

112TH CONGRESS  
2D SESSION

# H. R. 4480

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IN THE SENATE OF THE UNITED STATES

JUNE 25, 2012

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

To provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve.

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 “Domestic Energy and  
 5       Jobs Act”.

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—INCREASING DOMESTIC OIL AND GAS EXPLORATION,  
 DEVELOPMENT, AND PRODUCTION IN RESPONSE TO STRA-  
 TEGIC PETROLEUM RESERVE DRAWDOWNS**

Sec. 101. Short title.

Sec. 102. Plan for increasing domestic oil and gas exploration, development,  
 and production from Federal lands in response to Strategic Pe-  
 troleum Reserve drawdown.

**TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY  
 PRICES**

Sec. 201. Short title.

Sec. 202. Transportation Fuels Regulatory Committee.

Sec. 203. Analyses.

Sec. 204. Reports; public comment.

Sec. 205. No final action on certain rules.

Sec. 206. Consideration of feasibility and cost in revising or supplementing na-  
 tional ambient air quality standards for ozone.

Sec. 207. Fuel requirements waiver and study.

**TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE  
 ENERGY PRODUCTION STRATEGY**

Sec. 301. Short title.

Sec. 302. Onshore domestic energy production strategic plan.

Sec. 303. Definitions.

**TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY**

Sec. 401. Short title.

Sec. 402. Minimum acreage requirement for onshore lease sales.

Sec. 403. Leasing certainty.

Sec. 404. Leasing consistency.

Sec. 405. Reduce redundant policies.

**TITLE V—STREAMLINED ENERGY PERMITTING**

Sec. 501. Short title.

Subtitle A—Application for Permits to Drill Process Reform

- Sec. 511. Permit to drill application timeline.
- Sec. 512. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Protest Documentation Reform

- Sec. 521. Administrative protest documentation reform.

Subtitle C—Permit Streamlining

- Sec. 531. Improve Federal energy permit coordination.
- Sec. 532. Administration of current law.
- Sec. 533. Policies regarding buying, building, and working for America.

Subtitle D—Judicial Review

- Sec. 541. Definitions.
- Sec. 542. Exclusive venue for certain civil actions relating to covered energy projects.
- Sec. 543. Timely filing.
- Sec. 544. Expedition in hearing and determining the action.
- Sec. 545. Standard of review.
- Sec. 546. Limitation on injunction and prospective relief.
- Sec. 547. Limitation on attorneys' fees.
- Sec. 548. Legal standing.

TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

- Sec. 601. Short title.
- Sec. 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 603. National Petroleum Reserve in Alaska: lease sales.
- Sec. 604. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 605. Departmental Accountability for Development.
- Sec. 606. Updated resource assessment.
- Sec. 607. Colville River designation.

TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

- Sec. 701. Short title.
- Sec. 702. Internet-based onshore oil and gas lease sales.

TITLE VIII—SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS

- Sec. 801. Service over the counter, self-contained, medium temperature commercial refrigerators.

TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Limitation on transfer of functions under the Mining Law Program or the Solid Minerals Leasing Program.
- Sec. 902. Amount of distributed qualified Outer Continental Shelf revenues.
- Sec. 903. Lease Sale 220 and other lease sales off the coast of Virginia.

## TITLE X—ADVANCING OFFSHORE WIND PRODUCTION

Sec. 1001. Short title.

Sec. 1002. Offshore meteorological site testing and monitoring projects.

1 **TITLE I—INCREASING DOMESTIC**  
 2 **OIL AND GAS EXPLORATION,**  
 3 **DEVELOPMENT, AND PRO-**  
 4 **DUCTION IN RESPONSE TO**  
 5 **STRATEGIC PETROLEUM RE-**  
 6 **SERVE DRAWDOWNS**

7 **SEC. 101. SHORT TITLE.**

8       This title may be cited as the “Strategic Energy Pro-  
 9 duction Act of 2012”.

10 **SEC. 102. PLAN FOR INCREASING DOMESTIC OIL AND GAS**  
 11 **EXPLORATION, DEVELOPMENT, AND PRO-**  
 12 **DUCTION FROM FEDERAL LANDS IN RE-**  
 13 **SPONSE TO STRATEGIC PETROLEUM RE-**  
 14 **SERVE DRAWDOWN.**

15       Section 161 of the Energy Policy and Conservation  
 16 Act (42 U.S.C. 6241) is amended by adding at the end  
 17 the following new subsection:

18       “(k) PLAN.—

19       “(1) CONTENTS.—

20       “(A) IN GENERAL.—Not later than 180  
 21 days after the date on which the Secretary exe-  
 22 cutes, in accordance with the provisions of this  
 23 section, the first sale after the date of enact-

1           ment of this subsection of petroleum products  
2           in the Reserve the Secretary shall develop a  
3           plan to increase the percentage of Federal lands  
4           (including submerged lands of the Outer Conti-  
5           nental Shelf) under the jurisdiction of the Sec-  
6           retary of Agriculture, the Secretary of Energy,  
7           the Secretary of the Interior, and the Secretary  
8           of Defense leased for oil and gas exploration,  
9           development, and production. The percentage of  
10          the total amount of the Federal lands described  
11          in the preceding sentence by which the plan de-  
12          veloped under this paragraph will increase leas-  
13          ing for oil and gas exploration, development,  
14          and production shall be the same as the per-  
15          centage of petroleum in the Strategic Petroleum  
16          Reserve that was drawn down.

17               “(B) REQUIREMENTS.—The plan devel-  
18          oped under this paragraph shall—

19                       “(i) be consistent with a national en-  
20                       ergy policy to meet the present and future  
21                       energy needs of the Nation consistent with  
22                       economic goals; and

23                       “(ii) promote the interests of con-  
24                       sumers through the provision of an ade-  
25                       quate and reliable supply of domestic

1                   transportation fuels at the lowest reason-  
2                   able cost.

3                   “(C) ENERGY INFORMATION.—The Sec-  
4                   retary shall base the determination of the  
5                   present and future energy needs of the Nation,  
6                   for purposes of subparagraph (B)(i), on infor-  
7                   mation from the Energy Information Adminis-  
8                   tration.

9                   “(2) LIMITATION.—The plan developed under  
10                  paragraph (1) shall not provide for oil and gas ex-  
11                  ploration, development, and production leasing of a  
12                  total of more than 10 percent of the Federal lands  
13                  described in paragraph (1)(A).

14                  “(3) CONSULTATION.—The Secretary shall de-  
15                  velop the plan required by paragraph (1) in con-  
16                  sultation with the Secretary of Agriculture, the Sec-  
17                  retary of the Interior, and the Secretary of Defense.  
18                  Additionally, in developing the plan, the Secretary  
19                  shall consult with the American Association of Pe-  
20                  troleum Geologists and other State, environ-  
21                  mentalist, and oil and gas industry stakeholders to  
22                  determine the most geologically promising lands for  
23                  production of oil and natural gas liquids.

24                  “(4) CONCURRENCE.—The plan required by  
25                  paragraph (1) shall not take effect without the con-

1 currence of each of the Secretary of Agriculture, the  
2 Secretary of the Interior, and the Secretary of De-  
3 fense with respect to elements of the plan within the  
4 jurisdiction, respectively, of the Department of Agri-  
5 culture, the Department of the Interior, and the De-  
6 partment of Defense.

7 “(5) COMPLIANCE WITH REQUIREMENTS.—  
8 Each Federal agency described in paragraph (1)(A)  
9 shall comply with any requirements established by  
10 the Secretary pursuant to the plan, except that no  
11 action shall be taken pursuant to the plan if in the  
12 view of the Secretary of Defense such action will ad-  
13 versely affect national security or military activities,  
14 including preparedness and training.

15 “(6) EXCLUSIONS.—The lands referred to in  
16 paragraph (1)(A) shall not include lands managed  
17 under the National Park System or the National  
18 Wilderness Preservation System.

19 “(7) SAVINGS CLAUSE.—Nothing in this sub-  
20 section shall be construed to limit or affect the ap-  
21 plication of existing restrictions on offshore drilling  
22 or requirements for land management under Fed-  
23 eral, State, or local law.”.

1 **TITLE II—IMPACTS OF EPA**  
2 **RULES AND ACTIONS ON EN-**  
3 **ERGY PRICES**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Gasoline Regulations  
6 Act of 2012”.

7 **SEC. 202. TRANSPORTATION FUELS REGULATORY COM-**  
8 **MITTEE.**

9 (a) ESTABLISHMENT.—The President shall establish  
10 a committee to be known as the Transportation Fuels  
11 Regulatory Committee (in this title referred to as the  
12 “Committee”) to analyze and report on the cumulative im-  
13 pacts of certain rules and actions of the Environmental  
14 Protection Agency on gasoline, diesel fuel, and natural gas  
15 prices, in accordance with sections 203 and 204.

16 (b) MEMBERS.—The Committee shall be composed of  
17 the following officials (or their designees):

18 (1) The Secretary of Energy, who shall serve as  
19 the Chair of the Committee.

20 (2) The Secretary of Transportation, acting  
21 through the Administrator of the National Highway  
22 Traffic Safety Administration.

23 (3) The Secretary of Commerce, acting through  
24 the Chief Economist and the Under Secretary for  
25 International Trade.



1           (4) The Secretary of Labor, acting through the  
2       Commissioner of the Bureau of Labor Statistics.

3           (5) The Secretary of the Treasury, acting  
4       through the Deputy Assistant Secretary for Environ-  
5       ment and Energy of the Department of the Treas-  
6       ury.

7           (6) The Secretary of Agriculture, acting  
8       through the Chief Economist.

9           (7) The Administrator of the Environmental  
10      Protection Agency.

11          (8) The Chairman of the United States Inter-  
12      national Trade Commission, acting through the Di-  
13      rector of the Office of Economics.

14          (9) The Administrator of the Energy Informa-  
15      tion Administration.

16      (c) CONSULTATION BY CHAIR.—In carrying out the  
17      functions of the Chair of the Committee, the Chair shall  
18      consult with the other members of the Committee.

19      (d) CONSULTATION BY COMMITTEE.—In carrying  
20      out this title, the Committee shall consult with the Na-  
21      tional Energy Technology Laboratory.

22      (e) TERMINATION.—The Committee shall terminate  
23      60 days after submitting its final report pursuant to sec-  
24      tion 204(c).

1 **SEC. 203. ANALYSES.**

2 (a) SCOPE.—The Committee shall conduct analyses,  
3 for each of the calendar years 2016 and 2020, of the cu-  
4 mulative impact of all covered rules, in combination with  
5 covered actions.

6 (b) CONTENTS.—The Committee shall include in  
7 each analysis conducted under this section the following:

8 (1) Estimates of the cumulative impacts of the  
9 covered rules and covered actions with regard to—

10 (A) any resulting change in the national,  
11 State, or regional price of gasoline, diesel fuel,  
12 or natural gas;

13 (B) required capital investments and pro-  
14 jected costs for operation and maintenance of  
15 new equipment required to be installed;

16 (C) global economic competitiveness of the  
17 United States and any loss of domestic refining  
18 capacity;

19 (D) other cumulative costs and cumulative  
20 benefits, including evaluation through a general  
21 equilibrium model approach;

22 (E) national, State, and regional employ-  
23 ment, including impacts associated with  
24 changes in gasoline, diesel fuel, or natural gas  
25 prices and facility closures; and

1           (F) any other matters affecting the  
2           growth, stability, and sustainability of the Na-  
3           tion's oil and gas industries, particularly rel-  
4           ative to that of other nations.

5           (2) Discussion of key uncertainties and assump-  
6           tions associated with each estimate under paragraph  
7           (1).

8           (3) A sensitivity analysis reflecting alternative  
9           assumptions with respect to the aggregate demand  
10          for gasoline, diesel fuel, or natural gas.

11          (4) Discussion, and where feasible an assess-  
12          ment, of the cumulative impact of the covered rules  
13          and covered actions on—

14               (A) consumers;

15               (B) small businesses;

16               (C) regional economies;

17               (D) State, local, and tribal governments;

18               (E) low-income communities;

19               (F) public health; and

20               (G) local and industry-specific labor mar-  
21          kets,

22          as well as key uncertainties associated with each  
23          topic listed in subparagraphs (A) through (G).

24          (c) METHODS.—In conducting analyses under this  
25          section, the Committee shall use the best available meth-

1 ods, consistent with guidance from the Office of Informa-  
2 tion and Regulatory Affairs and the Office of Management  
3 and Budget Circular A-4.

4 (d) DATA.—In conducting analyses under this sec-  
5 tion, the Committee is not required to create data or to  
6 use data that is not readily accessible.

7 (e) COVERED RULES.—In this section, the term “cov-  
8 ered rule” means the following rules (and includes any  
9 successor or substantially similar rules):

10 (1) “Control of Air Pollution From New Motor  
11 Vehicles: Tier 3 Motor Vehicle Emission and Fuel  
12 Standards”, as described in the Unified Agenda of  
13 Federal Regulatory and Deregulatory Actions under  
14 Regulatory Identification Number 2060-AQ86.

15 (2) Any rule proposed after March 15, 2012,  
16 establishing or revising a standard of performance or  
17 emission standard under section 111 or 112 of the  
18 Clean Air Act (42 U.S.C. 7411, 7412) that is appli-  
19 cable to petroleum refineries.

20 (3) Any rule proposed after March 15, 2012,  
21 for implementation of the Renewable Fuel Program  
22 under section 211(o) of the Clean Air Act (42  
23 U.S.C. 7545(o)).

24 (4) “National Ambient Air Quality Standards  
25 for Ozone”, published at 73 Federal Register 16436

1 (March 27, 2008); “Reconsideration of the 2008  
2 Ozone Primary and Secondary National Ambient Air  
3 Quality Standards”, as described in the Unified  
4 Agenda of Federal Regulatory and Deregulatory Ac-  
5 tions under Regulatory Identification Number 2060–  
6 AP98; and any subsequent rule revising or  
7 supplementing the national ambient air quality  
8 standards for ozone under section 109 of the Clean  
9 Air Act (42 U.S.C. 7409).

10 (f) COVERED ACTIONS.—In this section, the term  
11 “covered action” means any action, to the extent such ac-  
12 tion affects facilities involved in the production, transpor-  
13 tation, or distribution of gasoline, diesel fuel, or natural  
14 gas, taken on or after January 1, 2009, by the Adminis-  
15 trator of the Environmental Protection Agency, a State,  
16 a local government, or a permitting agency as a result of  
17 the application of part C of title I (relating to prevention  
18 of significant deterioration of air quality), or title V (relat-  
19 ing to permitting), of the Clean Air Act (42 U.S.C. 7401  
20 et seq.), to an air pollutant that is identified as a green-  
21 house gas in the rule entitled “Endangerment and Cause  
22 or Contribute Findings for Greenhouse Gases Under Sec-  
23 tion 202(a) of the Clean Air Act” published at 74 Federal  
24 Register 66496 (December 15, 2009).

1 **SEC. 204. REPORTS; PUBLIC COMMENT.**

2 (a) PRELIMINARY REPORT.—Not later than 90 days  
3 after the date of enactment of this Act, the Committee  
4 shall make public and submit to the Committee on Energy  
5 and Commerce of the House of Representatives and the  
6 Committee on Environment and Public Works of the Sen-  
7 ate a preliminary report containing the results of the anal-  
8 yses conducted under section 203.

9 (b) PUBLIC COMMENT PERIOD.—The Committee  
10 shall accept public comments regarding the preliminary re-  
11 port submitted under subsection (a) for a period of 60  
12 days after such submission.

13 (c) FINAL REPORT.—Not later than 60 days after  
14 the close of the public comment period under subsection  
15 (b), the Committee shall submit to Congress a final report  
16 containing the analyses conducted under section 203, in-  
17 cluding any revisions to such analyses made as a result  
18 of public comments, and a response to such comments.

19 **SEC. 205. NO FINAL ACTION ON CERTAIN RULES.**

20 (a) IN GENERAL.—The Administrator of the Envi-  
21 ronmental Protection Agency shall not finalize any of the  
22 following rules until a date (to be determined by the Ad-  
23 ministrator) that is at least 6 months after the day on  
24 which the Committee submits the final report under sec-  
25 tion 204(c):

1           (1) “Control of Air Pollution From New Motor  
2       Vehicles: Tier 3 Motor Vehicle Emission and Fuel  
3       Standards”, as described in the Unified Agenda of  
4       Federal Regulatory and Deregulatory Actions under  
5       Regulatory Identification Number 2060–AQ86, and  
6       any successor or substantially similar rule.

7           (2) Any rule proposed after March 15, 2012,  
8       establishing or revising a standard of performance or  
9       emission standard under section 111 or 112 of the  
10      Clean Air Act (42 U.S.C. 7411, 7412) that is appli-  
11      cable to petroleum refineries.

12          (3) Any rule revising or supplementing the na-  
13      tional ambient air quality standards for ozone under  
14      section 109 of the Clean Air Act (42 U.S.C. 7409).

15      (b) OTHER RULES NOT AFFECTED.—Subsection (a)  
16      shall not affect the finalization of any rule other than the  
17      rules described in such subsection.

18      **SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN**  
19                      **REVISING OR SUPPLEMENTING NATIONAL**  
20                      **AMBIENT AIR QUALITY STANDARDS FOR**  
21                      **OZONE.**

22      In revising or supplementing any national primary or  
23      secondary ambient air quality standards for ozone under  
24      section 109 of the Clean Air Act (42 U.S.C. 7409), the

1 Administrator of the Environmental Protection Agency  
2 shall take into consideration feasibility and cost.

3 **SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.**

4 (a) WAIVER OF FUEL REQUIREMENTS.—Section  
5 211(c)(4)(C) of the Clean Air Act (42 U.S.C.  
6 7545(c)(4)(C)) is amended—

7 (1) in clause (ii)(II), by inserting “a problem  
8 with distribution or delivery equipment necessary for  
9 the transportation or delivery of fuel or fuel addi-  
10 tives,” after “equipment failure,”;

11 (2) in clause (iii)(II), by inserting before the  
12 semicolon at the end the following: “(except that the  
13 Administrator may extend the effectiveness of a  
14 waiver for more than 20 days if the Administrator  
15 determines that the conditions under clause (ii) sup-  
16 porting a waiver determination will exist for more  
17 than 20 days)”;

18 (3) by redesignating the second clause (v) (re-  
19 lating to the authority of the Administrator to ap-  
20 prove certain State implementation plans) as clause  
21 (vi); and

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

23 “(vii) PRESUMPTIVE APPROVAL.—Notwithstanding  
24 any other provision of this subparagraph, if the Adminis-  
25 trator does not approve or deny a request for a waiver



1 under this subparagraph within 3 days after receipt of the  
2 request, the request shall be deemed to be approved as  
3 received by the Administrator and the applicable fuel  
4 standards shall be deemed to be waived for the period of  
5 time requested.”.

6 (b) FUEL SYSTEM REQUIREMENTS HARMONIZATION  
7 STUDY.—Section 1509 of the Energy Policy Act of 2005  
8 (Public Law 109–58; 119 Stat. 1083) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)(A), by inserting  
11 “biofuels,” after “oxygenated fuel,”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (B)—

14 (I) by redesignating clause (ii) as  
15 clause (iii);

16 (II) in clause (i), by striking  
17 “and” after the semicolon; and

18 (III) by inserting after clause (i)  
19 the following:

20 “(i) the renewable fuel standard;  
21 and”; and

22 (IV) in subparagraph (G), by in-  
23 serting “or Tier III” after “Tier II”;  
24 and

1 (2) in subsection (b)(1), by striking “2008”  
2 and inserting “2014”.

3 **TITLE III—QUADRENNIAL STRA-**  
4 **TEGIC FEDERAL ONSHORE**  
5 **ENERGY PRODUCTION STRAT-**  
6 **EGY**

7 **SEC. 301. SHORT TITLE.**

8 This title may be cited as the “Planning for American  
9 Energy Act of 2012”.

10 **SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION**  
11 **STRATEGIC PLAN.**

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

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

18 “(a) IN GENERAL.—

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

1       ment and department resource allocation in order to  
2       promote the energy security of the United States.

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

14           “(3) The Secretary shall determine a domestic  
15      strategic production objective for the development of  
16      energy resources from Federal onshore lands. Such  
17      objective shall be—

18           “(A) the best estimate, based upon com-  
19      mercial and scientific data, of the expected in-  
20      crease in domestic production of oil and natural  
21      gas from the Federal onshore mineral estate,  
22      with a focus on lands held by the Bureau of  
23      Land Management and the Forest Service;

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

1           crease in domestic coal production from Federal  
2           lands;

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

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

16          “(E) the best estimate, based upon com-  
17          mercial and scientific data, of the expected in-  
18          crease in unconventional energy production,  
19          such as oil shale;

20          “(F) the best estimate, based upon com-  
21          mercial and scientific data, of the expected in-  
22          crease in domestic production of oil, natural  
23          gas, coal, and other renewable sources from  
24          tribal lands for any federally recognized Indian

1           tribe that elects to participate in facilitating en-  
2           ergy production on its lands; and

3           “(G) the best estimate, based upon com-  
4           mercial and scientific data, of the expected in-  
5           crease in domestic production of geothermal,  
6           solar, wind, or other renewable energy sources  
7           on lands defined as ‘available lands’ by section  
8           203 of the Hawaiian Homes Commission Act,  
9           1920, and any other lands deemed by the Terri-  
10          tory or State of Hawaii, as the case may be, to  
11          be included within that definition.

12          “(4) The Secretary shall consult with the Ad-  
13          ministrator of the Energy Information Administra-  
14          tion regarding the methodology used to arrive at its  
15          estimates for purposes of this section.

16          “(5) The Secretary has the authority to expand  
17          the energy development plan to include other energy  
18          production technology sources or advancements in  
19          energy on Federal lands.

20          “(b) TRIBAL OBJECTIVES.—It is the sense of Con-  
21          gress that federally recognized Indian tribes may elect to  
22          set their own production objectives as part of the Strategy  
23          under this section. The Secretary shall work in coopera-  
24          tion with any federally recognized Indian tribe that elects

1 to participate in achieving its own strategic energy objec-  
2 tives designated under this subsection.

3 “(c) EXECUTION OF THE STRATEGY.—The relevant  
4 Secretary shall have all necessary authority to make deter-  
5 minations regarding which additional lands will be made  
6 available in order to meet the production objectives estab-  
7 lished by strategies under this section. The Secretary shall  
8 also take all necessary actions to achieve these production  
9 objectives unless the President determines that it is not  
10 in the national security and economic interests of the  
11 United States to increase Federal domestic energy produc-  
12 tion and to further decrease dependence upon foreign  
13 sources of energy. In administering this section, the rel-  
14 evant Secretary shall only consider leasing Federal lands  
15 available for leasing at the time the lease sale occurs.

16 “(d) STATE, FEDERALLY RECOGNIZED INDIAN  
17 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In  
18 developing each strategy, the Secretary shall solicit the  
19 input of affected States, federally recognized Indian tribes,  
20 local governments, and the public.

21 “(e) REPORTING.—The Secretary shall report annu-  
22 ally to the Committee on Natural Resources of the House  
23 of Representatives and the Committee on Energy and  
24 Natural Resources of the Senate on the progress of meet-  
25 ing the production goals set forth in the strategy. The Sec-

1   retary shall identify in the report projections for produc-  
2   tion and capacity installations and any problems with leas-  
3   ing, permitting, siting, or production that will prevent  
4   meeting the goal. In addition, the Secretary shall make  
5   suggestions to help meet any shortfalls in meeting the pro-  
6   duction goals.

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

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

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

6 **SEC. 303. DEFINITIONS.**

7 For purposes of this title, the term “strategic and  
 8 critical energy minerals” means those that are necessary  
 9 for the Nation’s energy infrastructure including pipelines,  
 10 refining capacity, electrical power generation and trans-  
 11 mission, and renewable energy production and those that  
 12 are necessary to support domestic manufacturing, includ-  
 13 ing but not limited to, materials used in energy genera-  
 14 tion, production, and transportation.

15 **TITLE IV—ONSHORE OIL AND**  
 16 **GAS LEASING CERTAINTY**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Providing Leasing  
 19 Certainty for American Energy Act of 2012”.

20 **SEC. 402. MINIMUM ACREAGE REQUIREMENT FOR ON-**  
 21 **SHORE LEASE SALES.**

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



1           (1) The Secretary shall offer for sale no less  
2           than 25 percent of the annual nominated acreage  
3           not previously made available for lease. Acreage of-  
4           fered for lease pursuant to this paragraph shall not  
5           be subject to protest and shall be eligible for cat-  
6           egorical exclusions under section 390 of the Energy  
7           Policy Act of 2005 (42 U.S.C. 15492), except that  
8           it shall not be subject to the test of extraordinary  
9           circumstances.

10           (2) In administering this section, the Secretary  
11           shall only consider leasing of Federal lands that are  
12           available for leasing at the time the lease sale oc-  
13           curs.

14   **SEC. 403. LEASING CERTAINTY.**

15           Section 17(a) of the Mineral Leasing Act (30 U.S.C.  
16   226(a)) is amended by inserting “(1)” before “All lands”,  
17   and by adding at the end the following:

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

21           “(B) The Secretary shall not infringe upon lease  
22   rights under leases issued under this Act by indefinitely  
23   delaying issuance of project approvals, drilling and seismic  
24   permits, and rights of way for activities under such a  
25   lease.

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

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

8       “(E) The Secretary shall not cancel or withdraw any  
9     lease parcel after a competitive lease sale has occurred and  
10    a winning bidder has submitted the last payment for the  
11    parcel.

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

17       “(G) No additional lease stipulations may be added  
18    after the parcel is sold without consultation and agree-  
19    ment of the lessee, unless the Secretary deems such stipu-  
20    lations as emergency actions to conserve the resources of  
21    the United States.”.

22    **SEC. 404. LEASING CONSISTENCY.**

23       Federal land managers must follow existing resource  
24    management plans and continue to actively lease in areas  
25    designated as open when resource management plans are

1 being amended or revised, until such time as a new record  
 2 of decision is signed.

3 **SEC. 405. REDUCE REDUNDANT POLICIES.**

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

6 **TITLE V—STREAMLINED**  
 7 **ENERGY PERMITTING**

8 **SEC. 501. SHORT TITLE.**

9 This title may be cited as the “Streamlining Permit-  
 10 ting of American Energy Act of 2012”.

11 **Subtitle A—Application for Permits**  
 12 **to Drill Process Reform**

13 **SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.**

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

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

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

1 the Secretary, and shall include the names and  
2 titles of the persons processing the application,  
3 the specific reasons for the delay, and a specific  
4 date a final decision on the application is ex-  
5 pected.

6 “(B) NOTICE OF REASONS FOR DENIAL.—

7 If the application is denied, the Secretary shall  
8 provide the applicant—

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

13 “(ii) an opportunity to remedy any de-  
14 ficiencies.

15 “(C) APPLICATION DEEMED APPROVED.—

16 If the Secretary has not made a decision on the  
17 application by the end of the 60-day period be-  
18 ginning on the date the application is received  
19 by the Secretary, the application is deemed ap-  
20 proved, except in cases in which existing reviews  
21 under the National Environmental Policy Act of  
22 1969 or Endangered Species Act of 1973 are  
23 incomplete.

24 “(D) DENIAL OF PERMIT.—If the Sec-  
25 retary decides not to issue a permit to drill in

1           accordance with subparagraph (A), the Sec-  
2           retary shall—

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

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

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

15           “(E) FEE.—

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

24                   “(ii) TREATMENT OF PERMIT PROC-  
25                   ESSING FEE.—Of all fees collected under

1                   this paragraph, 50 percent shall be trans-  
2                   ferred to the field office where they are col-  
3                   lected and used to process protests, leases,  
4                   and permits under this Act subject to ap-  
5                   propriation.”.

6 **SEC. 512. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**  
7 **FORM.**

8           Notwithstanding any other provision of law, each fis-  
9   cal year, of fees collected as annual wind energy and solar  
10   energy right-of-way authorization fees required under sec-  
11   tion 504(g) of the Federal Land Policy and Management  
12   Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be re-  
13   tained by the Secretary of the Interior to be used, subject  
14   to appropriation, by the Bureau of Land Management to  
15   process permits, right-of-way applications, and other ac-  
16   tivities necessary for renewable development, and, at the  
17   discretion of the Secretary, by the U.S. Fish and Wildlife  
18   Service or other Federal agencies involved in wind and  
19   solar permitting reviews to facilitate the processing of  
20   wind energy and solar energy permit applications on Bu-  
21   reau of Land Management lands.

1   **Subtitle B—Administrative Protest**  
2                   **Documentation Reform**

3   **SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION RE-**  
4                   **FORM.**

5           Section 17(p) of the Mineral Leasing Act (30 U.S.C.  
6   226(p)) is further amended by adding at the end the fol-  
7   lowing:

8                   “(4) PROTEST FEE.—

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

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

18   **Subtitle C—Permit Streamlining**

19   **SEC. 531. IMPROVE FEDERAL ENERGY PERMIT COORDINA-**  
20                   **TION.**

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

1 Management field office with responsibility for permitting  
2 energy projects on Federal land.

3 (b) MEMORANDUM OF UNDERSTANDING.—

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

8 (A) the Secretary of Agriculture;

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

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

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

17 (c) DESIGNATION OF QUALIFIED STAFF.—

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



1       ployed, 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 511, 512, and 521.

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” means oil, natural gas and renew-  
3 able energy projects.

4 **SEC. 532. 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.

9 **SEC. 533. POLICIES REGARDING BUYING, BUILDING, AND**  
10 **WORKING FOR AMERICA.**

11 (a) CONGRESSIONAL INTENT.—It is the intent of  
12 Congress that—

13 (1) this title will support a healthy and growing  
14 United States domestic energy sector that, in turn,  
15 helps to reinvigorate American manufacturing,  
16 transportation, and service sectors by employing the  
17 vast talents of United States workers to assist in the  
18 development of energy from domestic sources; and

19 (2) Congress will monitor the deployment of  
20 personnel and material onshore under this title to  
21 encourage the development of American technology  
22 and manufacturing to enable United States workers  
23 to benefit from this title through good jobs and ca-  
24 reers, as well as the establishment of important in-

1 industrial facilities to support expanded access to  
2 American energy resources.

3 (b) REQUIREMENT.—The Secretary of the Interior  
4 shall, when possible and practicable, encourage the use of  
5 United States workers and equipment manufactured in  
6 the United States in all construction related to mineral  
7 resource development under this title.

## 8 **Subtitle D—Judicial Review**

### 9 **SEC. 541. DEFINITIONS.**

10 In this title—

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

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

1 **SEC. 542. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**  
2 **RELATING TO COVERED ENERGY PROJECTS.**

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

6 **SEC. 543. TIMELY FILING.**

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

11 **SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE**  
12 **ACTION.**

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

15 **SEC. 545. STANDARD OF REVIEW.**

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

22 **SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE**  
23 **RELIEF.**

24 In a covered civil action, the court shall not grant  
25 or approve any prospective relief unless the court finds  
26 that such relief is narrowly drawn, extends no further than

1 necessary to correct the violation of a legal requirement,  
2 and is the least intrusive means necessary to correct that  
3 violation. In addition, courts shall limit the duration of  
4 preliminary injunctions to halt covered energy projects to  
5 no more than 60 days, unless the court finds clear reasons  
6 to extend the injunction. In such cases of extensions, such  
7 extensions shall only be in 30-day increments and shall  
8 require action by the court to renew the injunction.

9 **SEC. 547. LIMITATION ON ATTORNEYS' FEES.**

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

16 **SEC. 548. LEGAL STANDING.**

17 Challengers filing appeals with the Department of the  
18 Interior Board of Land Appeals shall meet the same  
19 standing requirements as challengers before a United  
20 States district court.

1 **TITLE VI—EXPEDITIOUS PRO-**  
2 **GRAM OF OIL AND GAS LEAS-**  
3 **ING IN THE NATIONAL PE-**  
4 **TROLEUM RESERVE IN ALAS-**  
5 **KA**

6 **SEC. 601. SHORT TITLE.**

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

9 **SEC. 602. SENSE OF CONGRESS AND REAFFIRMING NA-**  
10 **TIONAL POLICY FOR THE NATIONAL PETRO-**  
11 **LEUM RESERVE IN ALASKA.**

12 It is the sense of Congress that—

13 (1) the National Petroleum Reserve in Alaska  
14 remains explicitly designated, both in name and legal  
15 status, for purposes of providing oil and natural gas  
16 resources to the United States; and

17 (2) accordingly, the national policy is to actively  
18 advance oil and gas development within the Reserve  
19 by facilitating the expeditious exploration, produc-  
20 tion, and transportation of oil and natural gas from  
21 and through the Reserve.

1 **SEC. 603. NATIONAL PETROLEUM RESERVE IN ALASKA:**  
2 **LEASE SALES.**

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

6 “(a) IN GENERAL.—The Secretary shall conduct an  
7 expeditious program of competitive leasing of oil and gas  
8 in the reserve in accordance with this Act. Such program  
9 shall include at least one lease sale annually in those areas  
10 of the reserve most likely to produce commercial quantities  
11 of oil and natural gas each year in the period 2011  
12 through 2021.”.

13 **SEC. 604. NATIONAL PETROLEUM RESERVE IN ALASKA:**  
14 **PLANNING AND PERMITTING PIPELINE AND**  
15 **ROAD CONSTRUCTION.**

16 (a) IN GENERAL.—Notwithstanding any other provi-  
17 sion of law, the Secretary of the Interior, in consultation  
18 with the Secretary of Transportation, shall facilitate and  
19 ensure permits, in an environmentally responsible manner,  
20 for all surface development activities, including for the  
21 construction of pipelines and roads, necessary to—

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

25 (2) transport oil and gas from and through the  
26 National Petroleum Reserve in Alaska to existing



1 transportation or processing infrastructure on the  
2 North Slope of Alaska.

3 (b) TIMELINE.—The Secretary shall ensure that any  
4 Federal permitting agency shall issue permits in accord-  
5 ance with the following timeline:

6 (1) Permits for such construction for transpor-  
7 tation of oil and natural gas produced under existing  
8 Federal oil and gas leases with respect to which the  
9 Secretary has issued a permit to drill shall be ap-  
10 proved within 60 days after the date of enactment  
11 of this Act.

12 (2) Permits for such construction for transpor-  
13 tation of oil and natural gas produced under Federal  
14 oil and gas leases shall be approved within 6 months  
15 after the submission to the Secretary of a request  
16 for a permit to drill.

17 (c) PLAN.—To ensure timely future development of  
18 the Reserve, within 270 days after the date of the enact-  
19 ment of this Act, the Secretary of the Interior shall submit  
20 to Congress a plan for approved rights-of-way for a plan  
21 for pipeline, road, and any other surface infrastructure  
22 that may be necessary infrastructure that will ensure that  
23 all leasable tracts in the Reserve are within 25 miles of  
24 an approved road and pipeline right-of-way that can serve  
25 future development of the Reserve.

1 **SEC. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVEL-**  
2 **OPMENT.**

3 (a) IN GENERAL.—The Secretary of the Interior shall  
4 issue regulations within 180 days after the date of enact-  
5 ment of this Act that establish clear requirements to en-  
6 sure that the Department of the Interior is supporting de-  
7 velopment of oil and gas leases in the National Petroleum  
8 Reserve in Alaska.

9 (b) DEADLINES.—At a minimum, the regulations  
10 shall—

11 (1) require the Department to respond within 5  
12 business days acknowledging receipt of any permit  
13 application for such development; and

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

16 (A) specifies deadlines for decisions and  
17 actions on permit applications; and

18 (B) provide that the period for issuing  
19 each permit after submission of such an appli-  
20 cation shall not exceed 60 days without the con-  
21 currence of the applicant.

22 (c) ACTIONS REQUIRED FOR FAILURE TO COMPLY  
23 WITH DEADLINES.—If the Department fails to comply  
24 with any deadline under subsection (b) with respect to a  
25 permit application, the Secretary shall notify the applicant  
26 every 5 days with specific information regarding the rea-

1 sons for the permit delay, the name of the specific Depart-  
2 ment office or offices responsible for issuing the permit  
3 and for monitoring the permit delay, and an estimate of  
4 the time that the permit will be issued.

5 (d) **ADDITIONAL INFRASTRUCTURE.**—Within 180  
6 days after the date of enactment of this Act, the Secretary  
7 of the Interior shall approve, after consultation with the  
8 State of Alaska and public comment, right-of-way cor-  
9 ridors for the construction of 2 separate additional bridges  
10 and pipeline rights-of-way to help facilitate timely oil and  
11 gas development of the Reserve.

12 **SEC. 606. UPDATED RESOURCE ASSESSMENT.**

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

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

23 (c) **TIMING.**—The resource assessment required by  
24 subsection (a) shall be completed within 24 months after  
25 the 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 **SEC. 607. COLVILLE RIVER DESIGNATION.**

6 The designation by the Environmental Protection  
 7 Agency of the Colville River Delta as an Aquatic Resource  
 8 of National Importance shall have no force or effect.

9 **TITLE VII—INTERNET-BASED**  
 10 **ONSHORE OIL AND GAS**  
 11 **LEASE SALES**

12 **SEC. 701. SHORT TITLE.**

13 This title may be cited as the “BLM Live Internet  
 14 Auctions Act”.

15 **SEC. 702. INTERNET-BASED ONSHORE OIL AND GAS LEASE**  
 16 **SALES.**

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

19 (1) in subparagraph (A), in the third sentence,  
 20 by inserting “, except as provided in subparagraph  
 21 (C)” after “by oral bidding”; and

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

23 “(C) In order to diversify and expand the Nation’s  
 24 onshore leasing program to ensure the best return to the  
 25 Federal taxpayer, reduce fraud, and secure the leasing

1 process, the Secretary may conduct onshore lease sales  
2 through Internet-based bidding methods. Each individual  
3 Internet-based lease sale shall conclude within 7 days.”.

4 (b) REPORT.—Not later than 90 days after the tenth  
5 Internet-based lease sale conducted under the amendment  
6 made by subsection (a), the Secretary of the Interior shall  
7 analyze the first 10 such lease sales and report to Con-  
8 gress the findings of the analysis. The report shall in-  
9 clude—

10 (1) estimates on increases or decreases in such  
11 lease sales, compared to sales conducted by oral bid-  
12 ding, in—

13 (A) the number of bidders;

14 (B) the average amount of bid;

15 (C) the highest amount bid; and

16 (D) the lowest bid;

17 (2) an estimate on the total cost or savings to  
18 the Department of the Interior as a result of such  
19 sales, compared to sales conducted by oral bidding;  
20 and

21 (3) an evaluation of the demonstrated or ex-  
22 pected effectiveness of different structures for lease  
23 sales which may provide an opportunity to better  
24 maximize bidder participation, ensure the highest re-  
25 turn to the Federal taxpayers, minimize opportuni-

1       ties for fraud or collusion, and ensure the security  
2       and integrity of the leasing process.

3       **TITLE VIII—SERVICE OVER THE**  
4       **COUNTER, SELF-CONTAINED,**  
5       **MEDIUM TEMPERATURE COM-**  
6       **MERCIAL REFRIGERATORS**

7       **SEC. 801. SERVICE OVER THE COUNTER, SELF-CONTAINED,**  
8                       **MEDIUM TEMPERATURE COMMERCIAL RE-**  
9                       **FRIGERATORS.**

10       Section 342(c) of the Energy Policy and Conservation  
11   Act (42 U.S.C. 6313(c)) is amended—

12               (1) in paragraph (1)—

13                       (A) by redesignating subparagraphs (B)  
14                       and (C) as subparagraphs (D) and (E), respec-  
15                       tively; and

16                       (B) by inserting after subparagraph (A)  
17                       the following:

18                       “(B) The term ‘(SOC-SC-M)’ means a medium  
19   temperature commercial refrigerator—

20                               “(i) with a self-contained condensing unit  
21                       and equipped with sliding or hinged doors in  
22                       the back intended for use by sales personnel,  
23                       and with glass or other transparent material in  
24                       the front for displaying merchandise; and

1           “(ii) that has a height not greater than 66  
2           inches and is intended to serve as a counter for  
3           transactions between sales personnel and cus-  
4           tomers.

5           “(C) The term ‘TDA’ means the total display  
6           area (ft<sup>2</sup> ) of the refrigerated case, as defined in Air-  
7           Conditioning, Heating, and Refrigeration Institute  
8           Standard 1200.”;

9           (2) by redesignating paragraphs (4) and (5) as  
10          paragraphs (5) and (6), respectively; and

11          (3) by inserting after paragraph (3) the fol-  
12          lowing:

13          “(4) Each SOC-SC-M manufactured on or after the  
14          date which is 6 months after the date of enactment of  
15          the Better Use of Refrigerator Regulations Act shall have  
16          a total daily energy consumption (in kilowatt hours per  
17          day) of not more than  $0.6 \times \text{TDA} + 1.0$ .”.

## 18           **TITLE IX—MISCELLANEOUS** 19           **PROVISIONS**

### 20   **SEC. 901. LIMITATION ON TRANSFER OF FUNCTIONS** 21           **UNDER THE MINING LAW PROGRAM OR THE** 22           **SOLID MINERALS LEASING PROGRAM.**

23          The Secretary of the Interior may not transfer to the  
24          Office of Surface Mining Reclamation and Enforcement  
25          any responsibility or authority to perform any function

1 performed immediately before the enactment of this Act  
2 under the Solid Minerals Program of the Department of  
3 the Interior, including—

4 (1) any such function under—

5 (A) the laws popularly known as the Min-  
6 ing Law of 1872 (30 U.S.C. 22 note);

7 (B) the Act of July 31, 1947 (chapter 406;  
8 30 U.S.C. 601 et seq.), popularly known as the  
9 Materials Act of 1947;

10 (C) the Minerals Leasing Act (30 U.S.C.  
11 181 et seq.); or

12 (D) the Mineral Leasing Act for Acquired  
13 Lands (30 U.S.C. 351 et seq.);

14 (2) any such function relating to management  
15 of mineral development on Federal lands and ac-  
16 quired lands under section 302 of the Federal Land  
17 Policy and Management Act of 1976 (43 U.S.C.  
18 1732); and

19 (3) any function performed under the Mining  
20 Law Program.

21 **SEC. 902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER**  
22 **CONTINENTAL SHELF REVENUES.**

23 Section 105(f)(1) of the Gulf of Mexico Energy Secu-  
24 rity Act of 2006 (title I of division C of Public Law 109–  
25 432; (43 U.S.C. 1331 note)) is amended by striking



1 “2055” and inserting “2022, and shall not exceed  
2 \$750,000,000 for each of fiscal years 2023 through  
3 2055”.

4 **SEC. 903. LEASE SALE 220 AND OTHER LEASE SALES OFF**  
5 **THE COAST OF VIRGINIA.**

6 (a) INCLUSION IN LEASING PROGRAMS.—The Sec-  
7 retary of the Interior shall—

8 (1) upon enactment of this Act, revise the pro-  
9 posed Outer Continental Shelf oil and gas leasing  
10 program for the 2012–2017 period to include in  
11 such program Lease Sale 220 off the coast of Vir-  
12 ginia; and

13 (2) include the Outer Continental Shelf off the  
14 coast of Virginia in the leasing program for each 5-  
15 year period after the 2012–2017 period.

16 (b) CONDUCT OF LEASE SALE.—As soon as prac-  
17 ticable, but not later than 1 year after the date of enact-  
18 ment of this Act, the Secretary of the Interior shall carry  
19 out under section 8 of the Outer Continental Shelf Lands  
20 Act (43 U.S.C. 1337) Lease Sale 220.

21 (c) BALANCING MILITARY AND ENERGY PRODUC-  
22 TION GOALS.—

23 (1) JOINT GOALS.—In recognition that the  
24 Outer Continental Shelf oil and gas leasing program  
25 and the domestic energy resources produced there-

1 from are integral to national security, the Secretary  
2 of the Interior and the Secretary of Defense shall  
3 work jointly in implementing this section in order to  
4 ensure achievement of the following common goals:

5 (A) Preserving the ability of the Armed  
6 Forces of the United States to maintain an op-  
7 timum state of readiness through their contin-  
8 ued use of the Outer Continental Shelf.

9 (B) Allowing effective exploration, develop-  
10 ment, and production of our Nation's oil, gas,  
11 and renewable energy resources.

12 (2) PROHIBITION ON CONFLICTS WITH MILI-  
13 TARY OPERATIONS.—No person may engage in any  
14 exploration, development, or production of oil or nat-  
15 ural gas off the coast of Virginia that would conflict  
16 with any military operation, as determined in ac-  
17 cordance with the Memorandum of Agreement be-  
18 tween the Department of Defense and the Depart-  
19 ment of the Interior on Mutual Concerns on the  
20 Outer Continental Shelf signed July 20, 1983, and  
21 any revision or replacement for that agreement that  
22 is agreed to by the Secretary of Defense and the  
23 Secretary of the Interior after that date but before  
24 the date of issuance of the lease under which such

1 exploration, development, or production is con-  
 2 ducted.

3 (3) NATIONAL DEFENSE AREAS.—The United  
 4 States reserves the right to designate by and  
 5 through the Secretary of Defense, with the approval  
 6 of the President, national defense areas on the  
 7 Outer Continental Shelf pursuant to section 12(d) of  
 8 the Outer Continental Shelf Lands Act (43 U.S.C.  
 9 1341(d)).

## 10 **TITLE X—ADVANCING** 11 **OFFSHORE WIND PRODUCTION**

### 12 **SEC. 1001. SHORT TITLE.**

13 This title may be cited at the “Advancing Offshore  
 14 Wind Production Act”.

### 15 **SEC. 1002. OFFSHORE METEOROLOGICAL SITE TESTING** 16 **AND MONITORING PROJECTS.**

17 (a) DEFINITION OF AN OFFSHORE METEOROLOG-  
 18 ICAL SITE TESTING AND MONITORING PROJECT.—In this  
 19 section, the term “offshore meteorological site testing and  
 20 monitoring project” means a project carried out on or in  
 21 the waters of the Outer Continental Shelf administered  
 22 by the Department of the Interior to test or monitor  
 23 weather (including wind, tidal, current, and solar energy)  
 24 using towers, buoys, or other temporary ocean infrastruc-  
 25 ture, that—

1 (1) causes—

2 (A) less than 1 acre of surface or seafloor  
3 disruption at the location of each meteorological  
4 tower or other device; and

5 (B) not more than 5 acres of surface or  
6 seafloor disruption within the proposed area af-  
7 fected by for the project (including hazards to  
8 navigation);

9 (2) is decommissioned not more than 5 years  
10 after the date of commencement of the project, in-  
11 cluding—

12 (A) removal of towers, buoys, or other tem-  
13 porary ocean infrastructure from the project  
14 site; and

15 (B) restoration of the project site to ap-  
16 proximately the original condition of the site;  
17 and

18 (3) provides meteorological information ob-  
19 tained by the project to the Secretary of the Inte-  
20 rior.

21 (b) OFFSHORE METEOROLOGICAL PROJECT PERMIT-  
22 TING.—

23 (1) IN GENERAL.—The Secretary of the Inte-  
24 rior shall by regulation require that any applicant  
25 seeking to conduct an offshore meteorological site

1 testing and monitoring project on the outer Conti-  
2 nental Shelf (as that term is defined in the Outer  
3 Continental Shelf Lands Act (43 U.S.C. 1331 et  
4 seq.)) must obtain a permit and right of way for the  
5 project in accordance with this subsection.

6 (2) PERMIT AND RIGHT OF WAY TIMELINE AND  
7 CONDITIONS.—

8 (A) DEADLINE FOR APPROVAL.—The Sec-  
9 retary shall decide whether to issue a permit  
10 and right of way for an offshore meteorological  
11 site testing and monitoring project within 30  
12 days after receiving an application.

13 (B) PUBLIC COMMENT AND CONSULTA-  
14 TION.—During the period referred to in sub-  
15 paragraph (A), the Secretary shall—

16 (i) provide an opportunity for submis-  
17 sion of comments by the public; and

18 (ii) consult with the Secretary of De-  
19 fense, the Commandant of the Coast  
20 Guard, and the heads of other Federal,  
21 State, and local agencies that would be af-  
22 fected by issuance of the permit and right  
23 of way.

24 (C) DENIAL OF PERMIT; OPPORTUNITY TO  
25 REMEDY DEFICIENCIES.—If the application is

1           denied, the Secretary shall provide the appli-  
2           cant—

3                   (i) in writing, clear and comprehensive  
4                   reasons why the application was not ap-  
5                   proved and detailed information concerning  
6                   any deficiencies in the application; and

7                   (ii) an opportunity to remedy such de-  
8                   ficiencies.

9           (c) NEPA EXCLUSION.—Section 102(2)(C) of the  
10          National Environmental Policy Act of 1969 (42 U.S.C.  
11          4332(2)(C)) shall not apply with respect to an offshore  
12          meteorological site testing and monitoring project.

13          (d) PROTECTION OF INFORMATION.—The informa-  
14          tion provided to the Secretary of the Interior pursuant to  
15          subsection (a)(3) shall be treated by the Secretary as pro-  
16          prietary information and protected against disclosure.

            Passed the House of Representatives June 21, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*