

113TH CONGRESS
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H. R. 1881

To stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2013

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, and the Judiciary, 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 stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energy Production and Project Delivery Act of 2013”.

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

Sec. 1. Short title; table of contents.

TITLE I—OUTER CONTINENTAL SHELF LEASING

Sec. 101. Extension of leasing program.

Sec. 102. Lease sales.

Sec. 103. Applications for permits to drill.

Sec. 104. Lease sales for certain areas.

Sec. 105. Disposition of revenues.

TITLE II—LEASING PROGRAM FOR LAND WITHIN COASTAL PLAIN

Sec. 201. Definitions.

Sec. 202. Leasing program for lands within the Coastal Plain.

Sec. 203. Lease sales.

Sec. 204. Grant of leases by the Secretary.

Sec. 205. Lease terms and conditions.

Sec. 206. Policies regarding buying, building, and working for America.

Sec. 207. Coastal Plain environmental protection.

Sec. 208. Expedited judicial review.

Sec. 209. Treatment of revenues.

Sec. 210. Rights-of-way across the Coastal Plain.

Sec. 211. Conveyance.

TITLE III—REGULATORY STREAMLINING

Sec. 301. Jurisdiction over covered energy projects.

Sec. 302. Environmental legal fees.

Sec. 303. Master leasing plans.

Sec. 304. National monuments.

Sec. 305. Carbon dioxide and other greenhouse gas emissions reductions in
 China, India, and Russia.

Sec. 306. Employment effects of actions under Clean Air Act.

Sec. 307. Endangered species.

Sec. 308. Central Valley Project.

Sec. 309. Keystone XL permit approval.

Sec. 310. Drakes Bay Oyster Company.

3 **TITLE I—OUTER CONTINENTAL** 4 **SHELF LEASING**

5 **SEC. 101. EXTENSION OF LEASING PROGRAM.**

6 (a) IN GENERAL.—Subject to subsection (c), the
 7 Draft Proposed Outer Continental Shelf Oil and Gas
 8 Leasing Program 2010–2015 issued by the Secretary of
 9 the Interior (referred to in this section as the “Secretary”)

1 under section 18 of the Outer Continental Shelf Lands
2 Act (43 U.S.C. 1344) shall be considered to be the final
3 oil and gas leasing program under that section for the pe-
4 riod of fiscal years 2013 through 2018.

5 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—
6 The Secretary is considered to have issued a final environ-
7 mental impact statement for the program applicable to the
8 period described in subsection (a) in accordance with all
9 requirements under section 102(2)(C) of the National En-
10 vironmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

11 (c) EXCEPTIONS.—Lease Sales 214, 232, and 239
12 shall not be included in the final oil and gas leasing pro-
13 gram for the period of fiscal years 2013 through 2018.

14 (d) EASTERN GULF OF MEXICO NOT INCLUDED.—
15 Nothing in this section affects restrictions on oil and gas
16 leasing under the Gulf of Mexico Energy Security Act of
17 2006 (43 U.S.C. 1331 note; Public Law 109–432).

18 **SEC. 102. LEASE SALES.**

19 (a) IN GENERAL.—Except as otherwise provided in
20 this section, not later than 180 days after the date of en-
21 actment of this Act and every 270 days thereafter, the
22 Secretary of the Interior (referred to in this section as
23 the “Secretary”) shall conduct a lease sale in each outer
24 Continental Shelf planning area for which the Secretary
25 determines that there is a commercial interest in pur-

1 chasing Federal oil and gas leases for production on the
2 outer Continental Shelf.

3 (b) SUBSEQUENT DETERMINATIONS AND SALES.—If
4 the Secretary determines that there is not a commercial
5 interest in purchasing Federal oil and gas leases for pro-
6 duction on the outer Continental Shelf in a planning area
7 under this section, not later than 2 years after the date
8 of enactment of the determination and every 2 years there-
9 after, the Secretary shall—

10 (1) determine whether there is a commercial in-
11 terest in purchasing Federal oil and gas leases for
12 production on the outer Continental Shelf in the
13 planning area; and

14 (2) if the Secretary determines that there is a
15 commercial interest described in subsection (a), con-
16 duct a lease sale in the planning area.

17 (c) EXCLUSION FROM 5-YEAR LEASE PROGRAM.—
18 If a planning area for which there is a commercial interest
19 described in subsection (a) was not included in a 5-year
20 lease program, the Secretary shall include leasing in the
21 planning area in the subsequent 5-year lease program.

22 (d) PETITIONS.—If a person petitions the Secretary
23 to conduct a lease sale for an outer Continental Shelf plan-
24 ning area in which the person has a commercial interest,

1 the Secretary shall conduct a lease sale for the area in
2 accordance with subsection (a).

3 **SEC. 103. APPLICATIONS FOR PERMITS TO DRILL.**

4 Section 5 of the Outer Continental Shelf Lands Act
5 (43 U.S.C. 1334) is amended by adding at the end the
6 following:

7 “(k) APPLICATIONS FOR PERMITS TO DRILL.—

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 the Secretary shall approve or disapprove an applica-
10 tion for a permit to drill submitted under this Act
11 not later than 20 days after the date the application
12 is submitted to the Secretary.

13 “(2) DISAPPROVAL.—If the Secretary dis-
14 approves an application for a permit to drill sub-
15 mitted under paragraph (1), the Secretary shall—

16 “(A) provide to the applicant a description
17 of the reasons for the disapproval of the appli-
18 cation;

19 “(B) allow the applicant to resubmit an
20 application during the 10-day period beginning
21 on the date of the receipt of the description by
22 the applicant; and

23 “(C) approve or disapprove any resub-
24 mitted application not later than 10 days after

1 the date the application is submitted to the Sec-
2 retary.”.

3 **SEC. 104. LEASE SALES FOR CERTAIN AREAS.**

4 (a) IN GENERAL.—As soon as practicable but not
5 later than 1 year after the date of enactment of this Act,
6 the Secretary of the Interior shall hold Lease Sale 220
7 for areas offshore of the State of Virginia.

8 (b) COMPLIANCE WITH OTHER LAWS.—For pur-
9 poses of the Lease Sales described in subsection (a), the
10 Environmental Impact Statement for the 2010–2015-Year
11 OCS Plan and the applicable Multi-Sale Environmental
12 Impact Statement shall be considered to satisfy the Na-
13 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
14 et seq.).

15 (c) ENERGY PROJECTS IN GULF OF MEXICO.—

16 (1) JURISDICTION.—The United States Court
17 of Appeals for the Fifth Circuit shall have exclusive
18 jurisdiction over challenges to offshore energy
19 projects and permits to drill carried out in the Gulf
20 of Mexico.

21 (2) FILING DEADLINE.—Any civil action to
22 challenge a project or permit described in paragraph
23 (1) shall be filed not later than 60 days after the
24 date of approval of the project or the issuance of the
25 permit.

1 **SEC. 105. DISPOSITION OF REVENUES.**

2 (a) DEFINITIONS.—Section 102 of the Gulf of Mexico
3 Energy Security Act of 2006 (43 U.S.C. 1331 note; Public
4 Law 109–432) is amended—

5 (1) by redesignating paragraphs (5) through
6 (11) as paragraphs (6) through (12), respectively;

7 (2) by inserting after paragraph (4) the fol-
8 lowing:

9 “(5) COASTAL STATE.—The term ‘coastal
10 State’ means a State with a coastal seaward bound-
11 ary within 200 nautical miles distance of the geo-
12 graphical center of a leased tract in—

13 “(A) an outer Continental Shelf area in
14 the Gulf of Mexico OCS Region State Adjacent
15 Zones and OCS Planning Areas; and

16 “(B) effective for fiscal year 2024 and
17 each fiscal year thereafter, an outer Continental
18 Shelf area in any OCS Region State Adjacent
19 Zones and OCS Planning Areas.”;

20 (3) in paragraph (10) (as so redesignated), by
21 striking subparagraph (A) and inserting the fol-
22 lowing:

23 “(A) IN GENERAL.—The term ‘qualified
24 outer Continental Shelf revenues’ means all
25 rentals, royalties, bonus bids, and other sums

1 due and payable to the United States from
2 leases entered into on or after—

3 “(i) December 20, 2006, with respect
4 to coastal States located in—

5 “(I) the Gulf of Mexico OCS Re-
6 gion; or

7 “(II) the Alaska OCS Region;
8 and

9 “(ii) October 1, 2013, with respect to
10 coastal States located in—

11 “(I) the Atlantic OCS Region; or

12 “(II) the Pacific OCS Region.”;

13 and

14 (4) in paragraph (11) (as so redesignated), by
15 striking “Gulf producing State” each place it ap-
16 pears and inserting “coastal State”.

17 (b) DISPOSITION OF REVENUES.—Section 105 of the
18 Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.
19 1331 note; Public Law 109–432) is amended—

20 (1) in the section heading, by striking “**FROM**
21 **181 AREA, 181 SOUTH AREA, AND 2002–2007**
22 **PLANNING AREAS OF GULF OF MEXICO**”;

23 (2) by striking “Gulf producing State” each
24 place it appears (other than subsection (b)(1)) and
25 inserting “coastal State”;

1 (3) by amending subsection (a)(2) to read as
2 follows:

3 “(2) 50 percent of qualified outer Continental
4 Shelf revenues in a special account in the Treasury,
5 which the Secretary shall disburse to States in ac-
6 cordance with subsection (b).”;

7 (4) in subsection (b)—

8 (A) in the subsection heading, by striking
9 “GULF PRODUCING STATES” and inserting
10 “COASTAL STATES”;

11 (B) in paragraph (1)—

12 (i) in the paragraph heading, by strik-
13 ing “2016” and inserting “2023”; and

14 (ii) in subparagraph (A), by striking
15 “2016” and inserting “2023”; and

16 (C) in paragraph (2)—

17 (i) in the paragraph heading, by strik-
18 ing “GULF PRODUCING STATES FOR FIS-
19 CAL YEAR 2017” and inserting “COASTAL
20 STATES FOR FISCAL YEAR 2024”; and

21 (ii) in subparagraph (A)—

22 (I) in the matter preceding clause

23 (i), by striking “2017” and inserting
24 “2024”; and

1 (II) in clause (i), by striking “the
2 181 Area or the 181 South Area” and
3 inserting “any area of the outer Con-
4 tinental Shelf”; and

5 (5) in subsection (f), by striking paragraph (1)
6 and inserting the following:

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 the total amount of qualified outer Continental Shelf
9 revenues made available under subsection (a)(2)
10 shall not exceed—

11 “(A) in the case of an outer Continental
12 Shelf area in the Gulf of Mexico OCS Region
13 State Adjacent Zones and OCS Planning
14 Areas—

15 “(i) \$1,000,000,000 for each of fiscal
16 years 2014 through 2023; and

17 “(ii) \$2,000,000,000 for each of fiscal
18 years 2024 through 2054; and

19 “(B) in the case of an outer Continental
20 Shelf area in OCS Region State Adjacent Zones
21 and OCS Planning Areas other than the Zones
22 and Areas described in subparagraph (A), for
23 each of fiscal years 2024 through 2054,
24 \$500,000,000 for each such area located in—

25 “(i) the Atlantic OCS Region;

1 “(ii) the Pacific OCS Region; or
2 “(iii) the Alaska OCS Region.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section take effect on October 1, 2013.

5 **TITLE II—LEASING PROGRAM**
6 **FOR LAND WITHIN COASTAL**
7 **PLAIN**

8 **SEC. 201. DEFINITIONS.**

9 In this title:

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

13 (2) PEER REVIEWED.—The term “peer re-
14 viewed” means reviewed—

15 (A) by individuals chosen by the National
16 Academy of Sciences with no contractual rela-
17 tionship with, or those who have no application
18 for a grant or other funding pending with, the
19 Federal agency with leasing jurisdiction; or

20 (B) if individuals described in subpara-
21 graph (A) are not available, by the top individ-
22 uals in the specified biological fields, as deter-
23 mined by the National Academy of Sciences.

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

4 **SEC. 202. LEASING PROGRAM FOR LANDS WITHIN THE**
5 **COASTAL PLAIN.**

6 (a) IN GENERAL.—The Secretary shall take such ac-
7 tions as are necessary—

8 (1) to establish and implement, in accordance
9 with this title and acting through the Director of the
10 Bureau of Land Management in consultation with
11 the Director of the United States Fish and Wildlife
12 Service, a competitive oil and gas leasing program
13 that will result in the exploration, development, and
14 production of the oil and gas resources of the Coast-
15 al Plain; and

16 (2) to administer the provisions of this title
17 through regulations, lease terms, conditions, restric-
18 tions, prohibitions, stipulations, and other provisions
19 that ensure the oil and gas exploration, development,
20 and production activities on the Coastal Plain will
21 result in no significant adverse effect on fish and
22 wildlife, their habitat, subsistence resources, and the
23 environment, including, in furtherance of this goal,
24 by requiring the application of the best commercially
25 available technology for oil and gas exploration, de-

1 velopment, and production to all exploration, devel-
2 opment, and production operations under this title
3 in a manner that ensures the receipt of fair market
4 value by the public for the mineral resources to be
5 leased.

6 (b) REPEAL OF EXISTING RESTRICTION.—

7 (1) REPEAL.—Section 1003 of the Alaska Na-
8 tional Interest Lands Conservation Act (16 U.S.C.
9 3143) is repealed.

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

13 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-
14 TAIN OTHER LAWS.—

15 (1) COMPATIBILITY.—For purposes of the Na-
16 tional Wildlife Refuge System Administration Act of
17 1966 (16 U.S.C. 668dd et seq.), the oil and gas
18 leasing program and activities authorized by this
19 section in the Coastal Plain are deemed to be com-
20 patible with the purposes for which the Arctic Na-
21 tional Wildlife Refuge was established, and no fur-
22 ther findings or decisions are required to implement
23 this determination.

24 (2) ADEQUACY OF THE DEPARTMENT OF THE
25 INTERIOR’S LEGISLATIVE ENVIRONMENTAL IMPACT

1 STATEMENT.—The “Final Legislative Environ-
2 mental Impact Statement” (April 1987) on the
3 Coastal Plain prepared pursuant to section 1002 of
4 the Alaska National Interest Lands Conservation
5 Act (16 U.S.C. 3142) and section 102(2)(C) of the
6 National Environmental Policy Act of 1969 (42
7 U.S.C. 4332(2)(C)) is deemed to satisfy the require-
8 ments under the National Environmental Policy Act
9 of 1969 that apply with respect to prelease activities
10 under this title, including actions authorized to be
11 taken by the Secretary to develop and promulgate
12 the regulations for the establishment of a leasing
13 program authorized by this title before the conduct
14 of the first lease sale.

15 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
16 TIONS.—Before conducting the first lease sale under
17 this title, the Secretary shall prepare an environ-
18 mental impact statement under the National Envi-
19 ronmental Policy Act of 1969 with respect to the ac-
20 tions authorized by this title that are not referred to
21 in paragraph (2). Notwithstanding any other law,
22 the Secretary is not required to identify nonleasing
23 alternative courses of action or to analyze the envi-
24 ronmental effects of such courses of action. The Sec-
25 retary shall only identify a preferred action for such

1 leasing and a single leasing alternative, and analyze
2 the environmental effects and potential mitigation
3 measures for those two alternatives. The identifica-
4 tion of the preferred action and related analysis for
5 the first lease sale under this title shall be completed
6 within 18 months after the date of enactment of this
7 Act. The Secretary shall only consider public com-
8 ments that specifically address the Secretary's pre-
9 ferred action and that are filed within 20 days after
10 publication of an environmental analysis. Notwith-
11 standing any other law, compliance with this para-
12 graph is deemed to satisfy all requirements for the
13 analysis and consideration of the environmental ef-
14 fects of proposed leasing under this title.

15 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
16 ITY.—Nothing in this title shall be considered to expand
17 or limit State and local regulatory authority.

18 (e) SPECIAL AREAS.—

19 (1) IN GENERAL.—The Secretary, after con-
20 sultation with the State of Alaska, the city of
21 Kaktovik, and the North Slope Borough, may des-
22 ignate up to a total of 45,000 acres of the Coastal
23 Plain as a Special Area if the Secretary determines
24 that the Special Area is of such unique character
25 and interest so as to require special management

1 and regulatory protection. The Secretary shall des-
2 ignate as such a Special Area the Sadlerochit Spring
3 area, comprising approximately 4,000 acres.

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

8 (3) EXCLUSION FROM LEASING OR SURFACE
9 OCCUPANCY.—The Secretary may exclude any Spe-
10 cial Area from leasing. If the Secretary leases a Spe-
11 cial Area, or any part thereof, for purposes of oil
12 and gas exploration, development, production, and
13 related activities, there shall be no surface occu-
14 pancy of the lands comprising the Special Area.

15 (4) DIRECTIONAL DRILLING.—Notwithstanding
16 the other provisions of this subsection, the Secretary
17 may lease all or a portion of a Special Area under
18 terms that permit the use of horizontal drilling tech-
19 nology from sites on leases tracts located outside the
20 Special Area.

21 (f) LIMITATION ON CLOSED AREAS.—The Sec-
22 retary's sole authority to close lands within the Coastal
23 Plain to oil and gas leasing and to exploration, develop-
24 ment, and production is that set forth in this title.

25 (g) REGULATIONS.—

1 (1) IN GENERAL.—The Secretary shall pre-
2 scribe such regulations as may be necessary to carry
3 out this title, including regulations relating to pro-
4 tection of the fish and wildlife, their habitat, subsist-
5 ence resources, and environment of the Coastal
6 Plain, by no later than 15 months after the date of
7 enactment of this Act.

8 (2) REVISION OF REGULATIONS.—The Sec-
9 retary shall, through a rulemaking conducted in ac-
10 cordance with section 553 of title 5, United States
11 Code, periodically review and, if appropriate, revise
12 the regulations issued under subsection (a) to reflect
13 a preponderance of the best available scientific evi-
14 dence that has been peer reviewed and obtained by
15 following appropriate, documented scientific proce-
16 dures, the results of which can be repeated using
17 those same procedures.

18 **SEC. 203. LEASE SALES.**

19 (a) IN GENERAL.—Lands may be leased under this
20 title to any person qualified to obtain a lease for deposits
21 of oil and gas under the Mineral Leasing Act (30 U.S.C.
22 181 et seq.).

23 (b) PROCEDURES.—The Secretary shall, by regula-
24 tion and no later than 180 days after the date of enact-
25 ment of this Act, establish procedures for—

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

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

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

10 (c) LEASE SALE BIDS.—Lease sales under this title
11 may be conducted through an Internet leasing program,
12 if the Secretary determines that such a system will result
13 in savings to the taxpayer, an increase in the number of
14 bidders participating, and higher returns than oral bidding
15 or a sealed bidding system.

16 (d) SALE ACREAGES AND SCHEDULE.—

17 (1) The Secretary shall offer for lease under
18 this title those tracts the Secretary considers to have
19 the greatest potential for the discovery of hydro-
20 carbons, taking into consideration nominations re-
21 ceived pursuant to subsection (b)(1).

22 (2) The Secretary shall offer for lease under
23 this title no less than 50,000 acres for lease within
24 22 months after the date of the enactment of this
25 Act.

1 (3) The Secretary shall offer for lease under
2 this title no less than an additional 50,000 acres at
3 6-, 12-, and 18-month intervals following offering
4 under paragraph (2).

5 (4) The Secretary shall conduct four additional
6 sales under the same terms and schedule no later
7 than two years after the date of the last sale under
8 paragraph (3), if sufficient interest in leasing exists
9 to warrant, in the Secretary's judgment, the conduct
10 of such sales.

11 (5) The Secretary shall evaluate the bids in
12 each sale and issue leases resulting from such sales,
13 within 90 days after the date of the completion of
14 such sale.

15 **SEC. 204. GRANT OF LEASES BY THE SECRETARY.**

16 (a) IN GENERAL.—The Secretary may grant to the
17 highest responsible qualified bidder in a lease sale con-
18 ducted under section 203 any lands to be leased on the
19 Coastal Plain upon payment by the such bidder of such
20 bonus as may be accepted by the Secretary.

21 (b) SUBSEQUENT TRANSFERS.—No lease issued
22 under this title may be sold, exchanged, assigned, sublet,
23 or otherwise transferred except with the approval of the
24 Secretary. Prior to any such approval the Secretary shall

1 consult with, and give due consideration to the views of,
2 the Attorney General.

3 **SEC. 205. LEASE TERMS AND CONDITIONS.**

4 (a) IN GENERAL.—An oil or gas lease issued under
5 this title shall—

6 (1) provide for the payment of a royalty of not
7 less than 12½ percent in amount or value of the
8 production removed or sold under the lease, as de-
9 termined by the Secretary under the regulations ap-
10 plicable to other Federal oil and gas leases;

11 (2) provide that the Secretary may close, on a
12 seasonal basis, portions of the Coastal Plain to ex-
13 ploratory drilling activities as necessary to protect
14 caribou calving areas and other species of fish and
15 wildlife based on a preponderance of the best avail-
16 able scientific evidence that has been peer reviewed
17 and obtained by following appropriate, documented
18 scientific procedures, the results of which can be re-
19 peated using those same procedures;

20 (3) require that the lessee of lands within the
21 Coastal Plain shall be fully responsible and liable for
22 the reclamation of lands within the Coastal Plain
23 and any other Federal lands that are adversely af-
24 fected in connection with exploration, development,
25 production, or transportation activities conducted

1 under the lease and within the Coastal Plain by the
2 lessee or by any of the subcontractors or agents of
3 the lessee;

4 (4) provide that the lessee may not delegate or
5 convey, by contract or otherwise, the reclamation re-
6 sponsibility and liability to another person without
7 the express written approval of the Secretary;

8 (5) provide that the standard of reclamation for
9 lands required to be reclaimed under this title shall
10 be, as nearly as practicable, a condition capable of
11 supporting the uses which the lands were capable of
12 supporting prior to any exploration, development, or
13 production activities, or upon application by the les-
14 see, to a higher or better use as certified by the Sec-
15 retary;

16 (6) contain terms and conditions relating to
17 protection of fish and wildlife, their habitat, subsist-
18 ence resources, and the environment as required
19 pursuant to section 202(a)(2);

20 (7) provide that the lessee, its agents, and its
21 contractors use best efforts to provide a fair share,
22 as determined by the level of obligation previously
23 agreed to in the 1974 agreement implementing sec-
24 tion 29 of the Federal Agreement and Grant of
25 Right of Way for the Operation of the Trans-Alaska

1 Pipeline, of employment and contracting for Alaska
2 Natives and Alaska Native corporations from
3 throughout the State;

4 (8) prohibit the export of oil produced under
5 the lease; and

6 (9) contain such other provisions as the Sec-
7 retary determines necessary to ensure compliance
8 with this title and the regulations issued under this
9 title.

10 (b) NEGOTIATED LABOR AGREEMENTS.—The Sec-
11 retary, as a term and condition of each lease under this
12 title, shall require that the lessee and its agents and con-
13 tractors negotiate to obtain an agreement for the employ-
14 ment of laborers and mechanics on production, mainte-
15 nance, and construction under the lease.

16 **SEC. 206. POLICIES REGARDING BUYING, BUILDING, AND**
17 **WORKING FOR AMERICA.**

18 (a) CONGRESSIONAL INTENT.—It is the intent of the
19 Congress that—

20 (1) this title will support a healthy and growing
21 United States domestic energy sector that, in turn,
22 helps to reinvigorate American manufacturing,
23 transportation, and service sectors by employing the
24 vast talents of United States workers to assist in the
25 development of energy from domestic sources; and

1 (2) Congress will monitor the deployment of
2 personnel and material onshore and offshore to en-
3 courage the development of American technology
4 and manufacturing to enable United States workers
5 to benefit from this title through good jobs and ca-
6 reers, as well as the establishment of important in-
7 dustrial facilities to support expanded access to
8 American resources.

9 (b) REQUIREMENT.—The Secretary of the Interior
10 shall when possible, and practicable, encourage the use of
11 United States workers and equipment manufactured in
12 the United States in all construction related to mineral
13 development on the Coastal Plain.

14 **SEC. 207. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

15 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD
16 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—
17 The Secretary shall, consistent with the requirements of
18 section 202, administer this title through regulations,
19 lease terms, conditions, restrictions, prohibitions, stipula-
20 tions, and other provisions that—

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

1 (2) require the application of the best commer-
2 cially available technology for oil and gas explo-
3 ration, development, and production on all new ex-
4 ploration, development, and production operations;
5 and

6 (3) ensure that the maximum amount of sur-
7 face acreage covered by production and support fa-
8 cilities, including airstrips and any areas covered by
9 gravel berms or piers for support of pipelines, does
10 not exceed 10,000 acres on the Coastal Plain for
11 each 100,000 acres of area leased.

12 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—
13 The Secretary shall also require, with respect to any pro-
14 posed drilling and related activities, that—

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

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

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

1 (c) REGULATIONS TO PROTECT COASTAL PLAIN
2 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,
3 AND THE ENVIRONMENT.—Before implementing the leas-
4 ing program authorized by this title, the Secretary shall
5 prepare and promulgate regulations, lease terms, condi-
6 tions, restrictions, prohibitions, stipulations, and other
7 measures designed to ensure that the activities undertaken
8 on the Coastal Plain under this title are conducted in a
9 manner consistent with the purposes and environmental
10 requirements of this title.

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

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

23 (2) Seasonal limitations on exploration, develop-
24 ment, and related activities, where necessary, to
25 avoid significant adverse effects during periods of

1 concentrated fish and wildlife breeding, denning,
2 nesting, spawning, and migration based on a prepon-
3 derance of the best available scientific evidence that
4 has been peer reviewed and obtained by following
5 appropriate, documented scientific procedures, the
6 results of which can be repeated using those same
7 procedures.

8 (3) That exploration activities, except for sur-
9 face geological studies, be limited to the period be-
10 tween approximately November 1 and May 1 each
11 year and that exploration activities shall be sup-
12 ported, if necessary, by ice roads, winter trails with
13 adequate snow cover, ice pads, ice airstrips, and air
14 transport methods, except that such exploration ac-
15 tivities may occur at other times if the Secretary
16 finds that such exploration will have no significant
17 adverse effect on the fish and wildlife, their habitat,
18 and the environment of the Coastal Plain.

19 (4) Design safety and construction standards
20 for all pipelines and any access and service roads,
21 that—

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

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

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

6 (6) Stringent reclamation and rehabilitation re-
7 quirements, consistent with the standards set forth
8 in this title, requiring the removal from the Coastal
9 Plain of all oil and gas development and production
10 facilities, structures, and equipment upon completion
11 of oil and gas production operations, except that the
12 Secretary may exempt from the requirements of this
13 paragraph those facilities, structures, or equipment
14 that the Secretary determines would assist in the
15 management of the Arctic National Wildlife Refuge
16 and that are donated to the United States for that
17 purpose.

18 (7) Appropriate prohibitions or restrictions on
19 access by all modes of transportation.

20 (8) Appropriate prohibitions or restrictions on
21 sand and gravel extraction.

22 (9) Consolidation of facility siting.

23 (10) Appropriate prohibitions or restrictions on
24 use of explosives.

1 (11) Avoidance, to the extent practicable, of
2 springs, streams, and river systems; the protection
3 of natural surface drainage patterns, wetlands, and
4 riparian habitats; and the regulation of methods or
5 techniques for developing or transporting adequate
6 supplies of water for exploratory drilling.

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

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

16 (14) Fuel storage and oil spill contingency plan-
17 ning.

18 (15) Research, monitoring, and reporting re-
19 quirements.

20 (16) Field crew environmental briefings.

21 (17) Avoidance of significant adverse effects
22 upon subsistence hunting, fishing, and trapping by
23 subsistence users.

24 (18) Compliance with applicable air and water
25 quality standards.

1 (19) Appropriate seasonal and safety zone des-
2 ignations around well sites, within which subsistence
3 hunting and trapping shall be limited.

4 (20) Reasonable stipulations for protection of
5 cultural and archeological resources.

6 (21) All other protective environmental stipula-
7 tions, restrictions, terms, and conditions deemed
8 necessary by the Secretary.

9 (e) CONSIDERATIONS.—In preparing and promul-
10 gating regulations, lease terms, conditions, restrictions,
11 prohibitions, and stipulations under this section, the Sec-
12 retary shall consider the following:

13 (1) The stipulations and conditions that govern
14 the National Petroleum Reserve-Alaska leasing pro-
15 gram, as set forth in the 1999 Northeast National
16 Petroleum Reserve-Alaska Final Integrated Activity
17 Plan/Environmental Impact Statement.

18 (2) The environmental protection standards
19 that governed the initial Coastal Plain seismic explo-
20 ration program under parts 37.31 to 37.33 of title
21 50, Code of Federal Regulations.

22 (3) The land use stipulations for exploratory
23 drilling on the KIC–ASRC private lands that are set
24 forth in appendix 2 of the August 9, 1983, agree-

1 ment between Arctic Slope Regional Corporation and
2 the United States.

3 (f) FACILITY CONSOLIDATION PLANNING.—

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

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

12 (A) Avoiding unnecessary duplication of fa-
13 cilities and activities.

14 (B) Encouraging consolidation of common
15 facilities and activities.

16 (C) Locating or confining facilities and ac-
17 tivities to areas that will minimize impact on
18 fish and wildlife, their habitat, and the environ-
19 ment.

20 (D) Utilizing existing facilities wherever
21 practicable.

22 (E) Enhancing compatibility between wild-
23 life values and development activities.

24 (g) ACCESS TO PUBLIC LANDS.—The Secretary
25 shall—

1 (1) manage public lands in the Coastal Plain
2 subject to section 811 of the Alaska National Inter-
3 est Lands Conservation Act (16 U.S.C. 3121); and

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

7 **SEC. 208. EXPEDITED JUDICIAL REVIEW.**

8 (a) FILING OF COMPLAINT.—

9 (1) DEADLINE.—Subject to paragraph (2), any
10 complaint seeking judicial review—

11 (A) of any provision of this title shall be
12 filed by not later than 1 year after the date of
13 enactment of this Act; or

14 (B) of any action of the Secretary under
15 this title shall be filed—

16 (i) except as provided in clause (ii),
17 within the 90-day period beginning on the
18 date of the action being challenged; or

19 (ii) in the case of a complaint based
20 solely on grounds arising after such period,
21 within 90 days after the complainant knew
22 or reasonably should have known of the
23 grounds for the complaint.

24 (2) VENUE.—Any complaint seeking judicial re-
25 view of any provision of this title or any action of

1 the Secretary under this title may be filed only in
2 the United States Court of Appeals for the District
3 of Columbia.

4 (3) LIMITATION ON SCOPE OF CERTAIN RE-
5 VIEW.—Judicial review of a Secretarial decision to
6 conduct a lease sale under this title, including the
7 environmental analysis thereof, shall be limited to
8 whether the Secretary has complied with this title
9 and shall be based upon the administrative record of
10 that decision. The Secretary's identification of a pre-
11 ferred course of action to enable leasing to proceed
12 and the Secretary's analysis of environmental effects
13 under this title shall be presumed to be correct un-
14 less shown otherwise by clear and convincing evi-
15 dence to the contrary.

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

20 (c) LIMITATION ON ATTORNEYS' FEES AND COURT
21 COSTS.—No person seeking judicial review of any action
22 under this title shall receive payment from the Federal
23 Government for their attorneys' fees and other court costs,
24 including under any provision of law enacted by the Equal
25 Access to Justice Act (5 U.S.C. 504 note).

1 **SEC. 209. TREATMENT OF REVENUES.**

2 Notwithstanding any other provision of law, 90 per-
3 cent of the amount of bonus, rental, and royalty revenues
4 from Federal oil and gas leasing and operations author-
5 ized under this title shall be deposited in the Treasury.

6 **SEC. 210. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

7 (a) IN GENERAL.—The Secretary shall issue rights-
8 of-way and easements across the Coastal Plain for the
9 transportation of oil and gas produced under leases under
10 this title—

11 (1) except as provided in paragraph (2), under
12 section 28 of the Mineral Leasing Act (30 U.S.C.
13 185), without regard to title XI of the Alaska Na-
14 tional Interest Lands Conservation Act (16 U.S.C.
15 3161 et seq.); and

16 (2) under title XI of the Alaska National Inter-
17 est Lands Conservation Act (30 U.S.C. 3161 et
18 seq.), for access authorized by sections 1110 and
19 1111 of that Act (16 U.S.C. 3170 and 3171).

20 (b) TERMS AND CONDITIONS.—The Secretary shall
21 include in any right-of-way or easement issued under sub-
22 section (a) such terms and conditions as may be necessary
23 to ensure that transportation of oil and gas does not result
24 in a significant adverse effect on the fish and wildlife, sub-
25 sistence resources, their habitat, and the environment of
26 the Coastal Plain, including requirements that facilities be

1 sited or designed so as to avoid unnecessary duplication
2 of roads and pipelines.

3 (c) REGULATIONS.—The Secretary shall include in
4 regulations under section 202(g) provisions granting
5 rights-of-way and easements described in subsection (a)
6 of this section.

7 **SEC. 211. CONVEYANCE.**

8 In order to maximize Federal revenues by removing
9 clouds on title to lands and clarifying land ownership pat-
10 terns within the Coastal Plain, the Secretary, notwith-
11 standing section 1302(h)(2) of the Alaska National Inter-
12 est Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall
13 convey—

14 (1) to the Kaktovik Inupiat Corporation the
15 surface estate of the lands described in paragraph 1
16 of Public Land Order 6959, to the extent necessary
17 to fulfill the Corporation's entitlement under sec-
18 tions 12 and 14 of the Alaska Native Claims Settle-
19 ment Act (43 U.S.C. 1611 and 1613) in accordance
20 with the terms and conditions of the Agreement be-
21 tween the Department of the Interior, the United
22 States Fish and Wildlife Service, the Bureau of
23 Land Management, and the Kaktovik Inupiat Cor-
24 poration dated January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

TITLE III—REGULATORY STREAMLINING

SEC. 301. JURISDICTION OVER COVERED ENERGY PROJECTS.

(a) DEFINITION OF COVERED ENERGY PROJECT.—

In this section, the term “covered energy project” means any action or decision by a Federal official regarding—

(1) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(2) any action under such a lease, except that this section and Act shall not apply to a dispute between the parties to a lease entered into a provision of law authorizing the lease regarding obligations under the lease or the alleged breach of the lease.

(b) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—

1 Notwithstanding any other provision of law, the United
2 States District Court for the District of Columbia shall
3 have exclusive jurisdiction to hear all causes and claims
4 under this section or any other Act that arise from any
5 covered energy project, except for any such cause or claim
6 arising in the United States Court of Appeals for the Fifth
7 Circuit.

8 (c) TIME FOR FILING COMPLAINT.—

9 (1) IN GENERAL.—Each case or claim described
10 in subsection (b) shall be filed not later than the end
11 of the 60-day period beginning on the date of the ac-
12 tion or decision by a Federal official that constitutes
13 the covered energy project concerned.

14 (2) PROHIBITION.—Any cause or claim de-
15 scribed in subsection (b) that is not filed within the
16 time period described in paragraph (1) shall be
17 barred.

18 (d) DISTRICT COURT FOR DISTRICT OF COLUMBIA
19 DEADLINE.—

20 (1) IN GENERAL.—Each proceeding that is sub-
21 ject to subsection (b) shall—

22 (A) be resolved as expeditiously as prac-
23 ticable and in any event not more than 180
24 days after the cause or claim is filed; and

1 (B) take precedence over all other pending
2 matters before the district court.

3 (2) FAILURE TO COMPLY WITH DEADLINE.—If
4 an interlocutory or final judgment, decree, or order
5 has not been issued by the district court by the
6 deadline required under this section, the cause or
7 claim shall be dismissed with prejudice and all rights
8 relating to the cause or claim shall be terminated.

9 (e) ABILITY TO SEEK APPELLATE REVIEW.—An in-
10 terlocutory or final judgment, decree, or order of the dis-
11 trict court under this section may be reviewed by no other
12 court except the Supreme Court.

13 **SEC. 302. ENVIRONMENTAL LEGAL FEES.**

14 Section 504 of title 5, United States Code, is amend-
15 ed by adding at the end the following:

16 “(g) ENVIRONMENTAL LEGAL FEES.—Notwith-
17 standing section 1304 of title 31, no award may be made
18 under this section and no amounts may be obligated or
19 expended from the Claims and Judgment Fund of the
20 United States Treasury to pay any legal fees of an envi-
21 ronmental nongovernmental organization related to an ac-
22 tion that (with respect to the United States)—

23 “(1) prevents, terminates, or reduces access to
24 or the production of—

25 “(A) energy;

1 “(B) a mineral resource;

2 “(C) water by agricultural producers;

3 “(D) a resource by commercial or rec-
4 reational fishermen; or

5 “(E) grazing or timber production on Fed-
6 eral land;

7 “(2) diminishes the private property value of a
8 property owner; or

9 “(3) eliminates or prevents one or more jobs.”.

10 **SEC. 303. MASTER LEASING PLANS.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, the Secretary of the Interior, acting through
13 the Bureau of Land Management, shall not establish a
14 master leasing plan as part of any guidance issued by the
15 Secretary.

16 (b) EXISTING MASTER LEASING PLANS.—Instruc-
17 tion Memorandum No. 2010–117 and any other master
18 leasing plan described in subsection (a) issued on or before
19 the date of enactment of this Act shall have no force or
20 effect.

21 **SEC. 304. NATIONAL MONUMENTS.**

22 Section 2 of the Act of June 8, 1906 (commonly
23 known as the “Antiquities Act of 1906”) (16 U.S.C. 431),
24 is amended in the first sentence by striking “, in his dis-

1 cretion, to declare by public proclamation” and inserting
2 “to declare, subject to approval by an Act of Congress,”.

3 **SEC. 305. CARBON DIOXIDE AND OTHER GREENHOUSE GAS**
4 **EMISSIONS REDUCTIONS IN CHINA, INDIA,**
5 **AND RUSSIA.**

6 (a) DEFINITION OF ADMINISTRATOR.—In this sec-
7 tion, the term “Administrator” means the Administrator
8 of the Environmental Protection Agency.

9 (b) FINDINGS.—Congress finds that—

10 (1) in 1997, the Senate adopted Senate Resolu-
11 tion 98, 105th Congress, agreed to July 25, 1997,
12 which expressed the sense of the Senate that the
13 United States should not accept any agreement that
14 would mandate new commitments to limit or reduce
15 greenhouse gas emissions by developed countries un-
16 less the agreement also mandated new specific
17 scheduled commitments to limit or reduce green-
18 house gas emissions by developing countries within
19 the same compliance period; and

20 (2) the Administrator continues to move for-
21 ward with the regulation of carbon dioxide emis-
22 sions, however, the People’s Republic of China,
23 India, and the Russian Federation do not impose
24 similar regulations on carbon dioxide emissions.

1 (c) CARBON DIOXIDE OR GREENHOUSE GAS EMIS-
2 SIONS REDUCTIONS.—Notwithstanding any other provi-
3 sion of law, the Administrator or the head of any other
4 Federal agency or department shall not regulate or con-
5 tinue to implement or enforce any regulations, proposals,
6 or actions establishing any carbon dioxide or greenhouse
7 gas emissions reductions until the Administrator, the Ad-
8 ministrator of the Energy Information Agency, and the
9 Secretary of Commerce certify in writing that—

10 (1) the People’s Republic of China, India, and
11 the Russian Federation have proposed, implemented,
12 and enforced measures requiring carbon dioxide and
13 other greenhouse gas emissions reductions; and

14 (2) the reductions described in paragraph (1)
15 are substantially similar to the carbon dioxide and
16 other greenhouse gas emission reductions proposed
17 by the Administrator or the head of any other Fed-
18 eral agency or department for the United States.

19 (d) REPEAL.—Any regulation, proposal, or action in
20 effect before, on, or after the date of enactment of this
21 Act, but before the date on which the certification under
22 subsection (c) is made, that requires any carbon dioxide
23 or other greenhouse gas emissions reduction shall have no
24 force or effect.

1 **SEC. 306. EMPLOYMENT EFFECTS OF ACTIONS UNDER**
2 **CLEAN AIR ACT.**

3 Section 321(b) of the Clean Air Act (42 U.S.C.
4 7621(b)) is amended—

5 (1) by designating the first through eighth sen-
6 tences as paragraphs (1) through (8), respectively;
7 and

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

9 “(9) ECONOMIC ANALYSIS.—Not later than 30
10 days before conducting a public hearing or providing
11 notice of a determination that a hearing is not nec-
12 essary with respect to a requirement described in
13 paragraph (1), the Administrator shall—

14 “(A) conduct a full economic analysis of
15 the requirement; and

16 “(B) make the data, methodologies, and
17 results of the analysis available to the public.

18 “(10) ECONOMIC REVIEW BOARD.—

19 “(A) IN GENERAL.—Not later than 30
20 days after the date on which the Administrator
21 makes the results of an economic analysis of a
22 requirement available to the public under para-
23 graph (9)(B), the Secretary of Commerce shall
24 establish an economic review board consisting of
25 a representative from each Federal agency with
26 jurisdiction over affected industries to assess—

1 “(i) the cumulative economic impact
2 of the requirement, including the direct, in-
3 direct, quantifiable, and qualitative effects;

4 “(ii) the cost of compliance with the
5 requirement;

6 “(iii) the effect of the requirement on
7 the retirement or closure of domestic busi-
8 nesses;

9 “(iv) energy sectors that could be ex-
10 pected to retire units as a result of the re-
11 quirement;

12 “(v) the impact of the requirement on
13 the price of electricity, oil, gas, coal, and
14 renewable resources;

15 “(vi) the economic harm to consumers
16 resulting from the requirement;

17 “(vii) the impact of the requirement
18 on the ability of industries and businesses
19 in the United States to compete with in-
20 dustries and businesses in other countries,
21 with respect to competitiveness in both do-
22 mestic and foreign markets;

23 “(viii) the regions of the United
24 States that are forecasted to be—

1 “(I) most affected from the di-
2 rect and indirect adverse impacts of
3 the requirement from the retirement
4 of impacted units and increased prices
5 for retail electricity, transportation
6 fuels, heating oil, and petrochemicals;
7 and

8 “(II) least affected from adverse
9 impacts described in subclause (I) due
10 to the creation of new jobs and eco-
11 nomic growth that are expected to re-
12 sult directly and indirectly from en-
13 ergy construction projects;

14 “(ix) the adverse impacts of the re-
15 quirement on electric reliability that are
16 expected to result from the retirement of
17 electric generation;

18 “(x) the geographical distribution of
19 the projected adverse electric reliability im-
20 pacts of the requirement;

21 “(xi) Federal, State, and local policies
22 that have been or will be implemented to
23 support energy infrastructure in the
24 United States, including policies that pro-

1 mote fuel diversity, affordable and reliable
2 electricity, and energy security;

3 “(xii) the potential economic impacts
4 as a result of outsourcing; and

5 “(xiii) other direct and indirect im-
6 pacts that are expected to result from the
7 cumulative obligation to comply with the
8 requirement.

9 “(B) REPORT.—Not later than 30 days
10 after the date on which the economic review
11 board completes the assessment of a require-
12 ment under subparagraph (A), the economic re-
13 view board shall submit to Congress, the Presi-
14 dent, and the Secretary a report that describes
15 the results of the assessment.

16 “(C) REGULATIONS.—The Administrator
17 shall not promulgate regulations to implement a
18 requirement described in paragraph (1) until at
19 least 60 days after the date of submission of
20 the report on the requirement under subpara-
21 graph (B).”.

22 **SEC. 307. ENDANGERED SPECIES.**

23 (a) EMERGENCIES.—Section 10 of the Endangered
24 Species Act of 1973 (16 U.S.C. 1539) is amended by add-
25 ing at the end the following:

1 “(k) EMERGENCIES.—On the declaration of an emer-
 2 gency by the Governor of a State, the Secretary shall, for
 3 the duration of the emergency, temporarily exempt from
 4 the prohibition against taking, and the prohibition against
 5 the adverse modification of critical habitat, under this Act
 6 any action that is reasonably necessary to avoid or amelio-
 7 rate the impact of the emergency, including fighting or
 8 preventing forest fires and the building, rebuilding, or op-
 9 eration of any water supply or flood control project by a
 10 Federal agency.”.

11 (b) PROHIBITION OF CONSIDERATION OF IMPACT OF
 12 GREENHOUSE GASES AND CLIMATE CHANGE.—

13 (1) IN GENERAL.—The Endangered Species Act
 14 of 1973 (16 U.S.C. 1531 et seq.) is amended by
 15 adding at the end the following:

16 **“SEC. 19. PROHIBITION OF CONSIDERATION OF IMPACT OF**
 17 **GREENHOUSE GASES AND CLIMATE CHANGE.**

18 “(a) DEFINITION OF GREENHOUSE GAS.—In this
 19 section, the term ‘greenhouse gas’ means any of—

- 20 “(1) carbon dioxide;
- 21 “(2) methane;
- 22 “(3) nitrous oxide;
- 23 “(4) sulfur hexafluoride;
- 24 “(5) a hydrofluorocarbon;
- 25 “(6) a perfluorocarbon; or

1 “(7) any other anthropogenic gas designated by
2 the Secretary for purposes of this section.

3 “(b) IMPACT OF GREENHOUSE GASES AND CLIMATE
4 CHANGE.—The impact of any greenhouse gas or climate
5 change on any species of fish or wildlife or plant shall not
6 be considered for any purpose in the implementation of
7 this Act.”.

8 (2) CONFORMING AMENDMENT.—The table of
9 contents in the first section of the Endangered Spe-
10 cies Act of 1973 (16 U.S.C. prec. 1531) is amended
11 by adding at the end the following:

“Sec. 18. Annual cost analysis by the Fish and Wildlife Service.

“Sec. 19. Prohibition of consideration of impact of greenhouse gases and cli-
mate change.”.

12 **SEC. 308. CENTRAL VALLEY PROJECT.**

13 The Act of August 27, 1954 (68 Stat. 879, chapter
14 1012; 16 U.S.C. 695d et seq.) is amended by adding at
15 the end the following:

16 **“SEC. 9. EFFECT OF BIOLOGICAL OPINIONS.**

17 “Notwithstanding any other provision of law, in con-
18 nection with the Central Valley Project, the Bureau of
19 Reclamation and an agency of the State of California op-
20 erating a water project in connection with the Project shall
21 not restrict operations of an applicable project pursuant
22 to any biological opinion issued under the Endangered
23 Species Act of 1973 (16 U.S.C. 1531 et seq.), if the re-
24 striction would result in a level of allocation of water that

1 is less than the historical maximum level of allocation of
2 water under the project.”.

3 **SEC. 309. KEYSTONE XL PERMIT APPROVAL.**

4 (a) IN GENERAL.—Notwithstanding Executive Order
5 No. 13337 (3 U.S.C. 301 note), Executive Order No.
6 11423 (3 U.S.C. 301 note), section 301 of title 3, United
7 States Code, and any other Executive order or provision
8 of law, no presidential permit shall be required for the
9 pipeline described in the application filed on May 4, 2012,
10 by TransCanada Corporation to the Department of State
11 for the northern portion of the Keystone XL pipeline from
12 the Canadian border to the border between the States of
13 South Dakota and Nebraska.

14 (b) ENVIRONMENTAL IMPACT STATEMENT.—The
15 final environmental impact statement issued by the Sec-
16 retary of State on August 26, 2011, regarding the pipeline
17 referred to in subsection (a), shall be considered to satisfy
18 all requirements of the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.).

20 (c) INTRASTATE PORTION.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, the route of the Keystone XL pipe-
23 line through the State of Nebraska reviewed in the
24 Final Evaluation Report conducted pursuant to Neb.

1 Rev. Stat. §57–1503(1) and approved by the Gov-
2 ernor of the State shall be considered approved.

3 (2) ENVIRONMENTAL IMPACT STATEMENTS.—

4 The Final Evaluation Report described in paragraph
5 (1) shall be considered to satisfy all requirements of
6 the National Environmental Policy Act of 1969 (42
7 U.S.C. 4321 et seq.).

8 (d) CRITICAL HABITAT.—No area necessary to con-
9 struct or maintain the Keystone XL pipeline shall be con-
10 sidered critical habitat under the Endangered Species Act
11 of 1973 (16 U.S.C. 1531 et seq.) or any other provision
12 of law.

13 (e) PERMITS.—Any Federal permit or authorization
14 issued before the date of enactment of this Act for the
15 pipeline and cross-border facilities described in subsections
16 (a) and (b), and the related facilities in the United States,
17 shall remain in effect.

18 (f) FEDERAL JUDICIAL REVIEW.—The pipeline and
19 cross-border facilities described in subsections (a) and (b),
20 and the related facilities in the United States, that are
21 approved by this section, and any permit, right-of-way, or
22 other action taken to construct or complete the project
23 pursuant to Federal law, shall only be subject to judicial
24 review on direct appeal to the United States Court of Ap-
25 peals for the District of Columbia Circuit.

1 **SEC. 310. DRAKES BAY OYSTER COMPANY.**

2 Notwithstanding any other provision of law (includ-
3 ing the memorandum of the Secretary of the Interior
4 dated November 29, 2012, with the subject entitled “Point
5 Reyes National Seashore–Drakes Bay Oyster Com-
6 pany”)—

7 (1) the Secretary of the Interior, acting through
8 the Director of the National Park Service, shall—

9 (A) reinstate, for a period of not less than
10 10 years, the reservation of use and occupancy
11 and special use permits to conduct commercial
12 operations within Point Reyes National Sea-
13 shore in the State of California held by Drakes
14 Bay Oyster Company, which expired on Novem-
15 ber 30, 2012, subject to the terms and condi-
16 tions contained in those permits, as in effect on
17 November 29, 2012; and

18 (B) on receipt of a request from Drakes
19 Bay Oyster Company (or a successor in inter-
20 est), renew those reinstated permits for an ad-
21 ditional 10-year period; and

22 (2) Drakes Estero in the State of California
23 shall not be converted to a designated wilderness.

○