

113TH CONGRESS
1ST SESSION

H. R. 2081

To secure unrestricted reliable energy for American consumption and transmission.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2013

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Ways and Means and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To secure unrestricted reliable energy for American consumption and transmission.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “No More Excuses Energy Act of 2013”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—REFINERIES

- Sec. 101. Tax-exempt financing of domestic use oil refinery facilities.
- Sec. 102. Designation and availability of Federal lands for oil and natural gas refineries.

TITLE II—ALTERNATIVE ENERGY

- Sec. 201. Phaseout of credit for electricity produced from certain renewable resources.
- Sec. 202. Equalization of excise tax on liquefied natural gas and per energy equivalent of diesel.
- Sec. 203. Extension of alternative fuel credit.

TITLE III—NUCLEAR ENERGY

- Sec. 301. Waste confidence.
- Sec. 302. ASME Nuclear Certification credit.

TITLE IV—DRILLING

Subtitle A—Tax Provisions

- Sec. 401. Credit for producing fuel from nonconventional sources to apply to gas produced onshore from formations more than 15,000 feet deep.
- Sec. 402. Repeal of minimum capture requirement for carbon dioxide sequestration credit.

Subtitle B—Oil and Gas Development on the Coastal Plain of Alaska

- Sec. 411. Short title.
- Sec. 412. Definitions.
- Sec. 413. Leasing program for lands within the Coastal Plain.
- Sec. 414. Lease sales.
- Sec. 415. Grant of leases by the Secretary.
- Sec. 416. Lease terms and conditions.
- Sec. 417. Coastal plain environmental protection.
- Sec. 418. Expedited judicial review.
- Sec. 419. Federal and State distribution of revenues.
- Sec. 420. Rights-of-way across the Coastal Plain.
- Sec. 421. Conveyance.
- Sec. 422. Local government impact aid and community service assistance.

Subtitle C—Offshore Oil and Gas Development

- Sec. 431. Repeal of moratorium on oil and gas leasing in the Gulf of Mexico.
- Sec. 432. Inclusion of areas in 2012–2017 outer Continental Shelf oil and gas leasing program.

TITLE V—GREENHOUSE GAS REGULATION

- Sec. 501. No regulation of emissions of greenhouse gases under Clean Air Act.

TITLE I—REFINERIES

SEC. 101. TAX-EXEMPT FINANCING OF DOMESTIC USE OIL REFINERY FACILITIES.

(a) IN GENERAL.—

(1) TREATMENT AS EXEMPT FACILITY BOND.—

Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking “or” at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting “, or”, and by inserting at the end the following new paragraph:

“(16) domestic use oil refinery facilities.”.

(2) DOMESTIC USE OIL REFINERY FACILITIES.—Section 142 of such Code is amended by adding at the end the following new subsection:

“(n) DOMESTIC USE OIL REFINERY FACILITIES.—

“(1) IN GENERAL.—For purposes of subsection (a)(16), the term ‘domestic use oil refinery facility’ means any facility in the United States—

“(A) which processes liquid fuel from crude oil, and

“(B) all of the output of which it is reasonably certain ultimate consumption will occur in the United States.

1 “(2) ELECTION TO TERMINATE TAX-EXEMPT
2 BOND FINANCING BY CERTAIN REFINERIES.—In the
3 case of a facility financed with bonds which would
4 cease to be tax-exempt by reason of the failure to
5 meet the domestic use requirement of this sub-
6 section, rules similar to the rules of subsection (f)(4)
7 shall apply for purposes of this section.”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to bonds issued after the date of
10 the enactment of this Act.

11 **SEC. 102. DESIGNATION AND AVAILABILITY OF FEDERAL**
12 **LANDS FOR OIL AND NATURAL GAS REFIN-**
13 **ERIES.**

14 (a) DESIGNATION.—Within 18 months after the date
15 of enactment of this Act, the President shall designate at
16 least 10 sites on Federal lands that are suitable for the
17 siting of an oil refinery or natural gas refinery (or both).

18 (b) AVAILABILITY OF LANDS.—Within 24 months
19 after the date of enactment of this Act, the President shall
20 make each site designated under subsection (a) available
21 to the private sector for construction of an oil refinery or
22 natural gas refinery (or both), as appropriate.

1 **TITLE II—ALTERNATIVE**
2 **ENERGY**

3 **SEC. 201. PHASEOUT OF CREDIT FOR ELECTRICITY PRO-**
4 **DUCTION FROM CERTAIN RENEWABLE RE-**
5 **SOURCES.**

6 (a) 5-YEAR EXTENSION.—Paragraph (1) of section
7 45(d) of the Internal Revenue Code of 1986 is amended
8 by striking “January 1, 2014” in paragraph (1) and in-
9 serting “January 1, 2019”.

10 (b) PHASEOUT OF CREDIT.—Subsection (e) of sec-
11 tion 45 of such Code is amended by adding at the end
12 the following new paragraph:

13 “(12) PHASEOUT OF CREDIT FOR WIND EN-
14 ERGY.—

15 “(A) IN GENERAL.—In the case of facili-
16 ties to which subsection (d)(1) applies and the
17 construction of which begins after December
18 31, 2013, the number of cents taken into ac-
19 count under subsection (a) for taxable years
20 ending after such date shall be only the applica-
21 ble percentage of such number (determined
22 without regard to this paragraph) for such
23 year. If any amount determined under the pre-
24 ceding sentence is not a multiple of 0.01 cent,

1 such amount shall be rounded to the nearest
 2 multiple of 0.01 cent.

3 “(B) APPLICABLE PERCENTAGE.—For
 4 purposes of subparagraph (A)—

“In the case of facilities the construction of which begins in:	The applica- ble percent- age is:
2014	90
2015	80
2016	70
2017 or 2018	60”.

5 (c) EFFECTIVE DATE.—The amendments made by
 6 this section shall apply to property originally placed in
 7 service on or after January 1, 2013.

8 **SEC. 202. EQUALIZATION OF EXCISE TAX ON LIQUEFIED**
 9 **NATURAL GAS AND PER ENERGY EQUIVA-**
 10 **LENT OF DIESEL.**

11 (a) IN GENERAL.—Subparagraph (B) of section
 12 4041(a)(2) of the Internal Revenue Code of 1986 is
 13 amended by striking the period at the end of clause (ii)
 14 and inserting “, and”, and by inserting after clause (ii)
 15 the following new clause:

16 “(iii) in the case of liquefied natural
 17 gas, 24.3 cents per energy equivalent of a
 18 gallon of diesel.”.

19 (b) ENERGY EQUIVALENT OF A GALLON OF DIESEL
 20 AND ADMINISTRATIVE PROVISION.—Paragraph (2) of sec-

1 tion 4041(a) of such Code is amended by adding at the
2 end the following:

3 “(C) ENERGY EQUIVALENT OF A GALLON
4 OF DIESEL.—For purposes of this paragraph,
5 the term ‘energy equivalent of a gallon of diesel’
6 means, with respect to a liquefied natural gas
7 fuel, the amount of such fuel having a Btu con-
8 tent of 128,700 (lower heating value).

9 “(D) ADMINISTRATIVE PROVISIONS.—For
10 purposes of applying this title with respect to
11 the taxes imposed by this subsection, references
12 to any liquid subject to tax under this sub-
13 section shall be treated as including references
14 to liquefied natural gas subject to tax under
15 this paragraph.”.

16 (c) CONFORMING AMENDMENTS.—Section
17 4041(a)(2)(B)(ii) of such Code is amended—

18 (1) by striking “liquefied natural gas,” and
19 (2) by striking “peat), and” and inserting
20 “peat) and”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to any sale or use of liquefied nat-
23 ural gas after 14 days after the date of the enactment
24 of this Act.

1 **SEC. 203. EXTENSION OF ALTERNATIVE FUEL CREDIT.**

2 (a) IN GENERAL.—Paragraph (5) of section 6426(d)
3 of the Internal Revenue Code of 1986 (relating to alter-
4 native fuel credit) is amended by striking “December 31,
5 2013” and all that follows and inserting “December 31,
6 2014.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to fuel sold or used after December
9 31, 2013.

10 **TITLE III—NUCLEAR ENERGY**

11 **SEC. 301. WASTE CONFIDENCE.**

12 The Nuclear Regulatory Commission may not deny
13 an application for a license, permit, or other authorization
14 under the Atomic Energy Act of 1954 on the grounds that
15 sufficient capacity does not exist, or will not become avail-
16 able on a timely basis, for disposal of spent nuclear fuel
17 or high-level radioactive waste from the facility for which
18 the license, permit, or other authorization is sought.

19 **SEC. 302. ASME NUCLEAR CERTIFICATION CREDIT.**

20 (a) IN GENERAL.—Subpart D of part IV of sub-
21 chapter A of chapter 1 of the Internal Revenue Code of
22 1986 (relating to business related credits) is amended by
23 adding at the end the following new section:

24 **“SEC. 45S. ASME NUCLEAR CERTIFICATION CREDIT.**

25 “(a) IN GENERAL.—For purposes of section 38, the
26 ASME Nuclear Certification credit determined under this

1 section for any taxable year is an amount equal to 15 per-
2 cent of the qualified nuclear expenditures paid or incurred
3 by the taxpayer.

4 “(b) QUALIFIED NUCLEAR EXPENDITURES.—For
5 purposes of this section, the term ‘qualified nuclear ex-
6 penditures’ means any expenditure related to—

7 “(1) obtaining a certification under the Amer-
8 ican Society of Mechanical Engineers Nuclear Com-
9 ponent Certification program, or

10 “(2) increasing the taxpayer’s capacity to con-
11 struct, fabricate, assemble, or install components—

12 “(A) for any facility which uses nuclear en-
13 ergy to produce electricity, and

14 “(B) with respect to the construction, fab-
15 rication, assembly, or installation of which the
16 taxpayer is certified under such program.

17 “(c) TIMING OF CREDIT.—The credit allowed under
18 subsection (a) for any expenditures shall be allowed—

19 “(1) in the case of a qualified nuclear expendi-
20 ture described in subsection (b)(1), for the taxable
21 year of such certification, and

22 “(2) in the case of any other qualified nuclear
23 expenditure, for the taxable year in which such ex-
24 penditure is paid or incurred.

25 “(d) SPECIAL RULES.—

1 “(1) BASIS ADJUSTMENT.—For purposes of
2 this subtitle, if a credit is allowed under this section
3 for an expenditure, the increase in basis which would
4 result (but for this subsection) for such expenditure
5 shall be reduced by the amount of the credit allowed
6 under this section.

7 “(2) DENIAL OF DOUBLE BENEFIT.—No deduc-
8 tion shall be allowed under this chapter for any
9 amount taken into account in determining the credit
10 under this section.

11 “(e) TERMINATION.—This section shall not apply to
12 any expenditures paid or incurred in taxable years begin-
13 ning after December 31, 2019.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Subsection (b) of section 38 of such Code
16 is amended by striking “plus” at the end of para-
17 graph (35), by striking the period at the end of
18 paragraph (36) and inserting “, plus”, and by add-
19 ing at the end the following new paragraph:

20 “(37) the ASME Nuclear Certification credit
21 determined under section 45S(a).”.

22 (2) Subsection (a) of section 1016 (relating to
23 adjustments to basis) of such Code is amended by
24 striking “and” at the end of paragraph (36), by
25 striking the period at the end of paragraph (37) and

1 inserting “, and”, and by adding at the end the fol-
2 lowing new paragraph:

3 “(38) to the extent provided in section
4 45S(d)(1).”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to expenditures paid or incurred
7 in taxable years beginning after December 31, 2012.

8 **TITLE IV—DRILLING**

9 **Subtitle A—Tax Provisions**

10 **SEC. 401. CREDIT FOR PRODUCING FUEL FROM NON-**
11 **CONVENTIONAL SOURCES TO APPLY TO GAS**
12 **PRODUCED ONSHORE FROM FORMATIONS**
13 **MORE THAN 15,000 FEET DEEP.**

14 (a) IN GENERAL.—Subparagraph (B) of section
15 45K(c)(1) of the Internal Revenue Code of 1986 is amend-
16 ed by striking “or” at the end of clause (i), by striking
17 “and” at the end of clause (ii) and inserting “or”, and
18 by inserting after clause (ii) the following new clause:

19 “(iii) an onshore well from a forma-
20 tion more than 15,000 feet deep, and”.

21 (b) ELIGIBLE DEEP GAS WELLS.—Section 45K of
22 such Code is amended by adding at the end the following
23 new subsection:

1 “(h) ELIGIBLE DEEP GAS WELLS.—In the case of
2 a well producing qualified fuel described in subsection
3 (c)(1)(B)(iii)—

4 “(1) for purposes of subsection (e)(1)(A), such
5 well shall be treated as drilled before January 1,
6 1993, if such well is drilled after the date of the en-
7 actment of this subsection, and

8 “(2) subsection (e)(2) shall not apply.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years ending after the
11 date of the enactment of this Act.

12 **SEC. 402. REPEAL OF MINIMUM CAPTURE REQUIREMENT**
13 **FOR CARBON DIOXIDE SEQUESTRATION**
14 **CREDIT.**

15 (a) IN GENERAL.—Subsection (c) of section 45Q of
16 the Internal Revenue Code of 1986 is amended by insert-
17 ing “and” at the end of paragraph (1), by striking “, and”
18 at the end of paragraph (2) and inserting a period, and
19 by striking paragraph (3).

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to carbon dioxide captured after
22 the date of the enactment of this Act.

1 **Subtitle B—Oil and Gas Develop-**
2 **ment on the Coastal Plain of**
3 **Alaska**

4 **SEC. 411. SHORT TITLE.**

5 This subtitle may be cited as the “American-Made
6 Energy and Good Jobs Act”.

7 **SEC. 412. DEFINITIONS.**

8 In this subtitle:

9 (1) **COASTAL PLAIN.**—The term “Coastal
10 Plain” means that area described in appendix I to
11 part 37 of title 50, Code of Federal Regulations.

12 (2) **SECRETARY.**—The term “Secretary”, except
13 as otherwise provided, means the Secretary of the
14 Interior or the Secretary’s designee.

15 **SEC. 413. LEASING PROGRAM FOR LANDS WITHIN THE**
16 **COASTAL PLAIN.**

17 (a) **IN GENERAL.**—The Secretary shall take such ac-
18 tions as are necessary—

19 (1) to establish and implement, in accordance
20 with this subtitle and acting through the Director of
21 the Bureau of Land Management in consultation
22 with the Director of the United States Fish and
23 Wildlife Service, a competitive oil and gas leasing
24 program that will result in an environmentally sound
25 program for the exploration, development, and pro-

1 duction of the oil and gas resources of the Coastal
2 Plain; and

3 (2) to administer the provisions of this subtitle
4 through regulations, lease terms, conditions, restric-
5 tions, prohibitions, stipulations, and other provisions
6 that ensure the oil and gas exploration, development,
7 and production activities on the Coastal Plain will
8 result in no significant adverse effect on fish and
9 wildlife, their habitat, subsistence resources, and the
10 environment, including, in furtherance of this goal,
11 by requiring the application of the best commercially
12 available technology for oil and gas exploration, de-
13 velopment, and production to all exploration, devel-
14 opment, and production operations under this sub-
15 title in a manner that ensures the receipt of fair
16 market value by the public for the mineral resources
17 to be leased.

18 (b) REPEAL.—

19 (1) REPEAL.—Section 1003 of the Alaska Na-
20 tional Interest Lands Conservation Act of 1980 (16
21 U.S.C. 3143) is repealed.

22 (2) CONFORMING AMENDMENT.—The table of
23 contents in section 1 of such Act is amended by
24 striking the item relating to section 1003.

1 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-
2 TAIN OTHER LAWS.—

3 (1) COMPATIBILITY.—For purposes of the Na-
4 tional Wildlife Refuge System Administration Act of
5 1966 (16 U.S.C. 668dd et seq.), the oil and gas
6 leasing program and activities authorized by this
7 section in the Coastal Plain are deemed to be com-
8 patible with the purposes for which the Arctic Na-
9 tional Wildlife Refuge was established, and no fur-
10 ther findings or decisions are required to implement
11 this determination.

12 (2) ADEQUACY OF THE DEPARTMENT OF THE
13 INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT
14 STATEMENT.—The “Final Legislative Environ-
15 mental Impact Statement” (April 1987) on the
16 Coastal Plain prepared pursuant to section 1002 of
17 the Alaska National Interest Lands Conservation
18 Act of 1980 (16 U.S.C. 3142) and section 102(2)(C)
19 of the National Environmental Policy Act of 1969
20 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the re-
21 quirements under the National Environmental Policy
22 Act of 1969 that apply with respect to prelease ac-
23 tivities, including actions authorized to be taken by
24 the Secretary to develop and promulgate the regula-
25 tions for the establishment of a leasing program au-

1 thorized by this subtitle before the conduct of the
2 first lease sale.

3 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
4 TIONS.—Before conducting the first lease sale under
5 this subtitle, the Secretary shall prepare an environ-
6 mental impact statement under the National Envi-
7 ronmental Policy Act of 1969 with respect to the ac-
8 tions authorized by this subtitle that are not re-
9 ferred to in paragraph (2). Notwithstanding any
10 other law, the Secretary is not required to identify
11 nonleasing alternative courses of action or to analyze
12 the environmental effects of such courses of action.
13 The Secretary shall only identify a preferred action
14 for such leasing and a single leasing alternative, and
15 analyze the environmental effects and potential miti-
16 gation measures for those two alternatives. The
17 identification of the preferred action and related
18 analysis for the first lease sale under this subtitle
19 shall be completed within 18 months after the date
20 of enactment of this Act. The Secretary shall only
21 consider public comments that specifically address
22 the Secretary’s preferred action and that are filed
23 within 20 days after publication of an environmental
24 analysis. Notwithstanding any other law, compliance
25 with this paragraph is deemed to satisfy all require-

1 ments for the analysis and consideration of the envi-
2 ronmental effects of proposed leasing under this sub-
3 title.

4 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
5 ITY.—Nothing in this subtitle shall be considered to ex-
6 pand or limit State and local regulatory authority.

7 (e) SPECIAL AREAS.—

8 (1) IN GENERAL.—The Secretary, after con-
9 sultation with the State of Alaska, the city of
10 Kaktovik, and the North Slope Borough, may des-
11 ignate up to a total of 45,000 acres of the Coastal
12 Plain as a Special Area if the Secretary determines
13 that the Special Area is of such unique character
14 and interest so as to require special management
15 and regulatory protection. The Secretary shall des-
16 ignate as such a Special Area the Sadlerochit Spring
17 area, comprising approximately 4,000 acres.

18 (2) MANAGEMENT.—Each such Special Area
19 shall be managed so as to protect and preserve the
20 area's unique and diverse character including its
21 fish, wildlife, and subsistence resource values.

22 (3) EXCLUSION FROM LEASING OR SURFACE
23 OCCUPANCY.—The Secretary may exclude any Spe-
24 cial Area from leasing. If the Secretary leases a Spe-
25 cial Area, or any part thereof, for purposes of oil

1 and gas exploration, development, production, and
2 related activities, there shall be no surface occu-
3 pancy of the lands comprising the Special Area.

4 (4) DIRECTIONAL DRILLING.—Notwithstanding
5 the other provisions of this subsection, the Secretary
6 may lease all or a portion of a Special Area under
7 terms that permit the use of horizontal drilling tech-
8 nology from sites on leases located outside the Spe-
9 cial Area.

10 (f) LIMITATION ON CLOSED AREAS.—The Sec-
11 retary's sole authority to close lands within the Coastal
12 Plain to oil and gas leasing and to exploration, develop-
13 ment, and production is that set forth in this subtitle.

14 (g) REGULATIONS.—

15 (1) IN GENERAL.—The Secretary shall pre-
16 scribe such regulations as may be necessary to carry
17 out this subtitle, including rules and regulations re-
18 lating to protection of the fish and wildlife, their
19 habitat, subsistence resources, and environment of
20 the Coastal Plain, by no later than 15 months after
21 the date of enactment of this Act.

22 (2) REVISION OF REGULATIONS.—The Sec-
23 retary shall periodically review and, if appropriate,
24 revise the rules and regulations issued under sub-
25 section (a) to reflect any significant biological, envi-

1 ronmental, or engineering data that come to the Sec-
2 retary's attention.

3 **SEC. 414. LEASE SALES.**

4 (a) IN GENERAL.—Lands may be leased pursuant to
5 this subtitle to any person qualified to obtain a lease for
6 deposits of oil and gas under the Mineral Leasing Act (30
7 U.S.C. 181 et seq.).

8 (b) PROCEDURES.—The Secretary shall, by regula-
9 tion, establish procedures for—

10 (1) receipt and consideration of sealed nomina-
11 tions for any area in the Coastal Plain for inclusion
12 in, or exclusion (as provided in subsection (c)) from,
13 a lease sale;

14 (2) the holding of lease sales after such nomina-
15 tion process; and

16 (3) public notice of and comment on designa-
17 tion of areas to be included in, or excluded from, a
18 lease sale.

19 (c) LEASE SALE BIDS.—Bidding for leases under
20 this subtitle shall be by sealed competitive cash bonus bids.

21 (d) ACREAGE MINIMUM IN FIRST SALE.—In the first
22 lease sale under this subtitle, the Secretary shall offer for
23 lease those tracts the Secretary considers to have the
24 greatest potential for the discovery of hydrocarbons, tak-

1 ing into consideration nominations received pursuant to
2 subsection (b)(1), but in no case less than 200,000 acres.

3 (e) **TIMING OF LEASE SALES.**—The Secretary
4 shall—

5 (1) conduct the first lease sale under this sub-
6 title within 22 months after the date of the enact-
7 ment of this Act; and

8 (2) conduct additional sales so long as sufficient
9 interest in development exists to warrant, in the Sec-
10 retary's judgment, the conduct of such sales.

11 **SEC. 415. GRANT OF LEASES BY THE SECRETARY.**

12 (a) **IN GENERAL.**—The Secretary may grant to the
13 highest responsible qualified bidder in a lease sale con-
14 ducted pursuant to section 414 any lands to be leased on
15 the Coastal Plain upon payment by the lessee of such
16 bonus as may be accepted by the Secretary.

17 (b) **SUBSEQUENT TRANSFERS.**—No lease issued
18 under this subtitle may be sold, exchanged, assigned, sub-
19 let, or otherwise transferred except with the approval of
20 the Secretary. Prior to any such approval the Secretary
21 shall consult with, and give due consideration to the views
22 of, the Attorney General.

23 **SEC. 416. LEASE TERMS AND CONDITIONS.**

24 An oil or gas lease issued pursuant to this subtitle
25 shall—

1 (1) provide for the payment of a royalty of not
2 less than 12½ percent in amount or value of the
3 production removed or sold from the lease, as deter-
4 mined by the Secretary under the regulations appli-
5 cable to other Federal oil and gas leases;

6 (2) require that the lessee of lands within the
7 Coastal Plain shall be fully responsible and liable for
8 the reclamation of lands within the Coastal Plain
9 and any other Federal lands that are adversely af-
10 fected in connection with exploration, development,
11 production, or transportation activities conducted
12 under the lease and within the Coastal Plain by the
13 lessee or by any of the subcontractors or agents of
14 the lessee;

15 (3) provide that the lessee may not delegate or
16 convey, by contract or otherwise, the reclamation re-
17 sponsibility and liability to another person without
18 the express written approval of the Secretary;

19 (4) provide that the standard of reclamation for
20 lands required to be reclaimed under this subtitle
21 shall be, as nearly as practicable, a condition capable
22 of supporting the uses which the lands were capable
23 of supporting prior to any exploration, development,
24 or production activities, or upon application by the

1 lessee, to a higher or better use as approved by the
2 Secretary;

3 (5) include requirements and restrictions to
4 provide for reasonable protection of fish and wildlife,
5 their habitat, subsistence resources, and the environ-
6 ment as determined by the Secretary;

7 (6) prohibit the export of oil produced under
8 the lease; and

9 (7) contain such other provisions as the Sec-
10 retary determines necessary to ensure compliance
11 with the provisions of this subtitle and the regula-
12 tions issued under this subtitle.

13 **SEC. 417. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

14 (a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD**
15 **TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—**

16 The Secretary shall, consistent with the requirements of
17 section 413, administer the provisions of this subtitle
18 through regulations, lease terms, conditions, restrictions,
19 prohibitions, stipulations, and other provisions that—

20 (1) ensure the oil and gas exploration, develop-
21 ment, and production activities on the Coastal Plain
22 will result in no significant adverse effect on fish
23 and wildlife, their habitat, and the environment;

24 (2) require the application of the best commer-
25 cially available technology for oil and gas explo-

1 ration, development, and production on all new ex-
2 ploration, development, and production operations;
3 and

4 (3) ensure that the maximum amount of sur-
5 face acreage covered by production and support fa-
6 cilities, including airstrips and any areas covered by
7 gravel berms or piers for support of pipelines, does
8 not exceed 2,000 acres on the Coastal Plain.

9 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

10 The Secretary shall also require, with respect to any pro-
11 posed drilling and related activities, that—

12 (1) a site-specific analysis be made of the prob-
13 able effects, if any, that the drilling or related activi-
14 ties will have on fish and wildlife, their habitat, sub-
15 sistence resources, and the environment;

16 (2) a plan be implemented to avoid, minimize,
17 and mitigate (in that order and to the extent prac-
18 ticable) any significant adverse effect identified
19 under paragraph (1); and

20 (3) the development of the plan shall occur
21 after consultation with the agency or agencies hav-
22 ing jurisdiction over matters mitigated by the plan.

23 (c) REGULATIONS TO PROTECT COASTAL PLAIN
24 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,
25 AND THE ENVIRONMENT.—Before implementing the leas-

1 ing program authorized by this subtitle, the Secretary
2 shall prepare and promulgate regulations, lease terms,
3 conditions, restrictions, prohibitions, stipulations, and
4 other measures designed to ensure that the activities un-
5 dertaken on the Coastal Plain under this subtitle are con-
6 ducted in a manner consistent with the purposes and envi-
7 ronmental requirements of this subtitle.

8 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-
9 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The
10 proposed regulations, lease terms, conditions, restrictions,
11 prohibitions, and stipulations for the leasing program
12 under this subtitle shall require compliance with all appli-
13 cable provisions of Federal and State environmental law,
14 and shall also require the following:

15 (1) Standards at least as effective as the safety
16 and environmental mitigation measures set forth in
17 items 1 through 29 at pages 167 through 169 of the
18 “Final Legislative Environmental Impact State-
19 ment” (April 1987) on the Coastal Plain.

20 (2) Seasonal limitations on exploration, develop-
21 ment, and related activities, where necessary, to
22 avoid significant adverse effects during periods of
23 concentrated fish and wildlife breeding, denning,
24 nesting, spawning, and migration.

1 (3) Design safety and construction standards
2 for all pipelines and any access and service roads,
3 that—

4 (A) minimize, to the maximum extent pos-
5 sible, adverse effects upon the passage of mi-
6 gratory species such as caribou; and

7 (B) minimize adverse effects upon the flow
8 of surface water by requiring the use of cul-
9 verts, bridges, and other structural devices.

10 (4) Prohibitions on general public access and
11 use on all pipeline access and service roads.

12 (5) Stringent reclamation and rehabilitation re-
13 quirements, consistent with the standards set forth
14 in this subtitle, requiring the removal from the
15 Coastal Plain of all oil and gas development and
16 production facilities, structures, and equipment upon
17 completion of oil and gas production operations, ex-
18 cept that the Secretary may exempt from the re-
19 quirements of this paragraph those facilities, struc-
20 tures, or equipment that the Secretary determines
21 would assist in the management of the Arctic Na-
22 tional Wildlife Refuge and that are donated to the
23 United States for that purpose.

24 (6) Appropriate prohibitions or restrictions on
25 access by all modes of transportation.

1 (7) Appropriate prohibitions or restrictions on
2 sand and gravel extraction.

3 (8) Consolidation of facility siting.

4 (9) Appropriate prohibitions or restrictions on
5 use of explosives.

6 (10) Avoidance, to the extent practicable, of
7 springs, streams, and river system; the protection of
8 natural surface drainage patterns, wetlands, and ri-
9 parian habitats; and the regulation of methods or
10 techniques for developing or transporting adequate
11 supplies of water for exploratory drilling.

12 (11) Avoidance or minimization of air traffic-re-
13 lated disturbance to fish and wildlife.

14 (12) Treatment and disposal of hazardous and
15 toxic wastes, solid wastes, reserve pit fluids, drilling
16 muds and cuttings, and domestic wastewater, includ-
17 ing an annual waste management report, a haz-
18 ardous materials tracking system, and a prohibition
19 on chlorinated solvents, in accordance with applica-
20 ble Federal and State environmental law.

21 (13) Fuel storage and oil spill contingency plan-
22 ning.

23 (14) Research, monitoring, and reporting re-
24 quirements.

25 (15) Field crew environmental briefings.

1 (16) Avoidance of significant adverse effects
2 upon subsistence hunting, fishing, and trapping by
3 subsistence users.

4 (17) Compliance with applicable air and water
5 quality standards.

6 (18) Appropriate seasonal and safety zone des-
7 ignations around well sites, within which subsistence
8 hunting and trapping shall be limited.

9 (19) Reasonable stipulations for protection of
10 cultural and archeological resources.

11 (20) All other protective environmental stipula-
12 tions, restrictions, terms, and conditions deemed
13 necessary by the Secretary.

14 (e) CONSIDERATIONS.—In preparing and promul-
15 gating regulations, lease terms, conditions, restrictions,
16 prohibitions, and stipulations under this section, the Sec-
17 retary shall consider the following:

18 (1) The stipulations and conditions that govern
19 the National Petroleum Reserve-Alaska leasing pro-
20 gram, as set forth in the 1999 Northeast National
21 Petroleum Reserve-Alaska Final Integrated Activity
22 Plan/Environmental Impact Statement.

23 (2) The environmental protection standards
24 that governed the initial Coastal Plain seismic explo-

1 ration program under parts 37.31 to 37.33 of title
2 50, Code of Federal Regulations.

3 (3) The land use stipulations for exploratory
4 drilling on the KIC-ASRC private lands that are set
5 forth in appendix 2 of the August 9, 1983, agree-
6 ment between Arctic Slope Regional Corporation and
7 the United States.

8 (f) FACILITY CONSOLIDATION PLANNING.—

9 (1) IN GENERAL.—The Secretary shall, after
10 providing for public notice and comment, prepare
11 and update periodically a plan to govern, guide, and
12 direct the siting and construction of facilities for the
13 exploration, development, production, and transpor-
14 tation of Coastal Plain oil and gas resources.

15 (2) OBJECTIVES.—The plan shall have the fol-
16 lowing objectives:

17 (A) Avoiding unnecessary duplication of fa-
18 cilities and activities.

19 (B) Encouraging consolidation of common
20 facilities and activities.

21 (C) Locating or confining facilities and ac-
22 tivities to areas that will minimize impact on
23 fish and wildlife, their habitat, and the environ-
24 ment.

1 (D) Utilizing existing facilities wherever
2 practicable.

3 (E) Enhancing compatibility between wild-
4 life values and development activities.

5 (g) ACCESS TO PUBLIC LANDS.—The Secretary
6 shall—

7 (1) manage public lands in the Coastal Plain
8 subject to subsections (a) and (b) of section 811 of
9 the Alaska National Interest Lands Conservation
10 Act (16 U.S.C. 3121); and

11 (2) ensure that local residents shall have rea-
12 sonable access to public lands in the Coastal Plain
13 for traditional uses.

14 **SEC. 418. EXPEDITED JUDICIAL REVIEW.**

15 (a) FILING OF COMPLAINT.—

16 (1) DEADLINE.—Subject to paragraph (2), any
17 complaint seeking judicial review of any provision of
18 this subtitle or any action of the Secretary under
19 this subtitle shall be filed—

20 (A) except as provided in subparagraph
21 (B), within the 90-day period beginning on the
22 date of the action being challenged; or

23 (B) in the case of a complaint based solely
24 on grounds arising after such period, within 90
25 days after the complainant knew or reasonably

1 should have known of the grounds for the com-
2 plaint.

3 (2) VENUE.—Any complaint seeking judicial re-
4 view of any provision of this subtitle or any action
5 of the Secretary under this subtitle may be filed only
6 in the United States Court of Appeals for the Dis-
7 trict of Columbia.

8 (3) LIMITATION ON SCOPE OF CERTAIN RE-
9 VIEW.—Judicial review of a Secretarial decision to
10 conduct a lease sale under this subtitle, including
11 the environmental analysis thereof, shall be limited
12 to whether the Secretary has complied with the
13 terms of this subtitle and shall be based upon the
14 administrative record of that decision. The Sec-
15 retary's identification of a preferred course of action
16 to enable leasing to proceed and the Secretary's
17 analysis of environmental effects under this subtitle
18 shall be presumed to be correct unless shown other-
19 wise by clear and convincing evidence to the con-
20 trary.

21 (b) LIMITATION ON OTHER REVIEW.—Actions of the
22 Secretary with respect to which review could have been
23 obtained under this section shall not be subject to judicial
24 review in any civil or criminal proceeding for enforcement.

1 **SEC. 419. FEDERAL AND STATE DISTRIBUTION OF REVENUES.**
2

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, of the amount of adjusted bonus, rental, and
5 royalty revenues from Federal oil and gas leasing and op-
6 erations authorized under this subtitle—

7 (1) 25 percent shall be paid to the State of
8 Alaska; and

9 (2) except as provided in section 422(d), the
10 balance shall be deposited into the Treasury as mis-
11 cellaneous receipts.

12 (b) PAYMENTS TO ALASKA.—Payments to the State
13 of Alaska under this section shall be made semiannually.

14 **SEC. 420. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

15 (a) IN GENERAL.—The Secretary shall issue rights-
16 of-way and easements across the Coastal Plain for the
17 transportation of oil and gas—

18 (1) except as provided in paragraph (2), under
19 section 28 of the Mineral Leasing Act (30 U.S.C.
20 185), without regard to title XI of the Alaska Na-
21 tional Interest Lands Conservation Act (30 U.S.C.
22 3161 et seq.); and

23 (2) under title XI of the Alaska National Inter-
24 est Lands Conservation Act (30 U.S.C. 3161 et
25 seq.), for access authorized by sections 1110 and
26 1111 of that Act (16 U.S.C. 3170 and 3171).

1 (b) TERMS AND CONDITIONS.—The Secretary shall
2 include in any right-of-way or easement issued under sub-
3 section (a) such terms and conditions as may be necessary
4 to ensure that transportation of oil and gas does not result
5 in a significant adverse effect on the fish and wildlife, sub-
6 sistence resources, their habitat, and the environment of
7 the Coastal Plain, including requirements that facilities be
8 sited or designed so as to avoid unnecessary duplication
9 of roads and pipelines.

10 (c) REGULATIONS.—The Secretary shall include in
11 regulations under section 413(g) provisions granting
12 rights-of-way and easements described in subsection (a)
13 of this section.

14 **SEC. 421. CONVEYANCE.**

15 In order to maximize Federal revenues by removing
16 clouds on title to lands and clarifying land ownership pat-
17 terns within the Coastal Plain, the Secretary, notwith-
18 standing the provisions of section 1302(h)(2) of the Alas-
19 ka National Interest Lands Conservation Act (16 U.S.C.
20 3192(h)(2)), shall convey—

21 (1) to the Kaktovik Inupiat Corporation the
22 surface estate of the lands described in paragraph 1
23 of Public Land Order 6959, to the extent necessary
24 to fulfill the Corporation's entitlement under sec-
25 tions 12 and 14 of the Alaska Native Claims Settle-

1 ment Act (43 U.S.C. 1611 and 1613) in accordance
2 with the terms and conditions of the Agreement be-
3 tween the Department of the Interior, the United
4 States Fish and Wildlife Service, the Bureau of
5 Land Management, and the Kaktovik Inupiat Cor-
6 poration effective January 22, 1993; and

7 (2) to the Arctic Slope Regional Corporation
8 the remaining subsurface estate to which it is enti-
9 tled pursuant to the August 9, 1983, agreement be-
10 tween the Arctic Slope Regional Corporation and the
11 United States of America.

12 **SEC. 422. LOCAL GOVERNMENT IMPACT AID AND COMMU-**
13 **NITY SERVICE ASSISTANCE.**

14 (a) FINANCIAL ASSISTANCE AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary may use
16 amounts available from the Coastal Plain Local Gov-
17 ernment Impact Aid Assistance Fund established by
18 subsection (d) to provide timely financial assistance
19 to entities that are eligible under paragraph (2) and
20 that are directly impacted by the exploration for or
21 production of oil and gas on the Coastal Plain under
22 this subtitle.

23 (2) ELIGIBLE ENTITIES.—The North Slope
24 Borough, the City of Kaktovik, and any other bor-
25 ough, municipal subdivision, village, or other com-

1 munity in the State of Alaska that is directly im-
2 pacted by exploration for, or the production of, oil
3 or gas on the Coastal Plain under this subtitle, as
4 determined by the Secretary, shall be eligible for fi-
5 nancial assistance under this section.

6 (b) USE OF ASSISTANCE.—Financial assistance
7 under this section may be used only for—

8 (1) planning for mitigation of the potential ef-
9 fects of oil and gas exploration and development on
10 environmental, social, cultural, recreational, and sub-
11 sistence values;

12 (2) implementing mitigation plans and main-
13 taining mitigation projects;

14 (3) developing, carrying out, and maintaining
15 projects and programs that provide new or expanded
16 public facilities and services to address needs and
17 problems associated with such effects, including fire-
18 fighting, police, water, waste treatment, medivac,
19 and medical services; and

20 (4) establishment of a coordination office, by
21 the North Slope borough, in the City of Kaktovik,
22 which shall—

23 (A) coordinate with and advise developers
24 on local conditions, impact, and history of the
25 areas utilized for development; and

1 (B) provide to the Committee on Natural
2 Resources of the House of Representatives and
3 the Committee on Energy and Natural Re-
4 sources of the Senate an annual report on the
5 status of coordination between developers and
6 the communities affected by development.

7 (c) APPLICATION.—

8 (1) IN GENERAL.—Any community that is eligi-
9 ble for assistance under this section may submit an
10 application for such assistance to the Secretary, in
11 such form and under such procedures as the Sec-
12 retary may prescribe by regulation.

13 (2) NORTH SLOPE BOROUGH COMMUNITIES.—A
14 community located in the North Slope Borough may
15 apply for assistance under this section either directly
16 to the Secretary or through the North Slope Bor-
17 ough.

18 (3) APPLICATION ASSISTANCE.—The Secretary
19 shall work closely with and assist the North Slope
20 Borough and other communities eligible for assist-
21 ance under this section in developing and submitting
22 applications for assistance under this section.

23 (d) ESTABLISHMENT OF FUND.—

1 (1) IN GENERAL.—There is established in the
2 Treasury the Coastal Plain Local Government Im-
3 pact Aid Assistance Fund.

4 (2) USE.—Amounts in the fund may be used
5 only for providing financial assistance under this
6 section.

7 (3) DEPOSITS.—Subject to paragraph (4), there
8 shall be deposited into the fund amounts received by
9 the United States as revenues derived from rents,
10 bonuses, and royalties from Federal leases and lease
11 sales authorized under this subtitle.

12 (4) LIMITATION ON DEPOSITS.—The total
13 amount in the fund may not exceed \$11,000,000.

14 (5) INVESTMENT OF BALANCES.—The Sec-
15 retary of the Treasury shall invest amounts in the
16 fund in interest bearing government securities.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—To pro-
18 vide financial assistance under this section there is author-
19 ized to be appropriated to the Secretary from the Coastal
20 Plain Local Government Impact Aid Assistance Fund
21 \$5,000,000 for each fiscal year.

1 **Subtitle C—Offshore Oil and Gas**
2 **Development**

3 **SEC. 431. REPEAL OF MORATORIUM ON OIL AND GAS LEAS-**
4 **ING IN THE GULF OF MEXICO.**

5 (a) REPEAL.—Section 104 of the Gulf of Mexico En-
6 ergy Security Act of 2006 (Public Law 109–432; 43
7 U.S.C. 1331 note) is amended by striking “June 30,
8 2022” and inserting “January 1, 2012”.

9 (b) INCLUSION OF OPENED AREAS IN 2012–2017
10 OUTER CONTINENTAL SHELF OIL AND GAS LEASING
11 PROGRAM.—Within 90 days after the date of enactment
12 of this Act, the Secretary of the Interior shall include the
13 area removed from moratorium by subsection (a) in the
14 areas available for leasing under the 2012–2017 outer
15 Continental Shelf oil and gas leasing program prepared
16 under section 18 of the Outer Continental Shelf Lands
17 Act (43 U.S.C. 1344).

18 **SEC. 432. INCLUSION OF AREAS IN 2012–2017 OUTER CONTI-**
19 **NENTAL SHELF OIL AND GAS LEASING PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—Within 90 days after the date of
22 enactment of this Act, the Secretary of the Interior shall
23 include the areas described in subsection (b) in the areas
24 available for leasing under the 2012–2017 outer Conti-
25 nental Shelf oil and gas leasing program prepared under

1 section 18 of the Outer Continental Shelf Lands Act (43
2 U.S.C. 1344).

3 (b) AREAS DESCRIBED.—The areas referred to in
4 subsection (a) are all areas of the outer Continental Shelf
5 (as that term is defined in that Act) in the Arctic Ocean,
6 Atlantic Ocean, Pacific Ocean, and Eastern Gulf of Mex-
7 ico.

8 **TITLE V—GREENHOUSE GAS** 9 **REGULATION**

10 **SEC. 501. NO REGULATION OF EMISSIONS OF GREENHOUSE** 11 **GASES UNDER CLEAN AIR ACT.**

12 Title III of the Clean Air Act (42 U.S.C. 7601 et
13 seq.) is amended by adding at the end the following:

14 **“SEC. 330. NO REGULATION OF EMISSION OF GREENHOUSE** 15 **GASES.**

16 “(a) DEFINITION.—In this section, the term ‘green-
17 house gas’ means any of the following:

18 “(1) Water vapor.

19 “(2) Carbon dioxide.

20 “(3) Methane.

21 “(4) Nitrous oxide.

22 “(5) Sulfur hexafluoride.

23 “(6) Hydrofluorocarbons.

24 “(7) Perfluorocarbons.

1 “(8) Any other substance subject to, or pro-
2 posed to be subject to, regulation, action, or consid-
3 eration under this Act to address climate change.

4 “(b) LIMITATION ON AGENCY ACTION.—

5 “(1) LIMITATION.—The Administrator may not,
6 under this Act, promulgate any regulation con-
7 cerning, take action relating to, or take into consid-
8 eration the emission of a greenhouse gas to address
9 climate change.

10 “(2) AIR POLLUTANT DEFINITION.—The defini-
11 tion of the term ‘air pollutant’ in section 302(g)
12 does not include a greenhouse gas. Notwithstanding
13 the previous sentence, such definition may include a
14 greenhouse gas for purposes of addressing concerns
15 other than climate change.”.

○