

113TH CONGRESS  
1ST SESSION

# S. 1401

To provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 31, 2013

Mr. HOEVEN (for himself, Ms. MURKOWSKI, Mr. BOOZMAN, Mr. COCHRAN, Mr. VITTER, Mr. CRAPO, Mr. BLUNT, Mr. MANCHIN, Mr. WICKER, Mr. ROBERTS, and Mr. CHAMBLISS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes.

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

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

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Domestic Energy and Jobs Act”.

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

Sec. 1. Short title; table of contents.

## TITLE I—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

- Sec. 101. Short title.
- Sec. 102. Transportation Fuels Regulatory Committee.
- Sec. 103. Analyses.
- Sec. 104. Reports; public comment.
- Sec. 105. No final action on certain rules.
- Sec. 106. Consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone.
- Sec. 107. Fuel requirements waiver and study.

## TITLE II—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

- Sec. 201. Short title.
- Sec. 202. Onshore domestic energy production strategic plan.

## TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY

- Sec. 301. Short title.
- Sec. 302. Minimum acreage requirement for onshore lease sales.
- Sec. 303. Leasing certainty and consistency.
- Sec. 304. Reduction of redundant policies.

## TITLE IV—STREAMLINED ENERGY PERMITTING

- Sec. 401. Short title.

### Subtitle A—Application for Permits To Drill Process Reform

- Sec. 411. Permit to drill application timeline.
- Sec. 412. Solar and wind right-of-way rental reform.

### Subtitle B—Administrative Appeal Documentation Reform

- Sec. 421. Administrative appeal documentation reform.

### Subtitle C—Permit Streamlining

- Sec. 431. Federal energy permit coordination.
- Sec. 432. Administration of current law.

### Subtitle D—Judicial Review

- Sec. 441. Definitions.
- Sec. 442. Exclusive venue for certain civil actions relating to covered energy projects.
- Sec. 443. Timely filing.
- Sec. 444. Expedition in hearing and determining the action.
- Sec. 445. Standard of review.
- Sec. 446. Limitation on injunction and prospective relief.
- Sec. 447. Limitation on attorneys' fees.
- Sec. 448. Legal standing.

## TITLE V—EXPEDITIOUS OIL AND GAS LEASING PROGRAM IN NATIONAL PETROLEUM RESERVE IN ALASKA

- Sec. 501. Short title.
- Sec. 502. Sense of Congress reaffirming national policy regarding National Petroleum Reserve in Alaska.
- Sec. 503. Competitive leasing of oil and gas.
- Sec. 504. Planning and permitting pipeline and road construction.
- Sec. 505. Departmental accountability for development.
- Sec. 506. Updated resource assessment.
- Sec. 507. Colville River Delta designation.

#### TITLE VI—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

- Sec. 601. Short title.
- Sec. 602. Internet-based onshore oil and gas lease sales.

#### TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION

- Sec. 701. Short title.
- Sec. 702. Offshore meteorological site testing and monitoring projects.

#### TITLE VIII—CRITICAL MINERALS

- Sec. 801. Definitions.
- Sec. 802. Designations.
- Sec. 803. Policy.
- Sec. 804. Resource assessment.
- Sec. 805. Permitting.
- Sec. 806. Recycling and alternatives.
- Sec. 807. Analysis and forecasting.
- Sec. 808. Education and workforce.
- Sec. 809. International cooperation.
- Sec. 810. Repeal, authorization, and offset.

#### TITLE IX—MISCELLANEOUS

- Sec. 901. Limitation on transfer of functions under 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.
- Sec. 904. Limitation on authority to issue regulations modifying the stream zone buffer rule.

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

### 4 **SEC. 101. SHORT TITLE.**

5       This title may be cited as the “Gasoline Regulations  
6 Act of 2013”.

1 **SEC. 102. TRANSPORTATION FUELS REGULATORY COM-**  
2 **MITTEE.**

3 (a) **ESTABLISHMENT.**—The President shall establish  
4 a committee, to be known as the Transportation Fuels  
5 Regulatory Committee (referred to in this title as the  
6 “Committee”), to analyze and report on the cumulative  
7 impacts of certain rules and actions of the Environmental  
8 Protection Agency on gasoline, diesel fuel, and natural gas  
9 prices, in accordance with sections 103 and 104.

10 (b) **MEMBERS.**—The Committee shall be composed of  
11 the following officials (or their designees):

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

14 (2) The Secretary of Transportation, acting  
15 through the Administrator of the National Highway  
16 Traffic Safety Administration.

17 (3) The Secretary of Commerce, acting through  
18 the Chief Economist and the Under Secretary for  
19 International Trade.

20 (4) The Secretary of Labor, acting through the  
21 Commissioner of the Bureau of Labor Statistics.

22 (5) The Secretary of the Treasury, acting  
23 through the Deputy Assistant Secretary for Environ-  
24 ment and Energy of the Department of the Treas-  
25 ury.

1           (6) The Secretary of Agriculture, acting  
2 through the Chief Economist.

3           (7) The Administrator of the Environmental  
4 Protection Agency.

5           (8) The Chairman of the United States Inter-  
6 national Trade Commission, acting through the Di-  
7 rector of the Office of Economics.

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

10       (c) CONSULTATION BY CHAIR.—In carrying out the  
11 functions of the Chair of the Committee, the Chair shall  
12 consult with the other members of the Committee.

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

16       (e) TERMINATION.—The Committee shall terminate  
17 on the date that is 60 days after the date of submission  
18 of the final report of the Committee pursuant to section  
19 104(c).

20 **SEC. 103. ANALYSES.**

21       (a) DEFINITIONS.—In this section:

22           (1) COVERED ACTION.—The term “covered ac-  
23 tion” means any action, to the extent that the action  
24 affects facilities involved in the production, transpor-  
25 tation, or distribution of gasoline, diesel fuel, or nat-

1        ural gas, taken on or after January 1, 2009, by the  
 2        Administrator of the Environmental Protection  
 3        Agency, a State, a local government, or a permitting  
 4        agency as a result of the application of part C of  
 5        title I (relating to prevention of significant deteriora-  
 6        tion of air quality), or title V (relating to permit-  
 7        ting), of the Clean Air Act (42 U.S.C. 7401 et seq.),  
 8        to an air pollutant that is identified as a greenhouse  
 9        gas in the rule entitled “Endangerment and Cause  
 10       or Contribute Findings for Greenhouse Gases Under  
 11       Section 202(a) of the Clean Air Act” (74 Fed. Reg.  
 12       66496 (December 15, 2009)).

13            (2) COVERED RULE.—The term “covered rule”  
 14       means the following rules (and includes any suc-  
 15       cessor or substantially similar rules):

16            (A) “Control of Air Pollution From New  
 17       Motor Vehicles: Tier 3 Motor Vehicle Emission  
 18       and Fuel Standards”, as described in the Uni-  
 19       fied Agenda of Federal Regulatory and Dereg-  
 20       latory Actions under Regulatory Identification  
 21       Number 2060–AQ86.

22            (B) “National Ambient Air Quality Stand-  
 23       ards for Ozone” (73 Fed. Reg. 16436 (March  
 24       27, 2008)).

1 (C) “Reconsideration of the 2008 Ozone  
2 Primary and Secondary National Ambient Air  
3 Quality Standards”, as described in the Unified  
4 Agenda of Federal Regulatory and Deregula-  
5 tory Actions under Regulatory Identification  
6 Number 2060–AP98.

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

12 (E) Any rule proposed after March 15,  
13 2012, to implement any portion of the renew-  
14 able fuel program under section 211(o) of the  
15 Clean Air Act (42 U.S.C. 7545(o)).

16 (F) Any rule proposed after March 15,  
17 2012, revising or supplementing the national  
18 ambient air quality standards for ozone under  
19 section 109 of the Clean Air Act (42 U.S.C.  
20 7409).

21 (b) SCOPE.—The Committee shall conduct analyses,  
22 for each of calendar years 2016 and 2020, of the prospec-  
23 tive cumulative impact of all covered rules and covered ac-  
24 tions.

1       (c) CONTENTS.—The Committee shall include in each  
2 analysis conducted under this section—

3           (1) estimates of the cumulative impacts of the  
4 covered rules and covered actions relating to—

5           (A) any resulting change in the national,  
6 State, or regional price of gasoline, diesel fuel,  
7 or natural gas;

8           (B) required capital investments and pro-  
9 jected costs for operation and maintenance of  
10 new equipment required to be installed;

11          (C) global economic competitiveness of the  
12 United States and any loss of domestic refining  
13 capacity;

14          (D) other cumulative costs and cumulative  
15 benefits, including evaluation through a general  
16 equilibrium model approach;

17          (E) national, State, and regional employ-  
18 ment, including impacts associated with  
19 changes in gasoline, diesel fuel, or natural gas  
20 prices and facility closures; and

21          (F) any other matters affecting the  
22 growth, stability, and sustainability of the oil  
23 and gas industries of the United States, par-  
24 ticularly relative to that of other nations;



1           (2) an analysis of key uncertainties and as-  
 2           sumptions associated with each estimate under para-  
 3           graph (1);

4           (3) a sensitivity analysis reflecting alternative  
 5           assumptions with respect to the aggregate demand  
 6           for gasoline, diesel fuel, or natural gas; and

7           (4) an analysis and, if feasible, an assessment  
 8           of—

9                   (A) the cumulative impact of the covered  
 10           rules and covered actions on—

11                           (i) consumers;

12                           (ii) small businesses;

13                           (iii) regional economies;

14                           (iv) State, local, and tribal govern-  
 15           ments;

16                           (v) low-income communities;

17                           (vi) public health; and

18                           (vii) local and industry-specific labor  
 19           markets; and

20                   (B) key uncertainties associated with each  
 21           topic described in subparagraph (A).

22           (d) METHODS.—In conducting analyses under this  
 23           section, the Committee shall use the best available meth-  
 24           ods, consistent with guidance from the Office of Informa-

tion and Regulatory Affairs and the Office of Management  
and Budget Circular A-4.

(e) DATA.—In conducting analyses under this section, the Committee shall not be required to create data or to use data that is not readily accessible.

**SEC. 104. REPORTS; PUBLIC COMMENT.**

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 103.

(b) PUBLIC COMMENT PERIOD.—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after the date on which the preliminary report is submitted.

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 103, including—

(1) any revisions to the analyses made as a result of public comments; and

1 (2) a response to the public comments.

2 **SEC. 105. NO FINAL ACTION ON CERTAIN RULES.**

3 (a) IN GENERAL.—The Administrator of the Envi-  
4 ronmental Protection Agency shall not finalize any of the  
5 following rules until a date (to be determined by the Ad-  
6 ministrator) that is at least 180 days after the date on  
7 which the Committee submits the final report under sec-  
8 tion 104(c):

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

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 revising or supplementing the na-  
21 tional ambient air quality standards for ozone under  
22 section 109 of the Clean Air Act (42 U.S.C. 7409).

23 (b) OTHER RULES NOT AFFECTED.—Subsection (a)  
24 shall not affect the finalization of any rule other than the  
25 rules described in subsection (a).

1 **SEC. 106. CONSIDERATION OF FEASIBILITY AND COST IN**  
 2 **REVISING OR SUPPLEMENTING NATIONAL**  
 3 **AMBIENT AIR QUALITY STANDARDS FOR**  
 4 **OZONE.**

5 In revising or supplementing any national primary or  
 6 secondary ambient air quality standards for ozone under  
 7 section 109 of the Clean Air Act (42 U.S.C. 7409), the  
 8 Administrator of the Environmental Protection Agency  
 9 shall take into consideration feasibility and cost.

10 **SEC. 107. FUEL REQUIREMENTS WAIVER AND STUDY.**

11 (a) **WAIVER OF FUEL REQUIREMENTS.**—Section  
 12 211(c)(4)(C) of the Clean Air Act (42 U.S.C.  
 13 7545(c)(4)(C)) is amended—

14 (1) in clause (ii)(II), by inserting “a problem  
 15 with distribution or delivery equipment that is nec-  
 16 essary for the transportation or delivery of fuel or  
 17 fuel additives,” after “equipment failure,”;

18 (2) in clause (iii)(II), by inserting before the  
 19 semicolon at the end the following: “(except that the  
 20 Administrator may extend the effectiveness of a  
 21 waiver for more than 20 days if the Administrator  
 22 determines that the conditions under clause (ii) sup-  
 23 porting a waiver determination will exist for more  
 24 than 20 days)”;

25 (3) by redesignating the second clause (v) (re-  
 26 lating to the authority of the Administrator to ap-

1       prove certain State implementation plans) as clause  
2       (vi); and

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

4       “(vii) PRESUMPTIVE APPROVAL.—Notwithstanding  
5 any other provision of this subparagraph, if the Adminis-  
6 trator does not approve or deny a request for a waiver  
7 under this subparagraph within 3 days after receipt of the  
8 request, the request shall be deemed to be approved as  
9 received by the Administrator and the applicable fuel  
10 standards shall be waived for the period of time re-  
11 quested.”.

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

15               (1) in subsection (a)—

16                       (A) in paragraph (1)(A), by inserting  
17               “biofuels,” after “oxygenated fuel,”; and

18                       (B) in paragraph (2)(G), by striking “Tier  
19               II” and inserting “Tier III”; and

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

1 **TITLE II—QUADRENNIAL STRA-**  
 2 **TEGIC FEDERAL ONSHORE**  
 3 **ENERGY PRODUCTION STRAT-**  
 4 **EGY**

5 **SEC. 201. SHORT TITLE.**

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

8 **SEC. 202. ONSHORE DOMESTIC ENERGY PRODUCTION**  
 9 **STRATEGIC PLAN.**

10 The Mineral Leasing Act is amended—

11 (1) by redesignating section 44 (30 U.S.C. 181  
 12 note) as section 45; and

13 (2) by inserting after section 43 (30 U.S.C.  
 14 226–3) the following:

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

17 “(a) DEFINITIONS.—In this section:

18 “(1) SECRETARY.—The term ‘Secretary’ means  
 19 the Secretary of the Interior.

20 “(2) STRATEGIC AND CRITICAL ENERGY MIN-  
 21 ERALS.—The term ‘strategic and critical energy  
 22 minerals’ means—

23 “(A) minerals that are necessary for the  
 24 energy infrastructure of the United States, in-  
 25 cluding pipelines, refining capacity, electrical

1 power generation and transmission, and renew-  
2 able energy production; and

3 “(B) minerals that are necessary to sup-  
4 port domestic manufacturing, including mate-  
5 rials used in energy generation, production, and  
6 transportation.

7 “(3) STRATEGY.—The term ‘Strategy’ means  
8 the Quadrennial Federal Onshore Energy Produc-  
9 tion Strategy required under this section.

10 “(b) STRATEGY.—

11 “(1) IN GENERAL.—The Secretary, in consulta-  
12 tion with the Secretary of Agriculture with regard to  
13 land administered by the Forest Service, shall de-  
14 velop and publish every 4 years a Quadrennial Fed-  
15 eral Onshore Energy Production Strategy.

16 “(2) ENERGY SECURITY.—The Strategy shall  
17 direct Federal land energy development and depart-  
18 ment resource allocation to promote the energy secu-  
19 rity of the United States.

20 “(c) PURPOSES.—

21 “(1) IN GENERAL.—In developing a Strategy,  
22 the Secretary shall consult with the Administrator of  
23 the Energy Information Administration on—

1           “(A) the projected energy demands of the  
2           United States for the 30-year period beginning  
3           on the date of initiation of the Strategy; and

4           “(B) how energy derived from Federal on-  
5           shore land can place the United States on a  
6           trajectory to meet that demand during the 4-  
7           year period beginning on the date of initiation  
8           of the Strategy.

9           “(2) ENERGY SECURITY.—The Secretary shall  
10          consider how Federal land will contribute to ensur-  
11          ing national energy security, with a goal of increas-  
12          ing energy independence and production, during the  
13          4-year period beginning on the date of initiation of  
14          the Strategy.

15          “(d) OBJECTIVES.—The Secretary shall establish a  
16          domestic strategic production objective for the develop-  
17          ment of energy resources from Federal onshore land that  
18          is based on commercial and scientific data relating to the  
19          expected increase in—

20                 “(1) domestic production of oil and natural gas  
21                 from the Federal onshore mineral estate, with a  
22                 focus on land held by the Bureau of Land Manage-  
23                 ment and the Forest Service;

24                 “(2) domestic coal production from Federal  
25                 land;



1           “(3) domestic production of strategic and crit-  
2 ical energy minerals from the Federal onshore min-  
3 eral estate;

4           “(4) megawatts for electricity production from  
5 each of wind, solar, biomass, hydropower, and geo-  
6 thermal energy produced on Federal land adminis-  
7 tered by the Bureau of Land Management and the  
8 Forest Service;

9           “(5) unconventional energy production, such as  
10 oil shale;

11           “(6) domestic production of oil, natural gas,  
12 coal, and other renewable sources from tribal land  
13 for any federally recognized Indian tribe that elects  
14 to participate in facilitating energy production on  
15 the land of the Indian tribe; and

16           “(7) domestic production of geothermal, solar,  
17 wind, or other renewable energy sources on land de-  
18 fined as available lands under section 203 of the Ha-  
19 waiian Homes Commission Act, 1920 (42 Stat. 109,  
20 chapter 42), and any other land considered by the  
21 Territory or State of Hawaii, as the case may be, to  
22 be available lands.

23           “(e) METHODOLOGY.—The Secretary shall consult  
24 with the Administrator of the Energy Information Admin-

1   istration regarding the methodology used to arrive at the  
 2   estimates made by the Secretary to carry out this section.

3       “(f) EXPANSION OF PLAN.—The Secretary may ex-  
 4   pand a Strategy to include other energy production tech-  
 5   nology sources or advancements in energy production on  
 6   Federal land.

7       “(g) TRIBAL OBJECTIVES.—

8           “(1) IN GENERAL.—It is the sense of Congress  
 9   that federally recognized Indian tribes may elect to  
 10   set the production objectives of the Indian tribes as  
 11   part of a Strategy under this section.

12          “(2) COOPERATION.—The Secretary shall work  
 13   in cooperation with any federally recognized Indian  
 14   tribe that elects to participate in achieving the stra-  
 15   tegic energy objectives of the Indian tribe under this  
 16   subsection.

17       “(h) EXECUTION OF STRATEGY.—

18           “(1) DEFINITION OF SECRETARY CON-  
 19   CERNED.—In this subsection, the term ‘Secretary  
 20   concerned’ means—

21               “(A) the Secretary of Agriculture (acting  
 22               through the Chief of the Forest Service), with  
 23               respect to National Forest System land; and

24               “(B) the Secretary of the Interior, with re-  
 25               spect to land managed by the Bureau of Land

1 Management (including land held for the ben-  
2 efit of an Indian tribe).

3 “(2) ADDITIONAL LAND.—The Secretary con-  
4 cerned may make determinations regarding which  
5 additional land under the jurisdiction of the Sec-  
6 retary concerned will be made available in order to  
7 meet the energy production objectives established by  
8 a Strategy.

9 “(3) ACTIONS.—The Secretary concerned shall  
10 take all necessary actions to achieve the energy pro-  
11 duction objectives established under this section un-  
12 less the President determines that it is not in the  
13 national security and economic interests of the  
14 United States—

15 “(A) to increase Federal domestic energy  
16 production; and

17 “(B) to decrease dependence on foreign  
18 sources of energy.

19 “(4) LEASING.—In carrying out this subsection,  
20 the Secretary concerned shall only consider leasing  
21 Federal land available for leasing at the time the  
22 lease sale occurs.

23 “(i) STATE, FEDERALLY RECOGNIZED INDIAN  
24 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In  
25 developing a Strategy, the Secretary shall solicit the input

1 of affected States, federally recognized Indian tribes, local  
2 governments, and the public.

3 “(j) ANNUAL REPORTS.—

4 “(1) IN GENERAL.—The Secretary shall submit  
5 to the Committee on Natural Resources of the  
6 House of Representatives and the Committee on En-  
7 ergy and Natural Resources of the Senate an annual  
8 report describing the progress made in meeting the  
9 production goals of a Strategy.

10 “(2) CONTENTS.—In a report required under  
11 this subsection, the Secretary shall—

12 “(A) make projections for production and  
13 capacity installations;

14 “(B) describe any problems with leasing,  
15 permitting, siting, or production that will pre-  
16 vent meeting the production goals of a Strat-  
17 egy; and

18 “(C) make recommendations to help meet  
19 any shortfalls in meeting the production goals.

20 “(k) PROGRAMMATIC ENVIRONMENTAL IMPACT  
21 STATEMENT.—

22 “(1) IN GENERAL.—Not later than 1 year after  
23 the date of enactment of this subsection, in accord-  
24 ance with section 102(2)(C) of the National Envi-  
25 ronmental Policy Act of 1969 (42 U.S.C.

1       4332(2)(C)), the Secretary shall complete a pro-  
2       grammatic environmental impact statement for car-  
3       rying out this section.

4           “(2) COMPLIANCE.—The programmatic envi-  
5       ronmental impact statement shall be considered suf-  
6       ficient to comply with all requirements under the  
7       National Environmental Policy Act of 1969 (42  
8       U.S.C. 4321 et seq.) for all necessary resource man-  
9       agement and land use plans associated with the im-  
10      plementation of a Strategy.

11      “(1) CONGRESSIONAL REVIEW.—

12           “(1) IN GENERAL.—Not later than 60 days be-  
13      fore publishing a proposed Strategy under this sec-  
14      tion, the Secretary shall submit to Congress and the  
15      President the proposed Strategy, together with any  
16      comments received from States, federally recognized  
17      Indian tribes, and local governments.

18           “(2) RECOMMENDATIONS.—The submission  
19      shall indicate why any specific recommendation of a  
20      State, federally recognized Indian tribe, or local gov-  
21      ernment was not accepted.

22      “(m) ADMINISTRATION.—Nothing in this section  
23      modifies or affects any multiuse plan.

1 “(n) FIRST STRATEGY.—Not later than 18 months  
 2 after the date of enactment of this subsection, the Sec-  
 3 retary shall submit to Congress the first Strategy.”.

## 4 **TITLE III—ONSHORE OIL AND** 5 **GAS LEASING CERTAINTY**

### 6 **SEC. 301. SHORT TITLE.**

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

### 9 **SEC. 302. MINIMUM ACREAGE REQUIREMENT FOR ON-** 10 **SHORE LEASE SALES.**

11 Section 17 of the Mineral Leasing Act (30 U.S.C.  
 12 226) is amended—

13 (1) by striking “SEC. 17. (a) All lands” and in-  
 14 serting the following:

#### 15 **“SEC. 17. LEASE OF OIL AND GAS LAND.**

16 “(a) AUTHORITY.—

17 “(1) IN GENERAL.—All land”; and

18 (2) in subsection (a) (as amended by paragraph  
 19 (1)), by adding at the end the following:

20 “(2) MINIMUM ACREAGE REQUIREMENT FOR  
 21 ONSHORE LEASE SALES.—

22 “(A) IN GENERAL.—In conducting lease  
 23 sales under this section, each year, the Sec-  
 24 retary shall offer for sale not less than 25 per-

1 cent of the annual nominated acreage not pre-  
 2 viously made available for lease.

3 “(B) REVIEW.—The offering of acreage of-  
 4 fered for lease under this paragraph shall not  
 5 be subject to review.

6 “(C) CATEGORICAL EXCLUSIONS.—Acreage  
 7 offered for lease under this paragraph shall be  
 8 eligible for categorical exclusions under section  
 9 390 of the Energy Policy Act of 2005 (42  
 10 U.S.C. 15942), except that extraordinary cir-  
 11 cumstances shall not be required for a categor-  
 12 ical exclusion under this paragraph.

13 “(D) LEASING.—In carrying out this sub-  
 14 section, the Secretary shall only consider leas-  
 15 ing of Federal land that is available for leasing  
 16 at the time the lease sale occurs.”.

17 **SEC. 303. LEASING CERTAINTY AND CONSISTENCY.**

18 Section 17(a) of the Mineral Leasing Act (30 U.S.C.  
 19 226(a)) (as amended by section 302) is amended by add-  
 20 ing at the end the following:

21 “(3) LEASING CERTAINTY.—

22 “(A) IN GENERAL.—The Secretary shall  
 23 not withdraw approval of any covered energy  
 24 project involving a lease under this Act without

1 finding a violation of the terms of the lease by  
2 the lessee.

3 “(B) DELAY.—The Secretary shall not in-  
4 fringe on lease rights under leases issued under  
5 this Act by indefinitely delaying issuance of  
6 project approvals, drilling and seismic permits,  
7 and rights-of-way for activities under a lease.

8 “(C) AVAILABILITY OF NOMINATED  
9 AREAS.—Not later than 18 months after an  
10 area is designated as open under the applicable  
11 land use plan, the Secretary shall make avail-  
12 able nominated areas for lease under paragraph  
13 (2).

14 “(D) ISSUANCE OF LEASES.—Notwith-  
15 standing any other provision of law, the Sec-  
16 retary shall issue all leases sold under this Act  
17 not later than 60 days after the last payment  
18 is made.

19 “(E) CANCELLATION OR WITHDRAWAL OF  
20 LEASE PARCELS.—The Secretary shall not can-  
21 cel or withdraw any lease parcel after a com-  
22 petitive lease sale has occurred and a winning  
23 bidder has submitted the last payment for the  
24 parcel.

25 “(F) APPEALS.—



1                   “(i) IN GENERAL.—The Secretary  
2                   shall complete the review of any appeal of  
3                   a lease sale under this Act not later than  
4                   60 days after the receipt of the appeal.

5                   “(ii) CONSTRUCTIVE APPROVAL.—If  
6                   the review of an appeal is not conducted in  
7                   accordance with clause (i), the appeal shall  
8                   be considered approved.

9                   “(G) ADDITIONAL STIPULATIONS.—The  
10                  Secretary may not add any additional lease  
11                  stipulation for a parcel after the parcel is sold  
12                  unless the Secretary—

13                       “(i) consults with the lessee and ob-  
14                       tains the approval of the lessee; or

15                       “(ii) determines that the stipulation is  
16                       an emergency action that is necessary to  
17                       conserve the resources of the United  
18                       States.

19                  “(4) LEASING CONSISTENCY.—A Federal land  
20                  manager shall comply with applicable resource man-  
21                  agement plans and continue to actively lease in  
22                  areas designated as open when resource manage-  
23                  ment plans are being amended or revised, until a  
24                  new record of decision is signed.”.

1 **SEC. 304. REDUCTION OF REDUNDANT POLICIES.**

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

4 **TITLE IV—STREAMLINED**  
5 **ENERGY PERMITTING**

6 **SEC. 401. SHORT TITLE.**

7 This title may be cited as the “Streamlining Permit-  
8 ting of American Energy Act of 2013”.

9 **Subtitle A—Application for Permits**  
10 **To Drill Process Reform**

11 **SEC. 411. PERMIT TO DRILL APPLICATION TIMELINE.**

12 Section 17(p) of the Mineral Leasing Act (30 U.S.C.  
13 226(p)) is amended by striking paragraph (2) and insert-  
14 ing the following:

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

17 “(A) IN GENERAL.—Subject to subpara-  
18 graph (B), the Secretary shall decide whether  
19 to issue a permit to drill not later than 30 days  
20 after the date on which the application for the  
21 permit is received by the Secretary.

22 “(B) EXTENSIONS.—

23 “(i) IN GENERAL.—The Secretary  
24 may extend the period described in sub-  
25 paragraph (A) for up to 2 periods of 15

1 days each, if the Secretary gives written  
2 notice of the delay to the applicant.

3 “(ii) NOTICE.—The notice shall—

4 “(I) be in the form of a letter  
5 from the Secretary or a designee of  
6 the Secretary; and

7 “(II) include—

8 “(aa) the names and posi-  
9 tions of the persons processing  
10 the application;

11 “(bb) the specific reasons  
12 for the delay; and

13 “(cc) a specific date on  
14 which a final decision on the ap-  
15 plication is expected.

16 “(C) NOTICE OF REASONS FOR DENIAL.—

17 If the application is denied, the Secretary shall  
18 provide the applicant—

19 “(i) a written notice that provides—

20 “(I) clear and comprehensive rea-  
21 sons why the application was not ac-  
22 cepted; and

23 “(II) detailed information con-  
24 cerning any deficiencies; and

1 “(ii) an opportunity to remedy any de-  
2 ficiencies.

3 “(D) APPLICATION CONSIDERED AP-  
4 PROVED.—If the Secretary has not made a de-  
5 cision on the application by the end of the 60-  
6 day period beginning on the date the applica-  
7 tion for the permit is received by the Secretary,  
8 the application shall be considered approved un-  
9 less applicable reviews under the National Envi-  
10 ronmental Policy Act of 1969 (42 U.S.C. 4321  
11 et seq.) or the Endangered Species Act of 1973  
12 (16 U.S.C. 1531 et seq.) are incomplete.

13 “(E) DENIAL OF PERMIT.—If the Sec-  
14 retary decides not to issue a permit to drill  
15 under this paragraph, the Secretary shall—

16 “(i) provide to the applicant a descrip-  
17 tion of the reasons for the denial of the  
18 permit;

19 “(ii) allow the applicant to resubmit  
20 an application for a permit to drill during  
21 the 10-day period beginning on the date  
22 the applicant receives the description of  
23 the denial from the Secretary; and

24 “(iii) issue or deny any resubmitted  
25 application not later than 10 days after the

1 date the application is submitted to the  
2 Secretary.

3 “(F) FEE.—

4 “(i) IN GENERAL.—Subject to clauses  
5 (ii) and (iii) and notwithstanding any other  
6 provision of law, the Secretary shall collect  
7 a single \$6,500 permit processing fee per  
8 application from each applicant at the time  
9 the final decision is made whether to issue  
10 a permit under this paragraph.

11 “(ii) RESUBMITTED APPLICATIONS.—  
12 The fee described in clause (i) shall not  
13 apply to any resubmitted application.

14 “(iii) TREATMENT OF PERMIT PROC-  
15 ESSING FEE.—Subject to appropriation, of  
16 all fees collected under this paragraph, 50  
17 percent shall be transferred to the field of-  
18 fice where the fees are collected and used  
19 to process leases, permits, and appeals  
20 under this Act.”.

21 **SEC. 412. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**  
22 **FORM.**

23 Notwithstanding any other provision of law, each fis-  
24 cal year, of fees collected as annual wind energy and solar  
25 energy right-of-way authorization fees required under sec-

tion 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation—

(1) by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development; and

(2) at the option of the Secretary of the Interior, by the United States Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management land.

## **Subtitle B—Administrative Appeal Documentation Reform**

### **SEC. 421. ADMINISTRATIVE APPEAL DOCUMENTATION REFORM.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

“(4) APPEAL FEE.—

“(A) IN GENERAL.—The Secretary shall collect a \$5,000 documentation fee to accompany each appeal of an action on a lease, right-of-way, or application for permit to drill.

1                   “(B) TREATMENT OF FEES.—Subject to  
 2                   appropriation, of all fees collected under this  
 3                   paragraph, 50 percent shall remain in the field  
 4                   office where the fees are collected and used to  
 5                   process appeals.”.

## 6       **Subtitle C—Permit Streamlining**

### 7       **SEC. 431. FEDERAL ENERGY PERMIT COORDINATION.**

8           (a) DEFINITIONS.—In this section:

9                   (1) ENERGY PROJECTS.—The term “energy  
 10                  projects” means oil, coal, natural gas, and renewable  
 11                  energy projects.

12                  (2) PROJECT.—The term “Project” means the  
 13                  Federal Permit Streamlining Project established  
 14                  under subsection (b).

15                  (3) SECRETARY.—The term “Secretary” means  
 16                  the Secretary of the Interior.

17           (b) ESTABLISHMENT.—The Secretary shall establish  
 18           a Federal Permit Streamlining Project in each Bureau of  
 19           Land Management field office with responsibility for  
 20           issuing permits for energy projects on Federal land.

21           (c) MEMORANDUM OF UNDERSTANDING.—

22                   (1) IN GENERAL.—Not later than 90 days after  
 23                  the date of enactment of this Act, the Secretary  
 24                  shall enter into a memorandum of understanding to  
 25                  carry out this section with—

1 (A) the Secretary of Agriculture;

2 (B) the Administrator of the Environ-  
3 mental Protection Agency; and

4 (C) the Secretary of the Army, acting  
5 through the Chief of Engineers.

6 (2) STATE PARTICIPATION.—The Secretary  
7 may request the Governor of any State with energy  
8 projects on Federal land to be a signatory to the  
9 memorandum of understanding.

10 (d) DESIGNATION OF QUALIFIED STAFF.—

11 (1) IN GENERAL.—Not later than 30 days after  
12 the date of the signing of the memorandum of un-  
13 derstanding under subsection (c), all Federal signa-  
14 tory parties shall, if appropriate, assign to each of  
15 the Bureau of Land Management field offices an  
16 employee who has expertise in the regulatory issues  
17 relating to the office in which the employee is em-  
18 ployed, including, as applicable, particular expertise  
19 in—

20 (A) the consultations and the preparation  
21 of biological opinions under section 7 of the En-  
22 dangered Species Act of 1973 (16 U.S.C.  
23 1536);

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



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

3 (D) planning under the National Forest  
4 Management Act of 1976 (16 U.S.C. 472a et  
5 seq.); and

6 (E) the preparation of analyses under the  
7 National Environmental Policy Act of 1969 (42  
8 U.S.C. 4321 et seq.).

9 (2) DUTIES.—Each employee assigned under  
10 paragraph (1) shall—

11 (A) not later than 90 days after the date  
12 of assignment, report to the Bureau of Land  
13 Management Field Managers in the office to  
14 which the employee is assigned;

15 (B) be responsible for all issues relating to  
16 the energy projects that arise under the au-  
17 thorities of the home office of the employee; and

18 (C) participate as part of the team of per-  
19 sonnel working on proposed energy projects,  
20 planning, and environmental analyses on Fed-  
21 eral land.

22 (e) ADDITIONAL PERSONNEL.—The Secretary shall  
23 assign to each Bureau of Land Management field office  
24 identified under subsection (b) any additional personnel  
25 that are necessary to ensure the effective approval and im-

1 plementation of energy projects administered by the Bu-  
 2 reau of Land Management field offices, including inspec-  
 3 tion and enforcement relating to energy development on  
 4 Federal land, in accordance with the multiple-use require-  
 5 ments of the Federal Land Policy and Management Act  
 6 of 1976 (43 U.S.C. 1701 et seq.).

7 (f) FUNDING.—Funding for the additional personnel  
 8 shall be derived from the Department of the Interior re-  
 9 forms made by sections 411, 412, and 421 and the amend-  
 10 ments made by those sections.

11 (g) SAVINGS PROVISION.—Nothing in this section af-  
 12 fects—

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

15 (2) any delegation of authority made by the  
 16 head of a Federal agency whose employees are par-  
 17 ticipating in the Project.

18 **SEC. 432. ADMINISTRATION OF CURRENT LAW.**

19 Notwithstanding any other provision of law, the Sec-  
 20 retary of the Interior shall not require a finding of extraor-  
 21 dinary circumstances in administering section 390 of the  
 22 Energy Policy Act of 2005 (42 U.S.C. 15942).

23 **Subtitle D—Judicial Review**

24 **SEC. 441. DEFINITIONS.**

25 In this title:

1           (1) COVERED CIVIL ACTION.—The term “cov-  
 2       ered civil action” means a civil action containing a  
 3       claim under section 702 of title 5, United States  
 4       Code, regarding agency action (as defined for the  
 5       purposes of that section) affecting a covered energy  
 6       project on Federal land.

7           (2) COVERED ENERGY PROJECT.—

8           (A) IN GENERAL.—The term “covered en-  
 9       ergy project” means the leasing of Federal land  
 10      of the United States for the exploration, devel-  
 11      opment, production, processing, or transmission  
 12      of oil, natural gas, wind, or any other source of  
 13      energy, and any action under such a lease.

14          (B) EXCLUSION.—The term “covered en-  
 15      ergy project” does not include any disputes be-  
 16      tween the parties to a lease regarding the obli-  
 17      gations under the lease, including regarding any  
 18      alleged breach of the lease.

19   **SEC. 442. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**  
 20                   **RELATING TO COVERED ENERGY PROJECTS.**

21      Venue for any covered civil action shall lie in the  
 22      United States district court for the district in which the  
 23      project or leases exist or are proposed.

1 **SEC. 443. TIMELY FILING.**

2 To ensure timely redress by the courts, a covered civil  
3 action shall be filed not later than 90 days after the date  
4 of the final Federal agency action to which the covered  
5 civil action relates.

6 **SEC. 444. EXPEDITION IN HEARING AND DETERMINING THE**  
7 **ACTION.**

8 A court shall endeavor to hear and determine any  
9 covered civil action as expeditiously as practicable.

10 **SEC. 445. STANDARD OF REVIEW.**

11 In any judicial review of a covered civil action—

12 (1) administrative findings and conclusions re-  
13 lating to the challenged Federal action or decision  
14 shall be presumed to be correct; and

15 (2) the presumption may be rebutted only by  
16 the preponderance of the evidence contained in the  
17 administrative record.

18 **SEC. 446. LIMITATION ON INJUNCTION AND PROSPECTIVE**  
19 **RELIEF.**

20 (a) IN GENERAL.—In a covered civil action, a court  
21 shall not grant or approve any prospective relief unless  
22 the court finds that the relief—

23 (1) is narrowly drawn;

24 (2) extends no further than necessary to correct  
25 the violation of a legal requirement; and

1           (3) is the least intrusive means necessary to  
2       correct the violation.

3       (b) PRELIMINARY INJUNCTIONS.—

4           (1) IN GENERAL.—A court shall limit the dura-  
5       tion of a preliminary injunction to halt a covered en-  
6       ergy project to not more than 60 days, unless the  
7       court finds clear reasons to extend the injunction.

8           (2) EXTENSIONS.—Extensions under paragraph  
9       (1) shall—

10           (A) only be in 30-day increments; and

11           (B) require action by the court to renew  
12       the injunction.

13   **SEC. 447. LIMITATION ON ATTORNEYS' FEES.**

14       (a) IN GENERAL.—Sections 504 of title 5 and 2412  
15       of title 28, United States Code (commonly known as the  
16       “Equal Access to Justice Act”), shall not apply to a cov-  
17       ered civil action.

18       (b) ATTORNEY’S FEES AND COURT COSTS.—A party  
19       in a covered civil action shall not receive payment from  
20       the Federal Government for attorney’s fees, expenses, or  
21       other court costs.

22   **SEC. 448. LEGAL STANDING.**

23       A challenger filing an appeal with the Interior Board  
24       of Land Appeals shall meet the same standing require-

1 ments as a challenger before a United States district  
2 court.

3 **TITLE V—EXPEDITIOUS OIL AND**  
4 **GAS LEASING PROGRAM IN**  
5 **NATIONAL PETROLEUM RE-**  
6 **SERVE IN ALASKA**

7 **SEC. 501. SHORT TITLE.**

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

10 **SEC. 502. SENSE OF CONGRESS REAFFIRMING NATIONAL**  
11 **POLICY REGARDING NATIONAL PETROLEUM**  
12 **RESERVE IN ALASKA.**

13 It is the sense of Congress that—

14 (1) the National Petroleum Reserve in the  
15 State of Alaska (referred to in this title as the “Re-  
16 serve”) remains explicitly designated, both in name  
17 and legal status, for purposes of providing oil and  
18 natural gas resources to the United States; and

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

1 **SEC. 503. COMPETITIVE LEASING OF OIL AND GAS.**

2 Section 107 of the Naval Petroleum Reserves Produc-  
3 tion Act of 1976 (42 U.S.C. 6506a) is amended by strik-  
4 ing subsection (a) and inserting the following:

5 “(a) COMPETITIVE LEASING.—

6 “(1) IN GENERAL.—The Secretary shall con-  
7 duct an expeditious program of competitive leasing  
8 of oil and gas in the Reserve in accordance with this  
9 Act.

10 “(2) INCLUSIONS.—The program under this  
11 subsection shall include at least 1 lease sale annually  
12 in each area of the Reserve that is most likely to  
13 produce commercial quantities of oil and natural gas  
14 for each of calendar years 2013 through 2023.”.

15 **SEC. 504. PLANNING AND PERMITTING PIPELINE AND**  
16 **ROAD CONSTRUCTION.**

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

23 (1) to develop and bring into production any  
24 areas within the Reserve that are subject to oil and  
25 gas leases; and

1           (2) to transport oil and gas from and through  
2           the Reserve to existing transportation or processing  
3           infrastructure on the North Slope of Alaska.

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

7           (1) EXISTING LEASES.—Each permit for con-  
8           struction relating to the transportation of oil and  
9           natural gas produced under existing Federal oil and  
10          gas leases with respect to which the Secretary of the  
11          Interior has issued a permit to drill shall be ap-  
12          proved by not later than 60 days after the date of  
13          enactment of this Act.

14          (2) REQUESTED PERMITS.—Each permit for  
15          construction for transportation of oil and natural  
16          gas produced under Federal oil and gas leases shall  
17          be approved by not later than 180 days after the  
18          date of submission to the Secretary of a request for  
19          a permit to drill.

20          (c) PLAN.—To ensure timely future development of  
21          the Reserve, not later than 270 days after the date of en-  
22          actment of this Act, the Secretary of the Interior shall  
23          submit to Congress a plan for approved rights-of-way for  
24          a plan for pipeline, road, and any other surface infrastruc-  
25          ture that may be necessary infrastructure to ensure that



1 all leasable tracts in the Reserve are located within 25  
2 miles of an approved road and pipeline right-of-way that  
3 can serve future development of the Reserve.

4 **SEC. 505. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOP-**  
5 **MENT.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of enactment of this Act, the Secretary of the Interior  
8 shall promulgate regulations to establish clear require-  
9 ments to ensure that the Department of the Interior is  
10 supporting development of oil and gas leases in the Re-  
11 serve.

12 (b) DEADLINES.—At a minimum, the regulations  
13 promulgated pursuant to this section shall—

14 (1) require the Secretary of the Interior to re-  
15 spond, acknowledging receipt of any permit applica-  
16 tion for development, by not later than 5 business  
17 days after the date of receipt of the application; and

18 (2) establish a timeline for the processing of  
19 each such application that—

20 (A) specifies deadlines for decisions and  
21 actions regarding permit applications; and

22 (B) provides that the period for issuing  
23 each permit after the date of submission of the  
24 application shall not exceed 60 days, absent the  
25 concurrence of the applicant.

1       (c) ACTIONS REQUIRED FOR FAILURE TO COMPLY  
 2 WITH DEADLINES.—If the Secretary of the Interior fails  
 3 to comply with any deadline described in subsection (b)  
 4 with respect to a permit application, the Secretary shall  
 5 notify the applicant not less frequently than once every  
 6 5 days with specific information regarding—

7           (1) the reasons for the permit delay;

8           (2) the name of each specific office of the De-  
 9 partment of the Interior responsible for—

10           (A) issuing the permit; or

11           (B) monitoring the permit delay; and

12           (3) an estimate of the date on which the permit  
 13 will be issued.

14       (d) ADDITIONAL INFRASTRUCTURE.—Not later than  
 15 180 days after the date of enactment of this Act, the Sec-  
 16 retary of the Interior, after consultation with the State  
 17 of Alaska and after providing notice and an opportunity  
 18 for public comment, shall approve right-of-way corridors  
 19 for the construction of 2 separate additional bridges and  
 20 pipeline rights-of-way to help facilitate timely oil and gas  
 21 development of the Reserve.

22 **SEC. 506. UPDATED RESOURCE ASSESSMENT.**

23       (a) IN GENERAL.—The Secretary of the Interior shall  
 24 complete a comprehensive assessment of all technically re-  
 25 coverable fossil fuel resources within the Reserve, includ-

1 ing all conventional and unconventional oil and natural  
2 gas.

3 (b) COOPERATION AND CONSULTATION.—The re-  
4 source assessment under subsection (a) shall be carried  
5 out by the United States Geological Survey in cooperation  
6 and consultation with the State of Alaska and the Amer-  
7 ican Association of Petroleum Geologists.

8 (c) TIMING.—The resource assessment under sub-  
9 section (a) shall be completed by not later than 2 years  
10 after the date of enactment of this Act.

11 (d) FUNDING.—In carrying out this section, the  
12 United States Geological Survey may cooperatively use re-  
13 sources and funds provided by the State of Alaska.

14 **SEC. 507. COLVILLE RIVER DELTA DESIGNATION.**

15 The designation by the Environmental Protection  
16 Agency of the Colville River Delta as an aquatic resource  
17 of national importance shall have no force or effect on this  
18 title or an amendment made by this title.

19 **TITLE VI—INTERNET-BASED ON-**  
20 **SHORE OIL AND GAS LEASE**  
21 **SALES**

22 **SEC. 601. SHORT TITLE.**

23 This title may be cited as the “BLM Live Internet  
24 Auctions Act”.

1 **SEC. 602. INTERNET-BASED ONSHORE OIL AND GAS LEASE**  
2 **SALES.**

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

5 (1) in subparagraph (A), in the third sentence,  
6 by striking “Lease sales” and inserting “Except as  
7 provided in subparagraph (C), lease sales”; and

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

9 “(C) In order to diversify and expand the United  
10 States onshore leasing program to ensure the best return  
11 to Federal taxpayers, to reduce fraud, and to secure the  
12 leasing process, the Secretary may conduct onshore lease  
13 sales through Internet-based bidding methods, each of  
14 which shall be completed by not later than 7 days after  
15 the date of initiation of the sale.”.

16 (b) REPORT.—Not later than 90 days after the tenth  
17 Internet-based lease sale conducted pursuant to subpara-  
18 graph (C) of section 17(b)(1) of the Mineral Leasing Act  
19 (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the  
20 Secretary of the Interior shall conduct, and submit to Con-  
21 gress a report describing the results of, an analysis of the  
22 first 10 such lease sales, including—

23 (1) estimates of increases or decreases in the  
24 lease sales, as compared to sales conducted by oral  
25 bidding, in—

26 (A) the number of bidders;

1 (B) the average amount of the bids;

2 (C) the highest amount of the bids; and

3 (D) the lowest amount of the bids;

4 (2) an estimate on the total cost or savings to  
5 the Department of the Interior as a result of the  
6 sales, as compared to sales conducted by oral bid-  
7 ding; and

8 (3) an evaluation of the demonstrated or ex-  
9 pected effectiveness of different structures for lease  
10 sales, which may—

11 (A) provide an opportunity to better maxi-  
12 mize bidder participation;

13 (B) ensure the highest return to Federal  
14 taxpayers;

15 (C) minimize opportunities for fraud or  
16 collusion; and

17 (D) ensure the security and integrity of  
18 the leasing process.

## 19 **TITLE VII—ADVANCING** 20 **OFFSHORE WIND PRODUCTION**

### 21 **SEC. 701. SHORT TITLE.**

22 This title may be cited at the “Advancing Offshore  
23 Wind Production Act”.

1 **SEC. 702. OFFSHORE METEOROLOGICAL SITE TESTING AND**  
2 **MONITORING PROJECTS.**

3 (a) DEFINITION OF OFFSHORE METEOROLOGICAL  
4 SITE TESTING AND MONITORING PROJECT.—In this sec-  
5 tion, the term “offshore meteorological site testing and  
6 monitoring project” means a project carried out on or in  
7 the waters of the outer Continental Shelf (as defined in  
8 section 2 of the Outer Continental Shelf Lands Act (43  
9 U.S.C. 1331)) and administered by the Department of the  
10 Interior to test or monitor weather (including energy pro-  
11 vided by weather, such as wind, tidal, current, and solar  
12 energy) using towers, buoys, or other temporary ocean in-  
13 frastructure, that—

14 (1) causes—

15 (A) less than 1 acre of surface or seafloor  
16 disruption at the location of each meteorological  
17 tower or other device; and

18 (B) not more than 5 acres of surface or  
19 seafloor disruption within the proposed area af-  
20 fected by the project (including hazards to navi-  
21 gation);

22 (2) is decommissioned not more than 5 years  
23 after the date of commencement of the project, in-  
24 cluding—

1 (A) removal of towers, buoys, or other tem-  
2 porary ocean infrastructure from the project  
3 site; and

4 (B) restoration of the project site to ap-  
5 proximately the original condition of the site;  
6 and

7 (3) provides meteorological information ob-  
8 tained by the project to the Secretary of the Inte-  
9 rior.

10 (b) OFFSHORE METEOROLOGICAL PROJECT PERMIT-  
11 TING.—

12 (1) IN GENERAL.—The Secretary of the Inte-  
13 rior shall require, by regulation, that any applicant  
14 seeking to conduct an offshore meteorological site  
15 testing and monitoring project shall obtain a permit  
16 and right-of-way for the project in accordance with  
17 this subsection.

18 (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND  
19 CONDITIONS.—

20 (A) DEADLINE FOR APPROVAL.—The Sec-  
21 retary shall decide whether to issue a permit  
22 and right-of-way for an offshore meteorological  
23 site testing and monitoring project by not later  
24 than 30 days after the date of receipt of a rel-  
25 evant application.

1 (B) PUBLIC COMMENT AND CONSULTA-  
2 TION.—During the 30-day period referred to in  
3 subparagraph (A) with respect to an application  
4 for a permit and right-of-way under this sub-  
5 section, the Secretary shall—

6 (i) provide an opportunity for submis-  
7 sion of comments regarding the application  
8 by the public; and

9 (ii) consult with the Secretary of De-  
10 fense, the Commandant of the Coast  
11 Guard, and the heads of other Federal,  
12 State, and local agencies that would be af-  
13 fected by the issuance of the permit and  
14 right-of-way.

15 (C) DENIAL OF PERMIT; OPPORTUNITY TO  
16 REMEDY DEFICIENCIES.—If an application is  
17 denied under this subsection, the Secretary  
18 shall provide to the applicant—

19 (i) in writing—

20 (I) a list of clear and comprehen-  
21 sive reasons why the application was  
22 denied; and

23 (II) detailed information con-  
24 cerning any deficiencies in the appli-  
25 cation; and



1 (ii) an opportunity to remedy those  
2 deficiencies.

3 (c) NEPA EXCLUSION.—Section 102(2)(C) of the  
4 National Environmental Policy Act of 1969 (42 U.S.C.  
5 4332(2)(C)) shall not apply with respect to an offshore  
6 meteorological site testing and monitoring project.

7 (d) PROTECTION OF INFORMATION.—Any informa-  
8 tion provided to the Secretary of the Interior under sub-  
9 section (a)(3) shall be—

10 (1) treated by the Secretary as proprietary in-  
11 formation; and

12 (2) protected against disclosure.

## 13 **TITLE VIII—CRITICAL MINERALS**

### 14 **SEC. 801. DEFINITIONS.**

15 In this title:

16 (1) APPLICABLE COMMITTEES.—The term “ap-  
17 plicable committees” means—

18 (A) the Committee on Energy and Natural  
19 Resources of the Senate;

20 (B) the Committee on Natural Resources  
21 of the House of Representatives;

22 (C) the Committee on Energy and Com-  
23 merce of the House of Representatives; and

24 (D) the Committee on Science, Space, and  
25 Technology of the House of Representatives.

1           (2) CLEAN ENERGY TECHNOLOGY.—The term  
2       “clean energy technology” means a technology re-  
3       lated to the production, use, transmission, storage,  
4       control, or conservation of energy that—

5           (A) reduces the need for additional energy  
6       supplies by using existing energy supplies with  
7       greater efficiency or by transmitting, distrib-  
8       uting, storing, or transporting energy with  
9       greater effectiveness in or through the infra-  
10      structure of the United States;

11          (B) diversifies the sources of energy supply  
12      of the United States to strengthen energy secu-  
13      rity and to increase supplies with a favorable  
14      balance of environmental effects if the entire  
15      technology system is considered; or

16          (C) contributes to a stabilization of atmos-  
17      pheric greenhouse gas concentrations through  
18      reduction, avoidance, or sequestration of en-  
19      ergy-related greenhouse gas emissions.

20      (3) CRITICAL MINERAL.—

21          (A) IN GENERAL.—The term “critical min-  
22      eral” means any mineral designated as a crit-  
23      ical mineral pursuant to section 802.

1 (B) EXCLUSIONS.—The term “critical  
2 mineral” does not include coal, oil, natural gas,  
3 or any other fossil fuels.

4 (4) CRITICAL MINERAL MANUFACTURING.—The  
5 term “critical mineral manufacturing” means—

6 (A) the production, processing, refining,  
7 alloying, separation, concentration, magnetic  
8 sintering, melting, or beneficiation of critical  
9 minerals within the United States;

10 (B) the fabrication, assembly, or produc-  
11 tion, within the United States, of clean energy  
12 technologies (including technologies related to  
13 wind, solar, and geothermal energy, efficient  
14 lighting, electrical superconducting materials,  
15 permanent magnet motors, batteries, and other  
16 energy storage devices), military equipment,  
17 and consumer electronics, or components nec-  
18 essary for applications; or

19 (C) any other value-added, manufacturing-  
20 related use of critical minerals undertaken with-  
21 in the United States.

22 (5) INDIAN TRIBE.—The term “Indian tribe”  
23 has the meaning given the term in section 4 of the  
24 Indian Self-Determination and Education Assistance  
25 Act (25 U.S.C. 450b).

1           (6) MILITARY EQUIPMENT.—The term “mili-  
2       tary equipment” means equipment used directly by  
3       the Armed Forces to carry out military operations.

4           (7) RARE EARTH ELEMENT.—

5           (A) IN GENERAL.—The term “rare earth  
6       element” means the chemical elements in the  
7       periodic table from lanthanum (atomic number  
8       57) up to and including lutetium (atomic num-  
9       ber 71).

10          (B) INCLUSIONS.—The term “rare earth  
11       element” includes the similar chemical elements  
12       yttrium (atomic number 39) and scandium  
13       (atomic number 21).

14          (8) SECRETARY.—The term “Secretary” means  
15       the Secretary of the Interior—

16           (A) acting through the Director of the  
17       United States Geological Survey; and

18           (B) in consultation with (as appropriate)—

19               (i) the Secretary of Energy;

20               (ii) the Secretary of Defense;

21               (iii) the Secretary of Commerce;

22               (iv) the Secretary of State;

23               (v) the Secretary of Agriculture;

24               (vi) the United States Trade Rep-  
25       resentative; and

1 (vii) the heads of other applicable  
 2 Federal agencies.

3 (9) STATE.—The term “State” means—

4 (A) a State;

5 (B) the Commonwealth of Puerto Rico;

6 and

7 (C) any other territory or possession of the  
 8 United States.

9 (10) VALUE-ADDED.—The term “value-added”  
 10 means, with respect to an activity, an activity that  
 11 changes the form, fit, or function of a product, serv-  
 12 ice, raw material, or physical good so that the result-  
 13 ant market price is greater than the cost of making  
 14 the changes.

15 (11) WORKING GROUP.—The term “Working  
 16 Group” means the Critical Minerals Working Group  
 17 established under section 805(a).

18 **SEC. 802. DESIGNATIONS.**

19 (a) DRAFT METHODOLOGY.—Not later than 30 days  
 20 after the date of enactment of this Act, the Secretary shall  
 21 publish in the Federal Register for public comment a draft  
 22 methodology for determining which minerals qualify as  
 23 critical minerals based on an assessment of whether the  
 24 minerals are—

1           (1) subject to potential supply restrictions (in-  
2           cluding restrictions associated with foreign political  
3           risk, abrupt demand growth, military conflict, and  
4           anti-competitive or protectionist behaviors); and

5           (2) important in use (including clean energy  
6           technology-, defense-, agriculture-, and health care-  
7           related applications).

8           (b) AVAILABILITY OF DATA.—If available data is in-  
9           sufficient to provide a quantitative basis for the method-  
10          ology developed under this section, qualitative evidence  
11          may be used.

12          (c) FINAL METHODOLOGY.—After reviewing public  
13          comments on the draft methodology under subsection (a)  
14          and updating the draft methodology as appropriate, the  
15          Secretary shall enter into an arrangement with the Na-  
16          tional Academy of Sciences and the National Academy of  
17          Engineering to obtain, not later than 120 days after the  
18          date of enactment of this Act—

19                (1) a review of the methodology; and

20                (2) recommendations for improving the method-  
21          ology.

22          (d) FINAL METHODOLOGY.—After reviewing the rec-  
23          ommendations under subsection (c), not later than 150  
24          days after the date of enactment of this Act, the Secretary  
25          shall publish in the Federal Register a description of the

1 final methodology for determining which minerals qualify  
2 as critical minerals.

3 (e) DESIGNATIONS.—Not later than 180 days after  
4 the date of enactment of this Act, the Secretary shall pub-  
5 lish in the Federal Register a list of minerals designated  
6 as critical, pursuant to the final methodology under sub-  
7 section (d), for purposes of carrying out this title.

8 (f) SUBSEQUENT REVIEW.—The methodology and  
9 designations developed under subsections (d) and (e) shall  
10 be updated at least every 5 years, or in more regular inter-  
11 vals if considered appropriate by the Secretary.

12 (g) NOTICE.—On finalization of the methodology  
13 under subsection (d), the list under subsection (e), or any  
14 update to the list under subsection (f), the Secretary shall  
15 submit to the applicable committees written notice of the  
16 action.

17 **SEC. 803. POLICY.**

18 (a) POLICY.—It is the policy of the United States to  
19 promote an adequate, reliable, domestic, and stable supply  
20 of critical minerals, produced in an environmentally re-  
21 sponsible manner, in order to strengthen and sustain the  
22 economic security, and the manufacturing, industrial, en-  
23 ergy, technological, and competitive stature, of the United  
24 States.

1 (b) COORDINATION.—The President, acting through  
2 the Executive Office of the President, shall coordinate the  
3 actions of Federal agencies under this and other Acts—

4 (1) to encourage Federal agencies to facilitate  
5 the availability, development, and environmentally  
6 responsible production of domestic resources to meet  
7 national critical minerals needs;

8 (2) to minimize duplication, needless paper-  
9 work, and delays in the administration of applicable  
10 laws (including regulations) and the issuance of per-  
11 mits and authorizations necessary to explore for, de-  
12 velop, and produce critical minerals and to construct  
13 and operate critical mineral manufacturing facilities  
14 in an environmentally responsible manner;

15 (3) to promote the development of economically  
16 stable and environmentally responsible domestic crit-  
17 ical mineral production and manufacturing;

18 (4) to establish an analytical and forecasting  
19 capability for identifying critical mineral demand,  
20 supply, and other market dynamics relevant to policy  
21 formulation so that informed actions may be taken  
22 to avoid supply shortages, mitigate price volatility,  
23 and prepare for demand growth and other market  
24 shifts;



1           (5) to strengthen educational and research ca-  
2           pabilities and workforce training;

3           (6) to bolster international cooperation through  
4           technology transfer, information sharing, and other  
5           means;

6           (7) to promote the efficient production, use,  
7           and recycling of critical minerals;

8           (8) to develop alternatives to critical minerals;  
9           and

10          (9) to establish contingencies for the production  
11          of, or access to, critical minerals for which viable  
12          sources do not exist within the United States.

13 **SEC. 804. RESOURCE ASSESSMENT.**

14          (a) IN GENERAL.—Not later than 4 years after the  
15          date of enactment of this Act, in consultation with applica-  
16          ble State (including geological surveys), local, academic,  
17          industry, and other entities, the Secretary shall complete  
18          a comprehensive national assessment of each critical min-  
19          eral that—

20                (1) identifies and quantifies known critical min-  
21                eral resources, using all available public and private  
22                information and datasets, including exploration his-  
23                tories;

24                (2) estimates the cost of production of the crit-  
25                ical mineral resources identified and quantified

1 under this section, using all available public and pri-  
2 vate information and datasets, including exploration  
3 histories;

4 (3) provides a quantitative and qualitative as-  
5 sessment of undiscovered critical mineral resources  
6 throughout the United States, including probability  
7 estimates of tonnage and grade, using all available  
8 public and private information and datasets, includ-  
9 ing exploration histories;

10 (4) provides qualitative information on the envi-  
11 ronmental attributes of the critical mineral resources  
12 identified under this section; and

13 (5) pays particular attention to the identifica-  
14 tion and quantification of critical mineral resources  
15 on Federal land that is open to location and entry  
16 for exploration, development, and other uses.

17 (b) FIELD WORK.—If existing information and  
18 datasets prove insufficient to complete the assessment  
19 under this section and there is no reasonable opportunity  
20 to obtain the information and datasets from nongovern-  
21 mental entities, the Secretary may carry out field work  
22 (including drilling, remote sensing, geophysical surveys,  
23 geological mapping, and geochemical sampling and anal-  
24 ysis) to supplement existing information and datasets

1 available for determining the existence of critical minerals  
2 on—

3 (1) Federal land that is open to location and  
4 entry for exploration, development, and other uses;

5 (2) tribal land, at the request and with the  
6 written permission of the Indian tribe with jurisdic-  
7 tion over the land; and

8 (3) State land, at the request and with the writ-  
9 ten permission of the Governor of the State.

10 (c) TECHNICAL ASSISTANCE.—At the request of the  
11 Governor of a State or an Indian tribe, the Secretary may  
12 provide technical assistance to State governments and In-  
13 dian tribes conducting critical mineral resource assess-  
14 ments on non-Federal land.

15 (d) FINANCIAL ASSISTANCE.—The Secretary may  
16 make grants to State governments, or Indian tribes and  
17 economic development entities of Indian tribes, to cover  
18 the costs associated with assessments of critical mineral  
19 resources on State or tribal land, as applicable.

20 (e) REPORT.—Not later than 4 years after the date  
21 of enactment of this Act, the Secretary shall submit to  
22 the applicable committees a report describing the results  
23 of the assessment conducted under this section.

24 (f) PRIORITIZATION.—

1           (1) IN GENERAL.—The Secretary may sequence  
 2           the completion of resource assessments for each crit-  
 3           ical mineral such that critical materials considered  
 4           to be most critical under the methodology estab-  
 5           lished pursuant to section 802 are completed first.

6           (2) REPORTING.—If the Secretary sequences  
 7           the completion of resource assessments for each crit-  
 8           ical material, the Secretary shall submit a report  
 9           under subsection (e) on an iterative basis over the  
 10          4-year period beginning on the date of enactment of  
 11          this Act.

12          (g) UPDATES.—The Secretary shall periodically up-  
 13          date the assessment conducted under this section based  
 14          on—

15               (1) the generation of new information or  
 16               datasets by the Federal Government; or

17               (2) the receipt of new information or datasets  
 18               from critical mineral producers, State geological sur-  
 19               veys, academic institutions, trade associations, or  
 20               other entities or individuals.

21 **SEC. 805. PERMITTING.**

22          (a) CRITICAL MINERALS WORKING GROUP.—

23               (1) IN GENERAL.—There is established within  
 24               the Department of the Interior a working group to  
 25               be known as the “Critical Minerals Working

1       Group”, which shall report to the President and the  
2       applicable committees through the Secretary.

3               (2) COMPOSITION.—The Working Group shall  
4       be composed of the following:

5               (A) The Secretary of the Interior (or a  
6       designee), who shall serve as chair of the Work-  
7       ing Group.

8               (B) A Presidential designee from the Exec-  
9       utive Office of the President, who shall serve as  
10      vice-chair of the Working Group.

11              (C) The Secretary of Energy (or a des-  
12      ignee).

13              (D) The Secretary of Agriculture (or a  
14      designee).

15              (E) The Secretary of Defense (or a des-  
16      ignee).

17              (F) The Secretary of Commerce (or a des-  
18      ignee).

19              (G) The Secretary of State (or a designee).

20              (H) The United States Trade Representa-  
21      tive (or a designee).

22              (I) The Administrator of the Environ-  
23      mental Protection Agency (or a designee).

24              (J) The Chief of Engineers of the Corps of  
25      Engineers (or a designee).

1 (b) CONSULTATION.—The Working Group shall oper-  
2 ate in consultation with private sector, academic, and  
3 other applicable stakeholders with experience related to—

- 4 (1) critical minerals exploration;  
5 (2) critical minerals permitting;  
6 (3) critical minerals production; and  
7 (4) critical minerals manufacturing.

8 (c) DUTIES.—The Working Group shall—

9 (1) facilitate Federal agency efforts to optimize  
10 efficiencies associated with the permitting of activi-  
11 ties that will increase exploration and development  
12 of domestic critical minerals, while maintaining envi-  
13 ronmental standards;

14 (2) facilitate Federal agency review of laws (in-  
15 cluding regulations) and policies that discourage in-  
16 vestment in exploration and development of domestic  
17 critical minerals;

18 (3) assess whether Federal policies adversely  
19 impact the global competitiveness of the domestic  
20 critical minerals exploration and development sector  
21 (including taxes, fees, regulatory burdens, and ac-  
22 cess restrictions);

23 (4) evaluate the sufficiency of existing mecha-  
24 nisms for the provision of tenure on Federal land  
25 and the role of the mechanisms in attracting capital

1 investment for the exploration and development of  
2 domestic critical minerals; and

3 (5) generate such other information and take  
4 such other actions as the Working Group considers  
5 appropriate to achieve the policy described in section  
6 803(a).

7 (d) REPORT.—Not later than 300 days after the date  
8 of enactment of this Act, the Working Group shall submit  
9 to the applicable committees a report that—

10 (1) describes the results of actions taken under  
11 subsection (c);

12 (2) evaluates the amount of time typically re-  
13 quired (including the range derived from minimum  
14 and maximum durations, mean, median, variance,  
15 and other statistical measures or representations) to  
16 complete each step (including those aspects outside  
17 the control of the executive branch of the Federal  
18 Government, such as judicial review, applicant deci-  
19 sions, or State and local government involvement)  
20 associated with the processing of applications, oper-  
21 ating plans, leases, licenses, permits, and other use  
22 authorizations for critical mineral-related activities  
23 on Federal land, which shall serve as a baseline for  
24 the performance metric developed and finalized  
25 under subsections (e) and (f), respectively;

1           (3) identifies measures (including regulatory  
2       changes and legislative proposals) that would opti-  
3       mize efficiencies, while maintaining environmental  
4       standards, associated with the permitting of activi-  
5       ties that will increase exploration and development  
6       of domestic critical minerals; and

7           (4) identifies options (including cost recovery  
8       paid by applicants) for ensuring adequate staffing of  
9       divisions, field offices, or other entities responsible  
10      for the consideration of applications, operating  
11      plans, leases, licenses, permits, and other use au-  
12      thorizations for critical mineral-related activities on  
13      Federal land.

14      (e) DRAFT PERFORMANCE METRIC.—Not later than  
15   330 days after the date of enactment of this Act, and on  
16   completion of the report required under subsection (d), the  
17   Working Group shall publish in the Federal Register for  
18   public comment a draft description of a performance met-  
19   ric for evaluating the progress made by the executive  
20   branch of the Federal Government on matters within the  
21   control of that branch towards optimizing efficiencies,  
22   while maintaining environmental standards, associated  
23   with the permitting of activities that will increase explo-  
24   ration and development of domestic critical minerals.



1 (f) FINAL PERFORMANCE METRIC.—Not later than  
 2 1 year after the date of enactment of this Act, and after  
 3 consideration of any public comments received under sub-  
 4 section (e), the Working Group shall publish in the Fed-  
 5 eral Register a description of the final performance metric.

6 (g) ANNUAL REPORT.—Not later than 2 years after  
 7 the date of enactment of this Act and annually thereafter,  
 8 using the final performance metric under subsection (f),  
 9 the Working Group shall submit to the applicable commit-  
 10 tees, as part of the budget request of the Department of  
 11 the Interior for each fiscal year, each report that—

12 (1) describes the progress made by the execu-  
 13 tive branch of the Federal Government on matters  
 14 within the control of that branch towards optimizing  
 15 efficiencies, while maintaining environmental stand-  
 16 ards, associated with the permitting of activities that  
 17 will increase exploration and development of domes-  
 18 tic critical minerals; and

19 (2) compares the United States to other coun-  
 20 tries in terms of permitting efficiency, environmental  
 21 standards, and other criteria relevant to a globally  
 22 competitive economic sector.

23 (h) REPORT OF SMALL BUSINESS ADMINISTRA-  
 24 TION.—Not later than 300 days after the date of enact-  
 25 ment of this Act, the Administrator of the Small Business

1 Administration shall submit to the applicable committees  
 2 a report that assesses the performance of Federal agencies  
 3 in—

4 (1) complying with chapter 6 of title 5, United  
 5 States Code (commonly known as the “Regulatory  
 6 Flexibility Act”), in promulgating regulations appli-  
 7 cable to the critical minerals industry; and

8 (2) performing an analysis of regulations appli-  
 9 cable to the critical minerals industry that may be  
 10 outmoded, inefficient, duplicative, or excessively bur-  
 11 densome.

12 (i) JUDICIAL REVIEW.—

13 (1) IN GENERAL.—Nothing in this section af-  
 14 fects any judicial review of an agency action under  
 15 any other provision of law.

16 (2) CONSTRUCTION.—This section—

17 (A) is intended to improve the internal  
 18 management of the Federal Government; and

19 (B) does not create any right or benefit,  
 20 substantive or procedural, enforceable at law or  
 21 equity by a party against the United States (in-  
 22 cluding an agency, instrumentality, officer, or  
 23 employee) or any other person.

1 **SEC. 806. RECYCLING AND ALTERNATIVES.**

2 (a) ESTABLISHMENT.—The Secretary of Energy  
3 shall conduct a program of research and development to  
4 promote the efficient production, use, and recycling of,  
5 and alternatives to, critical minerals.

6 (b) COOPERATION.—In carrying out the program, the  
7 Secretary of Energy shall cooperate with appropriate—

- 8 (1) Federal agencies and National Laboratories;
- 9 (2) critical mineral producers;
- 10 (3) critical mineral manufacturers;
- 11 (4) trade associations;
- 12 (5) academic institutions;
- 13 (6) small businesses; and
- 14 (7) other relevant entities or individuals.

15 (c) ACTIVITIES.—Under the program, the Secretary  
16 of Energy shall carry out activities that include the identi-  
17 fication and development of—

- 18 (1) advanced critical mineral production or  
19 processing technologies that decrease the environ-  
20 mental impact, and costs of production, of such ac-  
21 tivities;
- 22 (2) techniques and practices that minimize or  
23 lead to more efficient use of critical minerals;
- 24 (3) techniques and practices that facilitate the  
25 recycling of critical minerals, including options for

1 improving the rates of collection of post-consumer  
2 products containing critical minerals;

3 (4) commercial markets, advanced storage  
4 methods, energy applications, and other beneficial  
5 uses of critical minerals processing byproducts; and

6 (5) alternative minerals, metals, and materials,  
7 particularly those available in abundance within the  
8 United States and not subject to potential supply re-  
9 strictions, that lessen the need for critical minerals.

10 (d) REPORT.—Not later than 2 years after the date  
11 of enactment of this Act and every 5 years thereafter, the  
12 Secretaries shall submit to the applicable committees a re-  
13 port summarizing the activities, findings, and progress of  
14 the program.

15 **SEC. 807. ANALYSIS AND FORECASTING.**

16 (a) CAPABILITIES.—In order to evaluate existing crit-  
17 ical mineral policies and inform future actions that may  
18 be taken to avoid supply shortages, mitigate price vola-  
19 tility, and prepare for demand growth and other market  
20 shifts, the Secretary, in consultation with academic insti-  
21 tutions, the Energy Information Administration, and oth-  
22 ers in order to maximize the application of existing com-  
23 petencies related to developing and maintaining computer-  
24 models and similar analytical tools, shall conduct and pub-  
25 lish the results of an annual report that includes—

(1) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(A) the quantity of each critical mineral domestically produced during the preceding year;

(B) the quantity of each critical mineral domestically consumed during the preceding year;

(C) market price data for each critical mineral;

(D) an assessment of—

(i) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

(ii) the reliance of the United States on foreign sources to meet those needs during the preceding year; and

(iii) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

1           (E) the quantity of each critical mineral  
2 domestically recycled during the preceding year;

3           (F) the market penetration during the pre-  
4 ceding year of alternatives to each critical min-  
5 eral;

6           (G) a discussion of applicable international  
7 trends associated with the discovery, produc-  
8 tion, consumption, use, costs of production,  
9 prices, and recycling of each critical mineral as  
10 well as the development of alternatives to crit-  
11 ical minerals; and

12           (H) such other data, analyses, and evalua-  
13 tions as the Secretary finds are necessary to  
14 achieve the purposes of this section; and

15           (2) a comprehensive forecast, entitled the “An-  
16 nual Critical Minerals Outlook”, of projected critical  
17 mineral production, consumption, and recycling pat-  
18 terns, including—

19           (A) the quantity of each critical mineral  
20 projected to be domestically produced over the  
21 subsequent 1-year, 5-year, and 10-year periods;

22           (B) the quantity of each critical mineral  
23 projected to be domestically consumed over the  
24 subsequent 1-year, 5-year, and 10-year periods;

1 (C) market price projections for each crit-  
2 ical mineral, to the maximum extent practicable  
3 and based on the best available information;

4 (D) an assessment of—

5 (i) critical mineral requirements to  
6 meet projected national security, energy,  
7 economic, industrial, technological, and  
8 other needs of the United States;

9 (ii) the projected reliance of the  
10 United States on foreign sources to meet  
11 those needs; and

12 (iii) the projected implications of po-  
13 tential supply shortages, restrictions, or  
14 disruptions;

15 (E) the quantity of each critical mineral  
16 projected to be domestically recycled over the  
17 subsequent 1-year, 5-year, and 10-year periods;

18 (F) the market penetration of alternatives  
19 to each critical mineral projected to take place  
20 over the subsequent 1-year, 5-year, and 10-year  
21 periods;

22 (G) a discussion of reasonably foreseeable  
23 international trends associated with the dis-  
24 covery, production, consumption, use, costs of  
25 production, prices, and recycling of each critical

1 mineral as well as the development of alter-  
2 natives to critical minerals; and

3 (H) such other projections relating to each  
4 critical mineral as the Secretary determines to  
5 be necessary to achieve the purposes of this sec-  
6 tion.

7 (b) PROPRIETARY INFORMATION.—In preparing a re-  
8 port described in subsection (a), the Secretary shall ensure  
9 that—

10 (1) no person uses the information and data  
11 collected for the report for a purpose other than the  
12 development of or reporting of aggregate data in a  
13 manner such that the identity of the person who  
14 supplied the information is not discernible and is not  
15 material to the intended uses of the information;

16 (2) no person discloses any information or data  
17 collected for the report unless the information or  
18 data has been transformed into a statistical or ag-  
19 gregate form that does not allow the identification of  
20 the person who supplied particular information; and

21 (3) procedures are established to require the  
22 withholding of any information or data collected for  
23 the report if the Secretary determines that with-  
24 holding is necessary to protect proprietary informa-



1       tion, including any trade secrets or other confiden-  
2       tial information.

3   **SEC. 808. EDUCATION AND WORKFORCE.**

4       (a) **WORKFORCE ASSESSMENT.**—Not later than 300  
5   days after the date of enactment of this Act, the Secretary  
6   of Labor (in consultation with the Secretary of the Inte-  
7   rior, the Director of the National Science Foundation, and  
8   employers in the critical minerals sector) shall submit to  
9   Congress an assessment of the domestic availability of  
10  technically trained personnel necessary for critical mineral  
11  assessment, production, manufacturing, recycling, anal-  
12  ysis, forecasting, education, and research, including an  
13  analysis of—

14           (1) skills that are in the shortest supply as of  
15       the date of the assessment;

16           (2) skills that are projected to be in short sup-  
17       ply in the future;

18           (3) the demographics of the critical minerals in-  
19       dustry and how the demographics will evolve under  
20       the influence of factors such as an aging workforce;

21           (4) the effectiveness of training and education  
22       programs in addressing skills shortages;

23           (5) opportunities to hire locally for new and ex-  
24       isting critical mineral activities;

1           (6) the sufficiency of personnel within relevant  
2       areas of the Federal Government for achieving the  
3       policy described in section 803(a); and

4           (7) the potential need for new training pro-  
5       grams to have a measurable effect on the supply of  
6       trained workers in the critical minerals industry.

7       (b) CURRICULUM STUDY.—

8           (1) IN GENERAL.—The Secretary and the Sec-  
9       retary of Labor shall jointly enter into an arrange-  
10      ment with the National Academy of Sciences and the  
11      National Academy of Engineering under which the  
12      Academies shall coordinate with the National  
13      Science Foundation on conducting a study—

14           (A) to design an interdisciplinary program  
15      on critical minerals that will support the critical  
16      mineral supply chain and improve the ability of  
17      the United States to increase domestic, critical  
18      mineral exploration, development, and manufac-  
19      turing;

20           (B) to address undergraduate and grad-  
21      uate education, especially to assist in the devel-  
22      opment of graduate level programs of research  
23      and instruction that lead to advanced degrees  
24      with an emphasis on the critical mineral supply  
25      chain or other positions that will increase do-

1           mestic, critical mineral exploration, develop-  
2           ment, and manufacturing;

3           (C) to develop guidelines for proposals  
4           from institutions of higher education with sub-  
5           stantial capabilities in the required disciplines  
6           to improve the critical mineral supply chain and  
7           advance the capacity of the United States to in-  
8           crease domestic, critical mineral exploration, de-  
9           velopment, and manufacturing; and

10          (D) to outline criteria for evaluating per-  
11          formance and recommendations for the amount  
12          of funding that will be necessary to establish  
13          and carry out the grant program described in  
14          subsection (c).

15          (2) REPORT.—Not later than 2 years after the  
16          date of enactment of this Act, the Secretary shall  
17          submit to Congress a description of the results of  
18          the study required under paragraph (1).

19          (c) GRANT PROGRAM.—

20          (1) ESTABLISHMENT.—The Secretary and the  
21          National Science Foundation shall jointly conduct a  
22          competitive grant program under which institutions  
23          of higher education may apply for and receive 4-year  
24          grants for—

1 (A) startup costs for newly designated fac-  
2 ulty positions in integrated critical mineral edu-  
3 cation, research, innovation, training, and work-  
4 force development programs consistent with  
5 subsection (b);

6 (B) internships, scholarships, and fellow-  
7 ships for students enrolled in critical mineral  
8 programs; and

9 (C) equipment necessary for integrated  
10 critical mineral innovation, training, and work-  
11 force development programs.

12 (2) RENEWAL.—A grant under this subsection  
13 shall be renewable for up to 2 additional 3-year  
14 terms based on performance criteria outlined under  
15 subsection (b)(1)(D).

16 **SEC. 809. INTERNATIONAL COOPERATION.**

17 (a) ESTABLISHMENT.—The Secretary of State, in co-  
18 ordination with the Secretary, shall carry out a program  
19 to promote international cooperation on critical mineral  
20 supply chain issues with allies of the United States.

21 (b) ACTIVITIES.—Under the program, the Secretary  
22 of State may work with allies of the United States—

23 (1) to increase the global, responsible produc-  
24 tion of critical minerals, if a determination is made  
25 by the Secretary of State that there is no viable pro-

1       duction capacity for the critical minerals within the  
2       United States;

3           (2) to improve the efficiency and environmental  
4       performance of extraction techniques;

5           (3) to increase the recycling of, and deployment  
6       of alternatives to, critical minerals;

7           (4) to assist in the development and transfer of  
8       critical mineral extraction, processing, and manufac-  
9       turing technologies that would have a beneficial im-  
10      pact on world commodity markets and the environ-  
11      ment;

12          (5) to strengthen and maintain intellectual  
13      property protections; and

14          (6) to facilitate the collection of information  
15      necessary for analyses and forecasts conducted pur-  
16      suant to section 807.

17 **SEC. 810. REPEAL, AUTHORIZATION, AND OFFSET.**

18       (a) REPEAL.—

19           (1) IN GENERAL.—The National Critical Mate-  
20      rials Act of 1984 (30 U.S.C. 1801 et seq.) is re-  
21      pealed.

22           (2) CONFORMING AMENDMENT.—Section 3(d)  
23      of the National Superconductivity and Competitive-  
24      ness Act of 1988 (15 U.S.C. 5202(d)) is amended  
25      in the first sentence by striking “, with the assist-

1       ance of the National Critical Materials Council as  
 2       specified in the National Critical Materials Act of  
 3       1984 (30 U.S.C. 1801 et seq.),”.

4       (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 5       authorized to be appropriated to carry out this title and  
 6       the amendments made by this title \$30,000,000.

7       (c) AUTHORIZATION OFFSET.—Section 207(c) of the  
 8       Energy Independence and Security Act of 2007 (42  
 9       U.S.C. 17022(c)) is amended by inserting before the pe-  
 10      riod at the end the following: “, except that the amount  
 11      authorized to be appropriated to carry out this section not  
 12      appropriated as of the date of enactment of the Domestic  
 13      Energy and Jobs Act shall be reduced by \$30,000,000”.

## 14       **TITLE IX—MISCELLANEOUS**

### 15       **SEC. 901. LIMITATION ON TRANSFER OF FUNCTIONS**

#### 16                       **UNDER THE SOLID MINERALS LEASING PRO-** 17                       **GRAM.**

18       The Secretary of the Interior may not transfer to the  
 19       Office of Surface Mining Reclamation and Enforcement  
 20       any responsibility or authority to perform any function  
 21       performed on the day before the date of enactment of this  
 22       Act under the solid minerals leasing program of the De-  
 23       partment of the Interior, including—

24               (1) any function under—

1 (A) sections 2318 through 2352 of the Re-  
 2 vised Statutes (commonly known as the “Min-  
 3 ing Law of 1872”) (30 U.S.C. 21 et seq.);

4 (B) the Act of July 31, 1947 (commonly  
 5 known as the “Materials Act of 1947”) (30  
 6 U.S.C. 601 et seq.);

7 (C) the Mineral Leasing Act (30 U.S.C.  
 8 181 et seq.); or

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

11 (2) any function relating to management of  
 12 mineral development on Federal land and acquired  
 13 land under section 302 of the Federal Land Policy  
 14 and Management Act of 1976 (43 U.S.C. 1732);  
 15 and

16 (3) any function performed under the mining  
 17 law administration program of the Bureau of Land  
 18 Management.

19 **SEC. 902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER**  
 20 **CONTINENTAL SHELF REVENUES.**

21 Section 105(f)(1) of the Gulf of Mexico Energy Secu-  
 22 rity Act of 2006 (43 U.S.C. 1331 note; Public Law 109–  
 23 432) is amended by striking “2055” and inserting “2025,  
 24 and shall not exceed \$750,000,000 for each of fiscal years  
 25 2026 through 2055”.

1 **SEC. 903. LEASE SALE 220 AND OTHER LEASE SALES OFF**  
2 **THE COAST OF VIRGINIA.**

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

5 (1) as soon as practicable after, but not later  
6 than 10 days after, the date of enactment of this  
7 Act, revise the proposed outer Continental Shelf oil  
8 and gas leasing program for the 2012–2017 period  
9 to include in the program Lease Sale 220 off the  
10 coast of Virginia; and

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

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

19 (c) BALANCING MILITARY AND ENERGY PRODUC-  
20 TION GOALS.—

21 (1) JOINT GOALS.—In recognition that the  
22 outer Continental Shelf oil and gas leasing program  
23 and the domestic energy resources produced under  
24 that program are integral to national security, the  
25 Secretary of the Interior and the Secretary of De-



1       fense shall work jointly in implementing this sec-  
2       tion—

3               (A) to preserve the ability of the Armed  
4       Forces to maintain an optimum state of readi-  
5       ness through their continued use of energy re-  
6       sources of the outer Continental Shelf; and

7               (B) to allow effective exploration, develop-  
8       ment, and production of the oil, gas, and renew-  
9       able energy resources of the United States.

10       (2) PROHIBITION ON CONFLICTS WITH MILI-  
11       TARY OPERATIONS.—No person may engage in any  
12       exploration, development, or production of oil or nat-  
13       ural gas off the coast of Virginia that would conflict  
14       with any military operation, as determined in ac-  
15       cordance with—

16               (A) the agreement entitled “Memorandum  
17       of Agreement between the Department of De-  
18       fense and the Department of the Interior on  
19       Mutual Concerns on the Outer Continental  
20       Shelf” signed July 20, 1983; and

21               (B) any revision to, or replacement of, the  
22       agreement described in subparagraph (A) that  
23       is agreed to by the Secretary of Defense and  
24       the Secretary of the Interior after July 20,  
25       1983, but before the date of issuance of the

1           lease under which the exploration, development,  
2           or production is conducted.

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 outer  
7           Continental Shelf under section 12(d) of the Outer  
8           Continental Shelf Lands Act (43 U.S.C. 1341(d)).

9   **SEC. 904. LIMITATION ON AUTHORITY TO ISSUE REGULA-**  
10                   **TIONS MODIFYING THE STREAM ZONE BUFF-**  
11                   **ER RULE.**

12          The Secretary of the Interior may not, before Decem-  
13   ber 31, 2013, issue a regulation modifying the final rule  
14   entitled “Excess Spoil, Coal Mine Waste, and Buffers for  
15   Perennial and Intermittent Streams” (73 Fed. Reg.  
16   75814 (December 12, 2008)).

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