIONS.—The Chairman of the
11 Council on Environmental Quality shall develop reg-
12 ulations to implement this section, including descrip-
13 tions of affected areas for specific major Federal ac-
14 tions, in consultation with Indian tribes.

15 “(3) DEFINITIONS.—In this subsection, each of
16 the terms ‘Indian land’ and ‘Indian tribe’ has the
17 meaning given that term in section 2601 of the En-
18 ergy Policy Act of 1992 (25 U.S.C. 3501).

19 “(4) CLARIFICATION OF AUTHORITY.—Nothing
20 in the Native American Energy Act, except section
21 5006 of that Act, shall give the Secretary any addi-
22 tional authority over energy projects on Alaska Na-
23 tive Claims Settlement Act lands.”.

1 **SEC. 5005. JUDICIAL REVIEW.**

2 (a) TIME FOR FILING COMPLAINT.—Any energy re-
3 lated action must be filed not later than the end of the
4 60-day period beginning on the date of the final agency
5 action. Any energy related action not filed within this time
6 period shall be barred.

7 (b) DISTRICT COURT VENUE AND DEADLINE.—All
8 energy related actions—

9 (1) shall be brought in the United States Dis-
10 trict Court for the District of Columbia; and

11 (2) shall be resolved as expeditiously as pos-
12 sible, and in any event not more than 180 days after
13 such cause of action is filed.

14 (c) APPELLATE REVIEW.—An interlocutory order or
15 final judgment, decree or order of the district court in an
16 energy related action may be reviewed by the U.S. Court
17 of Appeals for the District of Columbia Circuit. The D.C.
18 Circuit Court of Appeals shall resolve such appeal as expe-
19 ditiously as possible, and in any event not more than 180
20 days after such interlocutory order or final judgment, de-
21 cree or order of the district court was issued.

22 (d) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
23 standing section 1304 of title 31, United States Code, no
24 award may be made under section 504 of title 5, United
25 States Code, or under section 2412 of title 28, United
26 States Code, and no amounts may be obligated or ex-

1 pended from the Claims and Judgment Fund of the
2 United States Treasury to pay any fees or other expenses
3 under such sections, to any person or party in an energy
4 related action.

5 (e) LEGAL FEES.—In any energy related action in
6 which the plaintiff does not ultimately prevail, the court
7 shall award to the defendant (including any intervenor-
8 defendants), other than the United States, fees and other
9 expenses incurred by that party in connection with the en-
10 ergy related action, unless the court finds that the position
11 of the plaintiff was substantially justified or that special
12 circumstances make an award unjust. Whether or not the
13 position of the plaintiff was substantially justified shall be
14 determined on the basis of the administrative record, as
15 a whole, which is made in the energy related action for
16 which fees and other expenses are sought.

17 (f) DEFINITIONS.—For the purposes of this section,
18 the following definitions apply:

19 (1) AGENCY ACTION.—The term “agency ac-
20 tion” has the same meaning given such term in sec-
21 tion 551 of title 5, United States Code.

22 (2) INDIAN LAND.—The term “Indian Land”
23 has the same meaning given such term in section
24 203(c)(3) of the Energy Policy Act of 2005 (Public
25 Law 109–58; 25 U.S.C. 3501), including lands

1 owned by Native Corporations under the Alaska Na-
2 tive Claims Settlement Act (Public Law 92–203; 43
3 U.S.C. 1601).

4 (3) ENERGY RELATED ACTION.—The term “en-
5 ergy related action” means a cause of action that—

6 (A) is filed on or after the effective date of
7 this Act; and

8 (B) seeks judicial review of a final agency
9 action to issue a permit, license, or other form
10 of agency permission allowing:

11 (i) any person or entity to conduct ac-
12 tivities on Indian Land, which activities in-
13 volve the exploration, development, produc-
14 tion or transportation of oil, gas, coal,
15 shale gas, oil shale, geothermal resources,
16 wind or solar resources, underground coal
17 gasification, biomass, or the generation of
18 electricity; or

19 (ii) any Indian Tribe, or any organiza-
20 tion of two or more entities, at least one
21 of which is an Indian tribe, to conduct ac-
22 tivities involving the exploration, develop-
23 ment, production or transportation of oil,
24 gas, coal, shale gas, oil shale, geothermal
25 resources, wind or solar resources, under-

1 ground coal gasification, biomass, or the
2 generation of electricity, regardless of
3 where such activities are undertaken.

4 (4) **ULTIMATELY PREVAIL.**—The phrase “ulti-
5 mately prevail” means, in a final enforceable judg-
6 ment, the court rules in the party’s favor on at least
7 one cause of action which is an underlying rationale
8 for the preliminary injunction, administrative stay,
9 or other relief requested by the party, and does not
10 include circumstances where the final agency action
11 is modified or amended by the issuing agency unless
12 such modification or amendment is required pursu-
13 ant to a final enforceable judgment of the court or
14 a court-ordered consent decree.

15 **SEC. 5006. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

16 The Tribal Forest Protection Act of 2004 is amended
17 by inserting after section 2 (25 U.S.C. 3115a) the fol-
18 lowing:

19 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

20 “(a) **IN GENERAL.**—For each of fiscal years 2014
21 through 2018, the Secretary shall enter into stewardship
22 contracts or other agreements, other than agreements that
23 are exclusively direct service contracts, with Indian tribes
24 to carry out demonstration projects to promote biomass
25 energy production (including biofuel, heat, and electricity

1 generation) on Indian forest land and in nearby commu-
2 nities by providing reliable supplies of woody biomass from
3 Federal land.

4 “(b) DEFINITIONS.—The definitions in section 2
5 shall apply to this section.

6 “(c) DEMONSTRATION PROJECTS.—In each fiscal
7 year for which projects are authorized, the Secretary shall
8 enter into contracts or other agreements described in sub-
9 section (a) to carry out at least 4 new demonstration
10 projects that meet the eligibility criteria described in sub-
11 section (d).

12 “(d) ELIGIBILITY CRITERIA.—To be eligible to enter
13 into a contract or other agreement under this subsection,
14 an Indian tribe shall submit to the Secretary an applica-
15 tion—

16 “(1) containing such information as the Sec-
17 retary may require; and

18 “(2) that includes a description of—

19 “(A) the Indian forest land or rangeland
20 under the jurisdiction of the Indian tribe; and

21 “(B) the demonstration project proposed
22 to be carried out by the Indian tribe.

23 “(e) SELECTION.—In evaluating the applications
24 submitted under subsection (c), the Secretary—

1 “(1) shall take into consideration the factors set
2 forth in paragraphs (1) and (2) of section 2(e) of
3 Public Law 108–278; and whether a proposed dem-
4 onstration project would—

5 “(A) increase the availability or reliability
6 of local or regional energy;

7 “(B) enhance the economic development of
8 the Indian tribe;

9 “(C) improve the connection of electric
10 power transmission facilities serving the Indian
11 tribe with other electric transmission facilities;

12 “(D) improve the forest health or water-
13 sheds of Federal land or Indian forest land or
14 rangeland; or

15 “(E) otherwise promote the use of woody
16 biomass; and

17 “(2) shall exclude from consideration any mer-
18 chantable logs that have been identified by the Sec-
19 retary for commercial sale.

20 “(f) IMPLEMENTATION.—The Secretary shall—

21 “(1) ensure that the criteria described in sub-
22 section (c) are publicly available by not later than
23 120 days after the date of enactment of this section;
24 and

1 “(2) to the maximum extent practicable, consult
2 with Indian tribes and appropriate intertribal orga-
3 nizations likely to be affected in developing the ap-
4 plication and otherwise carrying out this section.

5 “(g) REPORT.—Not later than September 20, 2015,
6 the Secretary shall submit to Congress a report that de-
7 scribes, with respect to the reporting period—

8 “(1) each individual tribal application received
9 under this section; and

10 “(2) each contract and agreement entered into
11 pursuant to this section.

12 “(h) INCORPORATION OF MANAGEMENT PLANS.—In
13 carrying out a contract or agreement under this section,
14 on receipt of a request from an Indian tribe, the Secretary
15 shall incorporate into the contract or agreement, to the
16 extent practicable, management plans (including forest
17 management and integrated resource management plans)
18 in effect on the Indian forest land or rangeland of the re-
19 spective Indian tribe.

20 “(i) TERM.—A stewardship contract or other agree-
21 ment entered into under this section—

22 “(1) shall be for a term of not more than 20
23 years; and

24 “(2) may be renewed in accordance with this
25 section for not more than an additional 10 years.”.

1 **SEC. 5007. TRIBAL RESOURCE MANAGEMENT PLANS.**

2 Unless otherwise explicitly exempted by Federal law
3 enacted after the date of the enactment of this Act, any
4 activity conducted or resources harvested or produced pur-
5 suant to a tribal resource management plan or an inte-
6 grated resource management plan approved by the Sec-
7 retary of the Interior under the National Indian Forest
8 Resources Management Act (25 U.S.C. 3101 et seq.) or
9 the American Indian Agricultural Resource Management
10 Act (25 U.S.C. 3701 et seq.), shall be considered a sus-
11 tainable management practice for purposes of any Federal
12 standard, benefit, or requirement that requires a dem-
13 onstration of such sustainability.

14 **SEC. 5008. LEASES OF RESTRICTED LANDS FOR THE NAV-**
15 **AJO NATION.**

16 Subsection (e)(1) of the first section of the Act of
17 August 9, 1955 (25 U.S.C. 415(e)(1); commonly referred
18 to as the “Long-Term Leasing Act”), is amended—

19 (1) by striking “, except a lease for” and insert-
20 ing “, including leases for”;

21 (2) in subparagraph (A), by striking “25” the
22 first place it appears and all that follows and insert-
23 ing “99 years;”;

24 (3) in subparagraph (B), by striking the period
25 and inserting “; and”; and

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

1 “(C) in the case of a lease for the exploration,
2 development, or extraction of mineral resources, in-
3 cluding geothermal resources, 25 years, except that
4 any such lease may include an option to renew for
5 one additional term not to exceed 25 years.”.

6 **SEC. 5009. NONAPPLICABILITY OF CERTAIN RULES.**

7 No rule promulgated by the Department of the Inte-
8 rior regarding hydraulic fracturing used in the develop-
9 ment or production of oil or gas resources shall have any
10 effect on any land held in trust or restricted status for
11 the benefit of Indians except with the express consent of
12 the beneficiary on whose behalf such land is held in trust
13 or restricted status.

 Passed the House of Representatives November 20,
2013.

Attest:

KAREN L. HAAS,
Clerk.

Calendar No. 254

113TH CONGRESS
1ST Session

H. R. 1965

AN ACT

To streamline and ensure onshore energy permitting, provide for onshore leasing certainty, and give certainty to oil shale development for American energy security, economic development, and job creation, and for other purposes.

DECEMBER 9, 2013

Read the second time and placed on the calendar