

113TH CONGRESS
2D SESSION

S. 2170

To free the private sector to harness domestic energy resources to create jobs and generate economic growth by removing statutory and administrative barriers.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2014

Mr. CRUZ introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To free the private sector to harness domestic energy resources to create jobs and generate economic growth by removing statutory and administrative barriers.

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 “American Energy Renaissance Act of 2014”.

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

Sec. 1. Short title; table of contents.

TITLE I—EXPANDING AMERICAN ENERGY EXPORTS

Sec. 1001. Finding.

- Sec. 1002. Natural gas exports.
- Sec. 1003. Crude oil exports.
- Sec. 1004. Coal exports.

TITLE II—IMPROVING NORTH AMERICAN ENERGY INFRASTRUCTURE

Subtitle A—North American Energy Infrastructure

- Sec. 2001. Finding.
- Sec. 2002. Definitions.
- Sec. 2003. Authorization of certain energy infrastructure projects at the national boundary of the United States.
- Sec. 2004. Transmission of electric energy to Canada and Mexico.
- Sec. 2005. Effective date; rulemaking deadlines.

Subtitle B—Keystone XL Permit Approval

- Sec. 2011. Findings.
- Sec. 2012. Keystone XL permit approval.

TITLE III—OUTER CONTINENTAL SHELF LEASING

- Sec. 3001. Finding.
- Sec. 3002. Extension of leasing program.
- Sec. 3003. Lease sales.
- Sec. 3004. Applications for permits to drill.
- Sec. 3005. Lease sales for certain areas.

TITLE IV—UTILIZING AMERICA'S ONSHORE RESOURCES

- Sec. 4001. Findings.
- Sec. 4002. State option for energy development.

Subtitle A—Energy Development by States

- Sec. 4011. Definitions.
- Sec. 4012. State programs.
- Sec. 4013. Leasing, permitting, and regulatory programs.
- Sec. 4014. Judicial review.
- Sec. 4015. Administrative Procedure Act.

Subtitle B—Onshore Oil and Gas Permit Streamlining

PART I—OIL AND GAS LEASING CERTAINTY

- Sec. 4021. Minimum acreage requirement for onshore lease sales.
- Sec. 4022. Leasing certainty.
- Sec. 4023. Leasing consistency.
- Sec. 4024. Reduce redundant policies.
- Sec. 4025. Streamlined congressional notification.

PART II—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

- Sec. 4031. Permit to drill application timeline.
- Sec. 4032. Administrative protest documentation reform.
- Sec. 4033. Improved Federal energy permit coordination.
- Sec. 4034. Administration.

PART III—OIL SHALE

- Sec. 4041. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
- Sec. 4042. Oil shale leasing.

PART IV—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

- Sec. 4051. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 4052. National Petroleum Reserve in Alaska: lease sales.
- Sec. 4053. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 4054. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 4055. Departmental accountability for development.
- Sec. 4056. Deadlines under new proposed integrated activity plan.
- Sec. 4057. Updated resource assessment.

PART V—MISCELLANEOUS PROVISIONS

- Sec. 4061. Sanctions.
- Sec. 4062. Internet-based onshore oil and gas lease sales.

PART VI—JUDICIAL REVIEW

- Sec. 4071. Definitions.
- Sec. 4072. Exclusive venue for certain civil actions relating to covered energy projects.
- Sec. 4073. Timely filing.
- Sec. 4074. Expedition in hearing and determining the action.
- Sec. 4075. Limitation on injunction and prospective relief.
- Sec. 4076. Limitation on attorneys' fees and court costs.
- Sec. 4077. Legal standing.

TITLE V—ADDITIONAL ONSHORE RESOURCES

Subtitle A—Leasing Program for Land Within Coastal Plain

- Sec. 5001. Finding.
- Sec. 5002. Definitions.
- Sec. 5003. Leasing program for land on the Coastal Plain.
- Sec. 5004. Lease sales.
- Sec. 5005. Grant of leases by the Secretary.
- Sec. 5006. Lease terms and conditions.
- Sec. 5007. Coastal Plain environmental protection.
- Sec. 5008. Expedited judicial review.
- Sec. 5009. Treatment of revenues.
- Sec. 5010. Rights-of-way across the Coastal Plain.
- Sec. 5011. Conveyance.

Subtitle B—Native American Energy

- Sec. 5021. Findings.
- Sec. 5022. Appraisals.
- Sec. 5023. Standardization.
- Sec. 5024. Environmental reviews of major Federal actions on Indian land.
- Sec. 5025. Judicial review.

- Sec. 5026. Tribal resource management plans.
- Sec. 5027. Leases of restricted lands for the Navajo Nation.
- Sec. 5028. Nonapplicability of certain rules.

Subtitle C—Additional Regulatory Provisions

PART I—STATE AUTHORITY OVER HYDRAULIC FRACTURING

- Sec. 5031. Finding.
- Sec. 5032. State authority.

PART II—MISCELLANEOUS PROVISIONS

- Sec. 5041. Environmental legal fees.
- Sec. 5042. Master leasing plans.

TITLE VI—IMPROVING AMERICA'S DOMESTIC REFINING CAPACITY

Subtitle A—Refinery Permitting Reform

- Sec. 6001. Finding.
- Sec. 6002. Definitions.
- Sec. 6003. Streamlining of refinery permitting process.

Subtitle B—Repeal of Renewable Fuel Standard

- Sec. 6011. Findings.
- Sec. 6012. Phase out of renewable fuel standard.

TITLE VII—STOPPING EPA OVERREACH

- Sec. 7001. Findings.
- Sec. 7002. Clarification of Federal regulatory authority to exclude greenhouse gases from regulation under the Clean Air Act.
- Sec. 7003. Jobs analysis for all EPA regulations.

TITLE VIII—DEBT FREEDOM FUND

- Sec. 8001. Findings.
- Sec. 8002. Debt freedom fund.

1 **TITLE I—EXPANDING AMERICAN** 2 **ENERGY EXPORTS**

3 **SEC. 1001. FINDING.**

4 Congress finds that opening up energy exports will
5 contribute to economic development, private sector job
6 growth, and continued growth in American energy produc-
7 tion.

1 **SEC. 1002. NATURAL GAS EXPORTS.**

2 (a) FINDING.—Congress finds that expanding nat-
3 ural gas exports will lead to increased investment and de-
4 velopment of domestic supplies of natural gas that will
5 contribute to job growth and economic development.

6 (b) NATURAL GAS EXPORTS.—Section 3(c) of the
7 Natural Gas Act (15 U.S.C. 717b(c)) is amended—

8 (1) by inserting “or any other nation not ex-
9 cluded by this section” after “trade in natural gas”;

10 (2) by striking “(c) For purposes” and insert-
11 ing the following:

12 “(c) EXPEDITED APPLICATION AND APPROVAL
13 PROCESS.—

14 “(1) IN GENERAL.—For purposes”; and

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

16 “(2) EXCLUSIONS.—

17 “(A) IN GENERAL.—Any nation subject to
18 sanctions or trade restrictions imposed by the
19 United States is excluded from expedited ap-
20 proval under paragraph (1).

21 “(B) DESIGNATION BY PRESIDENT OR
22 CONGRESS.—The President or Congress may
23 designate nations that may be excluded from
24 expedited approval under paragraph (1) for rea-
25 sons of national security.

1 “(3) ORDER NOT REQUIRED.—No order is re-
 2 quired under subsection (a) to authorize the export
 3 or import of any natural gas to or from Canada or
 4 Mexico.”.

5 **SEC. 1003. CRUDE OIL EXPORTS.**

6 (a) FINDINGS.—Congress finds that—

7 (1) the restrictions on crude oil exports from
 8 the 1970s are no longer necessary due to the techno-
 9 logical advances that have increased the domestic
 10 supply of crude oil; and

11 (2) repealing restrictions on crude oil exports
 12 will contribute to job growth and economic develop-
 13 ment.

14 (b) REPEAL OF PRESIDENTIAL AUTHORITY TO RE-
 15 STRICT OIL EXPORTS.—

16 (1) IN GENERAL.—Section 103 of the Energy
 17 Policy and Conservation Act (42 U.S.C. 6212) is re-
 18 pealed.

19 (2) CONFORMING AMENDMENTS.—

20 (A) Section 12 of the Alaska Natural Gas
 21 Transportation Act of 1976 (15 U.S.C. 719j) is
 22 amended—

23 (i) by striking “and section 103 of the
 24 Energy Policy and Conservation Act”; and

1 (ii) by striking “such Acts” and in-
 2 serting “that Act”.

3 (B) The Energy Policy and Conservation
 4 Act is amended—

5 (i) in section 251 (42 U.S.C. 6271)—

6 (I) by striking subsection (d);

7 and

8 (II) by redesignating subsection

9 (e) as subsection (d); and

10 (ii) in section 523(a)(1) (42 U.S.C.

11 6393(a)(1)), by striking “(other than sec-

12 tion 103 thereof)”.

13 (c) REPEAL OF LIMITATIONS ON EXPORTS OF OIL.—

14 (1) IN GENERAL.—Section 28 of the Mineral

15 Leasing Act (30 U.S.C. 185) is amended—

16 (A) by striking subsection (u); and

17 (B) by redesignating subsections (v)

18 through (y) as subsections (u) through (x), re-

19 spectively.

20 (2) CONFORMING AMENDMENTS.—

21 (A) Section 1107(c) of the Alaska National

22 Interest Lands Conservation Act (16 U.S.C.

23 3167(c)) is amended by striking “(u) through

24 (y)” and inserting “(u) through (x)”.

1 (B) Section 23 of the Deep Water Port
2 Act of 1974 (33 U.S.C. 1522) is repealed.

3 (C) Section 203(c) of the Trans-Alaska
4 Pipeline Authorization Act (43 U.S.C. 1652(c))
5 is amended in the first sentence by striking
6 “(w)(2), and (x))” and inserting “(v)(2), and
7 (w))”.

8 (D) Section 509(c) of the Public Utility
9 Regulatory Policies Act of 1978 (43 U.S.C.
10 2009(c)) is amended by striking “subsection
11 (w)(2)” and inserting “subsection (v)(2)”.

12 (d) REPEAL OF LIMITATIONS ON EXPORT OF OCS
13 OIL OR GAS.—Section 28 of the Outer Continental Shelf
14 Lands Act (43 U.S.C. 1354) is repealed.

15 (e) TERMINATION OF LIMITATION ON EXPORTATION
16 OF CRUDE OIL.—Section 7(d) of the Export Administra-
17 tion Act of 1979 (50 U.S.C. App. 2406(d)) (as in effect
18 pursuant to the International Emergency Economic Pow-
19 ers Act (50 U.S.C. 1701 et seq.)) shall have no force or
20 effect.

21 (f) CLARIFICATION OF CRUDE OIL REGULATION.—

22 (1) IN GENERAL.—Section 754.2 of title 15,
23 Code of Federal Regulations (relating to crude oil)
24 shall have no force or effect.

1 (2) CRUDE OIL LICENSE REQUIREMENTS.—The
2 Bureau of Industry and Security of the Department
3 of Commerce shall grant licenses to export to a
4 country crude oil (as the term is defined in sub-
5 section (a) of the regulation referred to in paragraph
6 (1)) (as in effect on the date that is 1 day before
7 the date of enactment of this Act) unless—

8 (A) the country is subject to sanctions or
9 trade restrictions imposed by the United States;
10 or

11 (B) the President or Congress has des-
12 ignated the country as subject to exclusion for
13 reasons of national security.

14 **SEC. 1004. COAL EXPORTS.**

15 (a) FINDINGS.—Congress finds that—

16 (1) increased international demand for coal is
17 an opportunity to support jobs and promote eco-
18 nomic growth in the United States; and

19 (2) exports of coal should not be unreasonably
20 restricted or delayed.

21 (b) NEPA REVIEW FOR COAL EXPORTS.—In com-
22 pleting an environmental impact statement or similar
23 analysis required under the National Environmental Pol-
24 icy Act of 1969 (42 U.S.C. 4321 et seq.) for an approval
25 or permit for coal export terminals, or transportation of

1 coal to coal export terminals, the Secretary of the Army,
2 acting through the Chief of Engineers—

3 (1) may only take into account domestic envi-
4 ronmental impacts; and

5 (2) may not take into account any impacts re-
6 sulting from the final use overseas of the exported
7 coal.

8 **TITLE II—IMPROVING NORTH** 9 **AMERICAN ENERGY INFRA-** 10 **STRUCTURE**

11 **Subtitle A—North American** 12 **Energy Infrastructure**

13 **SEC. 2001. FINDING.**

14 Congress finds that the United States should estab-
15 lish a more efficient, transparent, and modern process for
16 the construction, connection, operation, and maintenance
17 of oil and natural gas pipelines and electric transmission
18 facilities for the import and export of oil, natural gas, and
19 electricity to and from Canada and Mexico, in pursuit of
20 a more secure and efficient North American energy mar-
21 ket.

22 **SEC. 2002. DEFINITIONS.**

23 In this title:

24 (1) **ELECTRIC RELIABILITY ORGANIZATION.**—

25 The term “Electric Reliability Organization” has the

1 meaning given the term in section 215(a) of the
2 Federal Power Act (16 U.S.C. 824o(a)).

3 (2) INDEPENDENT SYSTEM OPERATOR.—The
4 term “Independent System Operator” has the mean-
5 ing given the term in section 3 of the Federal Power
6 Act (16 U.S.C. 796).

7 (3) NATURAL GAS.—The term “natural gas”
8 has the meaning given the term in section 2 of the
9 Natural Gas Act (15 U.S.C. 717a).

10 (4) OIL.—The term “oil” means petroleum or
11 a petroleum product.

12 (5) REGIONAL ENTITY.—The term “regional
13 entity” has the meaning given the term in section
14 215(a) of the Federal Power Act (16 U.S.C.
15 824o(a)).

16 (6) REGIONAL TRANSMISSION ORGANIZATION.—
17 The term “Regional Transmission Organization”
18 has the meaning given the term in section 3 of the
19 Federal Power Act (16 U.S.C. 796).

20 **SEC. 2003. AUTHORIZATION OF CERTAIN ENERGY INFRA-**
21 **STRUCTURE PROJECTS AT THE NATIONAL**
22 **BOUNDARY OF THE UNITED STATES.**

23 (a) AUTHORIZATION.—Except as provided in sub-
24 sections (d) and (e), no person may construct, connect,
25 operate, or maintain an oil or natural gas pipeline or elec-

1 tric transmission facility at the national boundary of the
2 United States for the import or export of oil, natural gas,
3 or electricity to or from Canada or Mexico without obtain-
4 ing approval of the construction, connection, operation, or
5 maintenance under this section.

6 (b) APPROVAL.—

7 (1) REQUIREMENT.—Not later than 120 days
8 after receiving a request for approval of construc-
9 tion, connection, operation, or maintenance under
10 this section, the relevant official identified under
11 paragraph (2), in consultation with appropriate Fed-
12 eral agencies, shall approve the request unless the
13 relevant official finds that the construction, connec-
14 tion, operation, or maintenance harms the national
15 security interests of the United States.

16 (2) RELEVANT OFFICIAL.—The relevant official
17 referred to in paragraph (1) is—

18 (A) the Secretary of Commerce with re-
19 spect to oil pipelines;

20 (B) the Federal Energy Regulatory Com-
21 mission with respect to natural gas pipelines;
22 and

23 (C) the Secretary of Energy with respect
24 to electric transmission facilities.

1 (3) APPROVAL NOT MAJOR FEDERAL ACTION.—

2 An approval of construction, connection, operation,
3 or maintenance under paragraph (1) shall not be
4 considered a major Federal action under the Na-
5 tional Environmental Policy Act of 1969 (42 U.S.C.
6 4321 et seq.).

7 (4) ADDITIONAL REQUIREMENT FOR ELECTRIC
8 TRANSMISSION FACILITIES.—In the case of a request
9 for approval of the construction, connection, oper-
10 ation, or maintenance of an electric transmission fa-
11 cility, the Secretary of Energy shall require, as a
12 condition of approval of the request under paragraph
13 (1), that the electric transmission facility be con-
14 structed, connected, operated, or maintained con-
15 sistent with all applicable policies and standards
16 of—

17 (A) the Electric Reliability Organization
18 and the applicable regional entity; and

19 (B) any Regional Transmission Organiza-
20 tion or Independent System Operator with
21 operational or functional control over the elec-
22 tric transmission facility.

23 (c) NO OTHER APPROVAL REQUIRED.—No Presi-
24 dential permit (or similar permit) required under Execu-
25 tive Order 13337 (3 U.S.C. 301 note; 69 Fed. Reg. 25299

1 (April 30, 2004)), Executive Order 11423 (3 U.S.C. 301
 2 note; 33 Fed. Reg. 11741 (August 16, 1968)), section 301
 3 of title 3, United States Code, Executive Order 12038 (43
 4 Fed. Reg. 3674 (January 26, 1978)), Executive Order
 5 10485 (18 Fed. Reg. 5397 (September 9, 1953)), or any
 6 other Executive order shall be necessary for construction,
 7 connection, operation, or maintenance to which this sec-
 8 tion applies.

9 (d) EXCLUSIONS.—This section shall not apply to—

10 (1) any construction, connection, operation, or
 11 maintenance of an oil or natural gas pipeline or elec-
 12 tric transmission facility at the national boundary of
 13 the United States for the import or export of oil,
 14 natural gas, or electricity to or from Canada or Mex-
 15 ico if—

16 (A) the pipeline or facility is operating at
 17 the national boundary for that import or export
 18 as of the date of enactment of this Act;

19 (B) a permit described in subsection (c)
 20 for the construction, connection, operation, or
 21 maintenance has been issued;

22 (C) approval of the construction, connec-
 23 tion, operation, or maintenance has previously
 24 been obtained under this section; or

1 (D) an application for a permit described
2 in subsection (c) for the construction, connec-
3 tion, operation, or maintenance is pending on
4 the date of enactment of this Act, until the ear-
5 lier of—

6 (i) the date on which the application
7 is denied; and

8 (ii) July 1, 2015; or

9 (2) the construction, connection, operation, or
10 maintenance of the Keystone XL pipeline.

11 (e) MODIFICATIONS TO EXISTING PROJECTS.—No
12 approval under this section, or permit described in sub-
13 section (c), shall be required for modifications to construc-
14 tion, connection, operation, or maintenance described in
15 subparagraph (A), (B), or (C) of subsection (d)(1), includ-
16 ing reversal of flow direction, change in ownership, volume
17 expansion, downstream or upstream interconnection, or
18 adjustments to maintain flow (such as a reduction or in-
19 crease in the number of pump or compressor stations).

20 (f) EFFECT OF OTHER LAWS.—Nothing in this sec-
21 tion affects the application of any other Federal law to
22 a project for which approval of construction, connection,
23 operation, or maintenance is sought under this section.

1 **SEC. 2004. TRANSMISSION OF ELECTRIC ENERGY TO CAN-**
 2 **ADA AND MEXICO.**

3 (a) REPEAL OF REQUIREMENT TO SECURE
 4 ORDER.—Section 202 of the Federal Power Act (16
 5 U.S.C. 824a) is amended by striking subsection (e).

6 (b) CONFORMING AMENDMENTS.—

7 (1) STATE REGULATIONS.—Section 202 of the
 8 Federal Power Act (16 U.S.C. 824a) is amended—

9 (A) by redesignating subsections (f) and
 10 (g) as subsections (e) and (f), respectively; and

11 (B) in subsection (e) (as so redesignated),
 12 by striking “insofar as such State regulation
 13 does not conflict with the exercise of the Com-
 14 mission’s powers under or relating to subsection
 15 202(e)”.

16 (2) SEASONAL DIVERSITY ELECTRICITY EX-
 17 CHANGE.—Section 602(b) of the Public Utility Reg-
 18 ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))
 19 is amended by striking “the Commission has con-
 20 ducted hearings and made the findings required
 21 under section 202(e) of the Federal Power Act” and
 22 all that follows through the period at the end and
 23 inserting “the Secretary has conducted hearings and
 24 finds that the proposed transmission facilities would
 25 not impair the sufficiency of electric supply within
 26 the United States or would not impede or tend to

1 impede the coordination in the public interest of fa-
2 cilities subject to the jurisdiction of the Secretary.”.

3 **SEC. 2005. EFFECTIVE DATE; RULEMAKING DEADLINES.**

4 (a) **EFFECTIVE DATE.**—Sections 2003 and 2004,
5 and the amendments made by those sections, shall take
6 effect on July 1, 2015.

7 (b) **RULEMAKING DEADLINES.**—Each relevant offi-
8 cial described in section 2003(b)(2) shall—

9 (1) not later than 180 days after the date of
10 enactment of this Act, publish in the Federal Reg-
11 ister notice of a proposed rulemaking to carry out
12 the applicable requirements of section 2003; and

13 (2) not later than 1 year after the date of en-
14 actment of this Act, publish in the Federal Register
15 a final rule to carry out the applicable requirements
16 of section 2003.

17 **Subtitle B—Keystone XL Permit**
18 **Approval**

19 **SEC. 2011. FINDINGS.**

20 Congress finds that—

21 (1) building the Keystone XL pipeline will pro-
22 vide jobs and economic growth to the United States;
23 and

24 (2) the Keystone XL pipeline should be ap-
25 proved immediately.

1 **SEC. 2012. KEYSTONE XL PERMIT APPROVAL.**

2 (a) IN GENERAL.—Notwithstanding Executive Order
3 13337 (3 U.S.C. 301 note; 69 Fed. Reg. 25299 (April 30,
4 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33
5 Fed. Reg. 11741 (August 16, 1968)), section 301 of title
6 3, United States Code, and any other Executive order or
7 provision of law, no presidential permit shall be required
8 for the pipeline described in the application filed on May
9 4, 2012, by TransCanada Corporation to the Department
10 of State for the northern portion of the Keystone XL pipe-
11 line from the Canadian border to the border between the
12 States of South Dakota and Nebraska.

13 (b) ENVIRONMENTAL IMPACT STATEMENT.—The
14 final environmental impact statement issued by the Sec-
15 retary of State on January 31, 2014, regarding the pipe-
16 line referred to in subsection (a), shall be considered to
17 satisfy all requirements of the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

19 (c) CRITICAL HABITAT.—No area necessary to con-
20 struct or maintain the Keystone XL pipeline shall be con-
21 sidered critical habitat under the Endangered Species Act
22 of 1973 (16 U.S.C. 1531 et seq.) or any other provision
23 of law.

24 (d) PERMITS.—Any Federal permit or authorization
25 issued before the date of enactment of this Act for the
26 pipeline and cross-border facilities described in subsection

1 (a), and the related facilities in the United States, shall
 2 remain in effect.

3 (e) **FEDERAL JUDICIAL REVIEW.**—The pipeline and
 4 cross-border facilities described in subsection (a), and the
 5 related facilities in the United States, that are approved
 6 by this section, and any permit, right-of-way, or other ac-
 7 tion taken to construct or complete the project pursuant
 8 to Federal law, shall only be subject to judicial review on
 9 direct appeal to the United States Court of Appeals for
 10 the District of Columbia Circuit.

11 **TITLE III—OUTER CONTINENTAL** 12 **SHELF LEASING**

13 **SEC. 3001. FINDING.**

14 Congress finds that the United States has enormous
 15 potential for offshore energy development and that the
 16 people of the United States should have access to the jobs
 17 and economic benefits from developing those resources.

18 **SEC. 3002. EXTENSION OF LEASING PROGRAM.**

19 (a) **IN GENERAL.**—Subject to subsection (c), the
 20 Draft Proposed Outer Continental Shelf Oil and Gas
 21 Leasing Program 2010–2015 issued by the Secretary of
 22 the Interior (referred to in this title as the “Secretary”)
 23 under section 18 of the Outer Continental Shelf Lands
 24 Act (43 U.S.C. 1344) shall be considered to be the final

1 oil and gas leasing program under that section for the pe-
2 riod of fiscal years 2014 through 2019.

3 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—

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

9 (c) EXCEPTIONS.—Lease Sales 214, 232, and 239
10 shall not be included in the final oil and gas leasing pro-
11 gram for the period of fiscal years 2014 through 2019.

12 **SEC. 3003. LEASE SALES.**

13 (a) IN GENERAL.—Except as otherwise provided in
14 this section, not later than 180 days after the date of en-
15 actment of this Act and every 270 days thereafter, the
16 Secretary shall conduct a lease sale in each outer Conti-
17 nental Shelf planning area for which the Secretary deter-
18 mines that there is a commercial interest in purchasing
19 Federal oil and gas leases for production on the outer Con-
20 tinental Shelf.

21 (b) SUBSEQUENT DETERMINATIONS AND SALES.—If
22 the Secretary determines that there is not a commercial
23 interest in purchasing Federal oil and gas leases for pro-
24 duction on the outer Continental Shelf in a planning area
25 under this section, not later than 2 years after the date

1 of the determination and every 2 years thereafter, the Sec-
2 retary shall—

3 (1) make an additional determination on wheth-
4 er there is a commercial interest in purchasing Fed-
5 eral oil and gas leases for production on the outer
6 Continental Shelf in the planning area; and

7 (2) if the Secretary determines that there is a
8 commercial interest under paragraph (1), conduct a
9 lease sale in the planning area.

10 (c) PROTECTION OF STATE INTEREST.—In devel-
11 oping future leasing programs, the Secretary shall give
12 deference to affected coastal States (as the term is used
13 in the Outer Continental Shelf Lands Act (43 U.S.C. 1331
14 et seq.)) in determining leasing areas to be included in
15 the leasing program.

16 (d) PETITIONS.—If a person petitions the Secretary
17 to conduct a lease sale for an outer Continental Shelf plan-
18 ning area in which the person has a commercial interest,
19 the Secretary shall conduct a lease sale for the area in
20 accordance with subsection (a).

21 **SEC. 3004. APPLICATIONS FOR PERMITS TO DRILL.**

22 Section 5 of the Outer Continental Shelf Lands Act
23 (43 U.S.C. 1334) is amended by adding at the end the
24 following:

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

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

6 “(2) DISAPPROVAL.—If the Secretary dis-
7 approves an application for a permit to drill under
8 paragraph (1), the Secretary shall—

9 “(A) provide to the applicant a description
10 of the reasons for the disapproval of the appli-
11 cation;

12 “(B) allow the applicant to resubmit an
13 application during the 10-day period beginning
14 on the date of the receipt of the description de-
15 scribed in subparagraph (A) by the applicant;
16 and

17 “(C) approve or disapprove any resub-
18 mitted application not later than 10 days after
19 the date on which the application is submitted
20 to the Secretary.”.

21 **SEC. 3005. LEASE SALES FOR CERTAIN AREAS.**

22 (a) IN GENERAL.—As soon as practicable but not
23 later than 1 year after the date of enactment of this Act,
24 the Secretary shall conduct Lease Sale 220 for areas off-
25 shore of the State of Virginia.

1 (b) COMPLIANCE WITH OTHER LAWS.—For pur-
 2 poses of the lease sale described in subsection (a), the en-
 3 vironmental impact statement prepared under section
 4 3001 shall satisfy the requirements of the National Envi-
 5 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

7 (1) JURISDICTION.—The United States Court
 8 of Appeals for the Fifth Circuit shall have exclusive
 9 jurisdiction over challenges to offshore energy
 10 projects and permits to drill carried out in the Gulf
 11 of Mexico.

12 (2) FILING DEADLINE.—Any civil action to
 13 challenge a project or permit described in paragraph
 14 (1) shall be filed not later than 60 days after the
 15 date of approval of the project or the issuance of the
 16 permit.

17 **TITLE IV—UTILIZING AMERICA’S** 18 **ONSHORE RESOURCES**

19 **SEC. 4001. FINDINGS.**

20 Congress finds that—

- 21 (1) current policy has failed to take full advan-
 22 tage of the natural resources on Federal land;
- 23 (2) the States should be given the option to
 24 lead energy development on all available Federal
 25 land in a State; and

1 (3) the Federal Government should not inhibit
2 energy development on Federal land.

3 **SEC. 4002. STATE OPTION FOR ENERGY DEVELOPMENT.**

4 Notwithstanding any other provision of this title, a
5 State may elect to control energy development and produc-
6 tion on available Federal land in accordance with the
7 terms and conditions of subtitle A and the amendments
8 made by subtitle A in lieu of being subject to the Federal
9 system established under subtitle B and the amendments
10 made by subtitle B.

11 **Subtitle A—Energy Development**
12 **by States**

13 **SEC. 4011. DEFINITIONS.**

14 In this subtitle:

15 (1) AVAILABLE FEDERAL LAND.—The term
16 “available Federal land” means any Federal land
17 that, as of the date of enactment of this Act—

18 (A) is located within the boundaries of a
19 State;

20 (B) is not held by the United States in
21 trust for the benefit of a federally recognized
22 Indian tribe;

23 (C) is not a unit of the National Park Sys-
24 tem;

1 (D) is not a unit of the National Wildlife
2 Refuge System; and

3 (E) is not a congressionally designated wil-
4 derness area.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (3) STATE.—The term “State” means—

8 (A) a State; and

9 (B) the District of Columbia.

10 **SEC. 4012. STATE PROGRAMS.**

11 (a) IN GENERAL.—A State—

12 (1) may establish a program covering the leas-
13 ing and permitting processes, regulatory require-
14 ments, and any other provisions by which the State
15 would exercise the rights of the State to develop all
16 forms of energy resources on available Federal land
17 in the State; and

18 (2) as a condition of certification under section
19 4013(b) shall submit a declaration to the Depart-
20 ments of the Interior, Agriculture, and Energy that
21 a program under paragraph (1) has been established
22 or amended.

23 (b) AMENDMENT OF PROGRAMS.—A State may
24 amend a program developed and certified under this sub-
25 title at any time.

1 (c) CERTIFICATION OF AMENDED PROGRAMS.—Any
 2 program amended under subsection (b) shall be certified
 3 under section 4013(b).

4 **SEC. 4013. LEASING, PERMITTING, AND REGULATORY PRO-**
 5 **GRAMS.**

6 (a) SATISFACTION OF FEDERAL REQUIREMENTS.—
 7 Each program certified under this section shall be consid-
 8 ered to satisfy all applicable requirements of Federal law
 9 (including regulations), including—

10 (1) the National Environmental Policy Act of
 11 1969 (42 U.S.C. 4321 et seq.);

12 (2) the Endangered Species Act of 1973 (16
 13 U.S.C. 1531 et seq.); and

14 (3) the National Historic Preservation Act (16
 15 U.S.C. 470 et seq.).

16 (b) FEDERAL CERTIFICATION AND TRANSFER OF
 17 DEVELOPMENT RIGHTS.—Upon submission of a declara-
 18 tion by a State under section 4012(a)(2)—

19 (1) the program under section 4012(a)(1) shall
 20 be certified; and

21 (2) the State shall receive all rights from the
 22 Federal Government to develop all forms of energy
 23 resources covered by the program.

24 (c) ISSUANCE OF PERMITS AND LEASES.—If a State
 25 elects to issue a permit or lease for the development of

1 any form of energy resource on any available Federal land
 2 within the borders of the State in accordance with a pro-
 3 gram certified under subsection (b), the permit or lease
 4 shall be considered to meet all applicable requirements of
 5 Federal law (including regulations).

6 **SEC. 4014. JUDICIAL REVIEW.**

7 Activities carried out in accordance with this subtitle
 8 shall not be subject to Federal judicial review.

9 **SEC. 4015. ADMINISTRATIVE PROCEDURE ACT.**

10 Activities carried out in accordance with this subtitle
 11 shall not be subject to subchapter II of chapter 5, and
 12 chapter 7, of title 5, United States Code (commonly known
 13 as the “Administrative Procedure Act”).

14 **Subtitle B—Onshore Oil and Gas**
 15 **Permit Streamlining**

16 **PART I—OIL AND GAS LEASING CERTAINTY**

17 **SEC. 4021. MINIMUM ACREAGE REQUIREMENT FOR ON-**
 18 **SHORE LEASE SALES.**

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

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

23 **“SEC. 17. LEASE OF OIL AND GAS LAND.**

24 **“(a) AUTHORITY OF SECRETARY.—**

25 **“(1) IN GENERAL.—All land”; and**

(2) in subsection (a), by adding at the end the following:

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

“(A) IN GENERAL.—In conducting lease sales under paragraph (1)—

“(i) there shall be a presumption that nominated land should be leased; and

“(ii) the Secretary of the Interior shall offer for sale all of the nominated acreage not previously made available for lease, unless the Secretary demonstrates by clear and convincing evidence that an individual lease should not be granted.

“(B) ADMINISTRATION.—Acreage offered for lease pursuant to this paragraph—

“(i) shall not be subject to protest; and

“(ii) shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that the categorical exclusions shall not be subject to the test of extraordinary circumstances or any other similar regulation or policy guidance.

1 “(C) AVAILABILITY.—In administering this
 2 paragraph, the Secretary shall only consider
 3 leasing of Federal land that is available for
 4 leasing at the time the lease sale occurs.”.

5 **SEC. 4022. LEASING CERTAINTY.**

6 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
 7 226(a)) (as amended by section 4061) is amended by add-
 8 ing at the end the following:

9 “(3) LEASING CERTAINTY.—

10 “(A) IN GENERAL.—The Secretary of the
 11 Interior shall not withdraw any covered energy
 12 project (as defined in section 4051 of the Amer-
 13 ican Energy Renaissance Act of 2014) issued
 14 under this Act without finding a violation of the
 15 terms of the lease by the lessee.

16 “(B) DELAY.—The Secretary shall not in-
 17 fringe on lease rights under leases issued under
 18 this Act by indefinitely delaying issuance of
 19 project approvals, drilling and seismic permits,
 20 and rights-of-way for activities under the lease.

21 “(C) AVAILABILITY FOR LEASE.—Not later
 22 than 18 months after an area is designated as
 23 open under the applicable land use plan, the
 24 Secretary shall make available nominated areas

1 for lease using the criteria established under
2 section 2.

3 “(D) LAST PAYMENT.—

4 “(i) IN GENERAL.—Notwithstanding
5 any other provision of law, the Secretary
6 shall issue all leases sold not later than 60
7 days after the last payment is made.

8 “(ii) CANCELLATION.—The Secretary
9 shall not cancel or withdraw any lease par-
10 cel after a competitive lease sale has oc-
11 curred and a winning bidder has submitted
12 the last payment for the parcel.

13 “(E) PROTESTS.—

14 “(i) IN GENERAL.—Not later than the
15 end of the 60-day period beginning on the
16 date a lease sale is held under this Act, the
17 Secretary shall adjudicate any lease pro-
18 tests filed following a lease sale.

19 “(ii) UNSETTLED PROTEST.—If, after
20 the 60-day period described in clause (i)
21 any protest is left unsettled—

22 “(I) the protest shall be consid-
23 ered automatically denied; and

24 “(II) the appeal rights of the
25 protestor shall begin.

1 “(F) ADDITIONAL LEASE STIPULATIONS.—

2 No additional lease stipulation may be added
 3 after the parcel is sold without consultation and
 4 agreement of the lessee, unless the Secretary
 5 considers the stipulation as an emergency ac-
 6 tion to conserve the resources of the United
 7 States.”.

8 **SEC. 4023. LEASING CONSISTENCY.**

9 A Federal land manager shall follow existing resource
 10 management plans and continue to actively lease in areas
 11 designated as open when resource management plans are
 12 being amended or revised, until such time as a new record
 13 of decision is signed.

14 **SEC. 4024. REDUCE REDUNDANT POLICIES.**

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

17 **SEC. 4025. STREAMLINED CONGRESSIONAL NOTIFICATION.**

18 Section 31(e) of the Mineral Leasing Act (30 U.S.C.
 19 188(e)) is amended in the first sentence of the matter fol-
 20 lowing paragraph (4) by striking “at least thirty days in
 21 advance of the reinstatement” and inserting “in an annual
 22 report”.

1 **PART II—APPLICATION FOR PERMITS TO DRILL**

2 **PROCESS REFORM**

3 **SEC. 4031. PERMIT TO DRILL APPLICATION TIMELINE.**

4 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
5 226(p)) is amended by striking paragraph (2) and insert-
6 ing the following:

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

9 “(A) IN GENERAL.—Not later than the
10 end of the 30-day period beginning on the date
11 an application for a permit to drill is received
12 by the Secretary, the Secretary shall decide
13 whether to issue the permit.

14 “(B) EXTENSION.—

15 “(i) IN GENERAL.—The Secretary
16 may extend the period described in sub-
17 paragraph (A) for up to 2 periods of 15
18 days each, if the Secretary has given writ-
19 ten notice of the delay to the applicant.

20 “(ii) NOTICE.—The notice shall—

21 “(I) be in the form of a letter
22 from the Secretary or a designee of
23 the Secretary; and

24 “(II) include—

1 “(aa) the names and titles
2 of the persons processing the ap-
3 plication;

4 “(bb) the specific reasons
5 for the delay; and

6 “(cc) a specific date a final
7 decision on the application is ex-
8 pected.

9 “(C) NOTICE OF REASONS FOR DENIAL.—
10 If the application is denied, the Secretary shall
11 provide the applicant—

12 “(i) a written statement that provides
13 clear and comprehensive reasons why the
14 application was not accepted and detailed
15 information concerning any deficiencies;
16 and

17 “(ii) an opportunity to remedy any de-
18 ficiencies.

19 “(D) APPLICATION DEEMED APPROVED.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), if the Secretary has
22 not made a decision on the application by
23 the end of the 60-day period beginning on
24 the date the application is received by the

1 Secretary, the application shall be consid-
2 ered approved.

3 “(ii) EXCEPTIONS.—Clause (i) shall
4 not apply in cases in which existing reviews
5 under the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.) or
7 Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.) are incomplete.

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

12 “(i) provide to the applicant a descrip-
13 tion of the reasons for the denial of the
14 permit;

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

20 “(iii) issue or deny any resubmitted
21 application not later than 10 days after the
22 date the application is submitted to the
23 Secretary.

24 “(F) FEE.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall collect a single \$6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A).

“(ii) RESUBMITTED APPLICATION.—The fee required under clause (i) shall not apply to any resubmitted application.

“(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph for each fiscal year, 50 percent shall be—

“(I) transferred to the field office at which the fees are collected; and

“(II) used to process protests, leases, and permits under this Act.”.

SEC. 4032. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) (as amended by section 4031) is amended by adding at the end the following:

“(4) PROTEST FEE.—

1 “(A) IN GENERAL.—The Secretary shall
 2 collect a \$5,000 documentation fee to accom-
 3 pany each administrative protest for a lease,
 4 right-of-way, or application for a permit to drill.

5 “(B) TREATMENT OF FEES.—Subject to
 6 appropriation, of all fees collected under this
 7 paragraph for each fiscal year, 50 percent
 8 shall—

9 “(i) remain in the field office at which
 10 the fees are collected; and

11 “(ii) be used to process protests.”.

12 **SEC. 4033. IMPROVED FEDERAL ENERGY PERMIT COORDI-**
 13 **NATION.**

14 (a) DEFINITIONS.—In this section:

15 (1) ENERGY PROJECT.—The term “energy
 16 project” includes any oil, natural gas, coal, or other
 17 energy project, as defined by the Secretary.

18 (2) PROJECT.—The term “Project” means the
 19 Federal Permit Streamlining Project established
 20 under subsection (b).

21 (3) SECRETARY.—The term “Secretary” means
 22 the Secretary of the Interior.

23 (b) ESTABLISHMENT.—The Secretary shall establish
 24 a Federal Permit Streamlining Project in each Bureau of

1 Land Management field office with responsibility for per-
 2 mitting energy projects on Federal land.

3 (c) MEMORANDUM OF UNDERSTANDING.—

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

8 (A) the Secretary of Agriculture;

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

11 (C) the Chief of Engineers.

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

16 (d) DESIGNATION OF QUALIFIED STAFF.—

17 (1) IN GENERAL.—Not later than 30 days after
 18 the date of the signing of the memorandum of un-
 19 derstanding under subsection (c), each Federal sig-
 20 natory party shall, if appropriate, assign to each Bu-
 21 reau of Land Management field office an employee
 22 who has expertise in the regulatory issues relating to
 23 the office in which the employee is employed, includ-
 24 ing, as applicable, particular expertise in—

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

5 (B) permits under section 404 of the Fed-
6 eral Water Pollution Control Act (33 U.S.C.
7 1344);

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

10 (D) planning under the National Forest
11 Management Act of 1976 (16 U.S.C. 1600 et
12 seq.); and

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

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

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

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

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

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

15 (f) FUNDING.—Funding for the additional personnel
16 shall come from the Department of the Interior reforms
17 under paragraph (2) of section 17(p) of the Mineral Leas-
18 ing Act (30 U.S.C. 226(p)) (as amended by section 4031
19 and section 4032).

20 (g) SAVINGS PROVISION.—Nothing in this section af-
21 fects—

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

1 (2) any delegation of authority made by the
 2 head of a Federal agency any employee of which is
 3 participating in the Project.

4 **SEC. 4034. ADMINISTRATION.**

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

9 **PART III—OIL SHALE**

10 **SEC. 4041. EFFECTIVENESS OF OIL SHALE REGULATIONS,**
 11 **AMENDMENTS TO RESOURCE MANAGEMENT**
 12 **PLANS, AND RECORD OF DECISION.**

13 (a) REGULATIONS.—

14 (1) IN GENERAL.—Notwithstanding any other
 15 provision of law (including regulations), the final
 16 regulations regarding oil shale management pub-
 17 lished by the Bureau of Land Management on No-
 18 vember 18, 2008 (73 Fed. Reg. 69414), shall be
 19 considered to satisfy all legal and procedural re-
 20 quirements under any law, including—

21 (A) the Federal Land Policy and Manage-
 22 ment Act of 1976 (43 U.S.C. 1701 et seq.);

23 (B) the Endangered Species Act of 1973
 24 (16 U.S.C. 1531 et seq.); and

1 (C) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.).

3 (2) IMPLEMENTATION.—The Secretary of the
4 Interior shall implement the regulations described in
5 paragraph (1) (including the oil shale leasing pro-
6 gram authorized by the regulations) without any
7 other administrative action necessary.

8 (b) AMENDMENTS TO RESOURCE MANAGEMENT
9 PLANS AND RECORD OF DECISION.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law (including regulations) to the con-
12 trary, the Approved Resource Management Plan
13 Amendments/Record of Decision for Oil Shale and
14 Tar Sands Resources to Address Land Use Alloca-
15 tions in Colorado, Utah, and Wyoming and the Final
16 Programmatic Environmental Impact Statement of
17 the Bureau of Land Management, as in effect on
18 November 17, 2008, shall be considered to satisfy all
19 legal and procedural requirements under any law, in-
20 cluding—

21 (A) the Federal Land Policy and Manage-
22 ment Act of 1976 (43 U.S.C. 1701 et seq.);

23 (B) the Endangered Species Act of 1973
24 (16 U.S.C. 1531 et seq.); and

1 (C) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.).

3 (2) IMPLEMENTATION.—The Secretary of the
4 Interior shall implement the oil shale leasing pro-
5 gram authorized by the regulations described in
6 paragraph (1) in those areas covered by the resource
7 management plans covered by the amendments, and
8 covered by the record of decision, described in para-
9 graph (1) without any other administrative action
10 necessary.

11 **SEC. 4042. OIL SHALE LEASING.**

12 (a) ADDITIONAL RESEARCH AND DEVELOPMENT
13 LEASE SALES.—Not later than 180 days after the date
14 of enactment of this Act, the Secretary of the Interior
15 shall hold a lease sale offering an additional 10 parcels
16 for lease for research, development, and demonstration of
17 oil shale resources, under the terms offered in the solicita-
18 tion of bids for such leases published on January 15, 2009
19 (74 Fed. Reg. 2611).

20 (b) COMMERCIAL LEASE SALES.—

21 (1) IN GENERAL.—Not later than January 1,
22 2016, the Secretary of the Interior shall hold not
23 less than 5 separate commercial lease sales in areas
24 considered to have the most potential for oil shale

1 development, as determined by the Secretary, in
 2 areas nominated through public comment.

3 (2) ADMINISTRATION.—Each lease sale shall
 4 be—

5 (A) for an area of not less than 25,000
 6 acres; and

7 (B) in multiple lease blocs.

8 **PART IV—NATIONAL PETROLEUM RESERVE IN**
 9 **ALASKA ACCESS**

10 **SEC. 4051. SENSE OF CONGRESS AND REAFFIRMING NA-**
 11 **TIONAL POLICY FOR THE NATIONAL PETRO-**
 12 **LEUM RESERVE IN ALASKA.**

13 It is the sense of Congress that—

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

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

1 **SEC. 4052. NATIONAL PETROLEUM RESERVE IN ALASKA:**
2 **LEASE SALES.**

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

6 “(a) IN GENERAL.—The Secretary shall conduct an
7 expeditious program of competitive leasing of oil and gas
8 in the Reserve—

9 “(1) in accordance with this Act; and

10 “(2) that shall include at least 1 lease sale an-
11 nually in the areas of the Reserve most likely to
12 produce commercial quantities of oil and natural gas
13 for each of calendar years 2014 through 2023.”.

14 **SEC. 4053. NATIONAL PETROLEUM RESERVE IN ALASKA:**
15 **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 other appropriate Federal agencies, shall facilitate
20 and ensure permits, in a timely and environmentally re-
21 sponsible manner, for all surface development activities,
22 including for the construction of pipelines and roads, nec-
23 essary—

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

1 (2) to transport oil and gas from and through
2 the National Petroleum Reserve in Alaska in the
3 most direct manner possible to existing transpor-
4 tation or processing infrastructure on the North
5 Slope of Alaska.

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

9 (1) Permits for the construction described in
10 subsection (a) for transportation of oil and natural
11 gas produced under existing Federal oil and gas
12 leases with respect to which the Secretary has issued
13 a permit to drill shall be approved not later than 60
14 days after the date of enactment of this Act.

15 (2) Permits for the construction described in
16 subsection (a) for transportation of oil and natural
17 gas produced under Federal oil and gas leases shall
18 be approved not later than 180 days after the date
19 on which a request for a permit to drill is submitted
20 to the Secretary.

21 (c) **PLAN.**—To ensure timely future development of
22 the National Petroleum Reserve in Alaska, not later than
23 270 days after the date of enactment of this Act, the Sec-
24 retary of the Interior shall submit to Congress a plan for
25 approved rights-of-way for a plan for pipeline, road, and

1 any other surface infrastructure that may be necessary in-
 2 frastructure that will ensure that all leasable tracts in the
 3 Reserve are within 25 miles of an approved road and pipe-
 4 line right-of-way that can serve future development of the
 5 Reserve.

6 **SEC. 4054. ISSUANCE OF A NEW INTEGRATED ACTIVITY**
 7 **PLAN AND ENVIRONMENTAL IMPACT STATE-**
 8 **MENT.**

9 (a) ISSUANCE OF NEW INTEGRATED ACTIVITY
 10 PLAN.—Not later than 180 days after the date of enact-
 11 ment of this Act, the Secretary of the Interior shall
 12 issue—

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

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

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

9 **SEC. 4055. DEPARTMENTAL ACCOUNTABILITY FOR DEVEL-**
 10 **OPMENT.**

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

17 **SEC. 4056. DEADLINES UNDER NEW PROPOSED INTE-**
 18 **GRATED ACTIVITY PLAN.**

19 At a minimum, the new proposed integrated activity
 20 plan issued under section 4054(a)(1) shall—

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

1 Reserve-Alaska acknowledging receipt of the applica-
2 tion; and

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

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

7 (B) provides that the period for issuing a
8 permit after the date on which the application
9 is submitted shall not exceed 60 days without
10 the concurrence of the applicant.

11 **SEC. 4057. UPDATED RESOURCE ASSESSMENT.**

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

17 (b) COOPERATION AND CONSULTATION.—The as-
18 sessment required by subsection (a) shall be carried out
19 by the United States Geological Survey in cooperation and
20 consultation with the State of Alaska and the American
21 Association of Petroleum Geologists.

22 (c) TIMING.—The assessment required by subsection
23 (a) shall be completed not later than 2 years after the
24 date of enactment of this Act.

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

4 **PART V—MISCELLANEOUS PROVISIONS**

5 **SEC. 4061. SANCTIONS.**

6 Nothing in this title authorizes the issuance of a lease
 7 under the Mineral Leasing Act (30 U.S.C. 181 et seq.)
 8 to any person designated for the imposition of sanctions
 9 pursuant to—

10 (1) the Syria Accountability and Lebanese Sov-
 11 ereignty Restoration Act of 2003 (22 U.S.C. 2151
 12 note; Public Law 108–175);

13 (2) the Comprehensive Iran Sanctions, Account-
 14 ability, and Divestiture Act of 2010 (22 U.S.C. 8501
 15 et seq.);

16 (3) section 1245 of the National Defense Au-
 17 thorization Act for Fiscal Year 2012 (22 U.S.C.
 18 8513a);

19 (4) the Iran Threat Reduction and Syria
 20 Human Rights Act of 2012 (22 U.S.C. 8701 et
 21 seq.);

22 (5) the Iran Freedom and Counter-Proliferation
 23 Act of 2012 (22 U.S.C. 8801 et seq.);

24 (6) the Iran Sanctions Act of 1996 (50 U.S.C.
 25 1701 note; Public Law 104–172);

1 (7) Executive Order 13224 (50 U.S.C. 1701
2 note; relating to blocking property and prohibiting
3 transactions with persons who commit, threaten to
4 commit, or support terrorism);

5 (8) Executive Order 13338 (50 U.S.C. 1701
6 note; relating to blocking property of certain persons
7 and prohibiting the export of certain goods to
8 Syria);

9 (9) Executive Order 13622 (50 U.S.C. 1701
10 note; relating to authorizing additional sanctions
11 with respect to Iran);

12 (10) Executive Order 13628 (50 U.S.C. 1701
13 note; relating to authorizing additional sanctions
14 with respect to Iran); or

15 (11) Executive Order 13645 (50 U.S.C. 1701
16 note; relating to authorizing additional sanctions
17 with respect to Iran).

18 **SEC. 4062. INTERNET-BASED ONSHORE OIL AND GAS LEASE**

19 **SALES.**

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

22 (1) in subparagraph (A), in the third sentence,
23 by inserting “, except as provided in subparagraph
24 (C)” after “by oral bidding”; and

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

1 “(C) INTERNET-BASED BIDDING.—

2 “(i) IN GENERAL.—In order to diversify and ex-
 3 pand the onshore leasing program of the United
 4 States to ensure the best return to the Federal tax-
 5 payer, reduce fraud, and secure the leasing process,
 6 the Secretary may conduct onshore lease sales
 7 through Internet-based bidding methods.

8 “(ii) CONCLUSION.—Each individual Internet-
 9 based lease sale shall conclude not later than 7 days
 10 after the date on which the sale begins.”.

11 (b) REPORT.—Not later than 90 days after the date
 12 on which the tenth Internet-based lease sale conducted
 13 under the amendment made by subsection (a) concludes,
 14 the Secretary of the Interior shall analyze the first 10
 15 Internet-based lease sales and report to Congress the find-
 16 ings of the analysis, including—

17 (1) estimates on increases or decreases in Inter-
 18 net-based lease sales, compared to sales conducted
 19 by oral bidding, in—

20 (A) the number of bidders;

21 (B) the average amount of bid;

22 (C) the highest amount bid; and

23 (D) the lowest bid;

24 (2) an estimate on the total cost or savings to
 25 the Department of the Interior as a result of Inter-

1 net-based lease sales, compared to sales conducted
 2 by oral bidding; and

3 (3) an evaluation of the demonstrated or ex-
 4 pected effectiveness of different structures for lease
 5 sales which may provide an opportunity to better—

6 (A) maximize bidder participation;

7 (B) ensure the highest return to the Fed-
 8 eral taxpayers;

9 (C) minimize opportunities for fraud or
 10 collusion; and

11 (D) ensure the security and integrity of
 12 the leasing process.

13 **PART VI—JUDICIAL REVIEW**

14 **SEC. 4071. DEFINITIONS.**

15 In this part:

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

22 (2) COVERED ENERGY PROJECT.—

23 (A) IN GENERAL.—The term “covered en-
 24 ergy project” means—

1 (i) the leasing of Federal land for the
 2 exploration, development, production, proc-
 3 essing, or transmission of oil, natural gas,
 4 wind, or any other source of energy; and

5 (ii) any action under the lease.

6 (B) EXCLUSION.—The term “covered en-
 7 ergy project” does not include any dispute be-
 8 tween the parties to a lease regarding the obli-
 9 gations under the lease, including any alleged
 10 breach of the lease.

11 **SEC. 4072. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
 12 **RELATING TO COVERED ENERGY PROJECTS.**

13 Venue for any covered civil action shall lie in the
 14 United States district court in which the covered energy
 15 project or lease exists or is proposed.

16 **SEC. 4073. TIMELY FILING.**

17 To ensure timely redress by the courts, a covered civil
 18 action shall be filed not later than the end of the 90-day
 19 period beginning on the date of the final Federal agency
 20 action to which the covered civil action relates.

21 **SEC. 4074. EXPEDITION IN HEARING AND DETERMINING**
 22 **THE ACTION.**

23 The court shall endeavor to hear and determine any
 24 covered civil action as expeditiously as practicable.

1 **SEC. 4075. LIMITATION ON INJUNCTION AND PROSPECTIVE**
 2 **RELIEF.**

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

6 (1) is narrowly drawn;

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

9 (3) is the least intrusive means necessary to
 10 correct the violation.

11 (b) DURATION.—

12 (1) IN GENERAL.—A court shall limit the dura-
 13 tion of preliminary injunctions to halt covered en-
 14 ergy projects to not more than 60 days, unless the
 15 court finds clear reasons to extend the injunction.

16 (2) ADMINISTRATION.—In the case of an exten-
 17 sion, the extension shall—

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

19 (B) require action by the court to renew
 20 the injunction.

21 **SEC. 4076. LIMITATION ON ATTORNEYS' FEES AND COURT**
 22 **COSTS.**

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

(b) COURT COSTS.—A party to a covered civil action shall not receive payment from the Federal Government for the attorneys’ fees, expenses, or other court costs incurred by the party.

SEC. 4077. LEGAL STANDING.

A challenger that files an appeal with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as a challenger before a United States district court.

TITLE V—ADDITIONAL ONSHORE RESOURCES

Subtitle A—Leasing Program for Land Within Coastal Plain

SEC. 5001. FINDING.

Congress finds that development of energy reserves under the Coastal Plain of Alaska, performed in an environmentally responsible manner, will contribute to job growth and economic development.

SEC. 5002. DEFINITIONS.

In this subtitle:

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

(2) PEER REVIEWED.—The term “peer reviewed” means reviewed—

1 (A) by individuals chosen by the National
 2 Academy of Sciences with no contractual rela-
 3 tionship with, or those who have no application
 4 for a grant or other funding pending with, the
 5 Federal agency with leasing jurisdiction; or

6 (B) if individuals described in subpara-
 7 graph (A) are not available, by the top individ-
 8 uals in the specified biological fields, as deter-
 9 mined by the National Academy of Sciences.

10 (3) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior.

12 **SEC. 5003. LEASING PROGRAM FOR LAND ON THE COASTAL**
 13 **PLAIN.**

14 (a) IN GENERAL.—The Secretary shall—

15 (1) establish and implement, in accordance with
 16 this subtitle and acting through the Director of the
 17 Bureau of Land Management in consultation with
 18 the Director of the United States Fish and Wildlife
 19 Service, a competitive oil and gas leasing program
 20 that will result in the exploration, development, and
 21 production of the oil and gas resources of the Coast-
 22 al Plain; and

23 (2) administer the provisions of this subtitle
 24 through regulations, lease terms, conditions, restric-
 25 tions, prohibitions, stipulations, and other provisions

1 that ensure the oil and gas exploration, development,
 2 and production activities on the Coastal Plain do not
 3 result in any significant adverse effect on fish and
 4 wildlife, the habitat of fish and wildlife, subsistence
 5 resources, or the environment, including, in further-
 6 ance of this goal, by requiring the application of the
 7 best commercially available technology for oil and
 8 gas exploration, development, and production to all
 9 exploration, development, and production operations
 10 under this subtitle in a manner that ensures the re-
 11 ceipt of fair market value by the public for the min-
 12 eral resources to be leased.

13 (b) REPEAL OF EXISTING RESTRICTION.—

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

17 (2) CONFORMING AMENDMENT.—The table of
 18 contents contained in section 1 of that Act (16
 19 U.S.C. 3101 note) is amended by striking the item
 20 relating to section 1003.

21 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-
 22 TAIN OTHER LAWS.—

23 (1) COMPATIBILITY.—For purposes of the Na-
 24 tional Wildlife Refuge System Administration Act of
 25 1966 (16 U.S.C. 668dd et seq.), the oil and gas

1 leasing program and activities authorized by this
2 section on the Coastal Plain are deemed to be com-
3 patible with the purposes for which the Arctic Na-
4 tional Wildlife Refuge was established, and no fur-
5 ther findings or decisions are required to implement
6 this determination.

7 (2) ADEQUACY OF THE DEPARTMENT OF THE
8 INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT
9 STATEMENT.—The document of the Department of
10 the Interior entitled “Final Legislative Environ-
11 mental Impact Statement” and dated April 1987 re-
12 lating to the Coastal Plain prepared pursuant to sec-
13 tion 1002 of the Alaska National Interest Lands
14 Conservation Act (16 U.S.C. 3142) and section
15 102(2)(C) of the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy
17 the requirements under the National Environmental
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.) that
19 apply with respect to prelease activities under this
20 subtitle, including actions authorized to be taken by
21 the Secretary to develop and promulgate regulations
22 for the establishment of a leasing program author-
23 ized by this subtitle before the conduct of the first
24 lease sale.

1 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
2 TIONS.—

3 (A) IN GENERAL.—Prior to conducting the
4 first lease sale under this subtitle, the Secretary
5 shall prepare an environmental impact state-
6 ment under the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
8 spect to the actions authorized by this subtitle
9 not covered by paragraph (2).

10 (B) NONLEASING ALTERNATIVES NOT RE-
11 QUIRED.—Notwithstanding any other provision
12 of law, in preparing the environmental impact
13 statement under subparagraph (A), the Sec-
14 retary—

15 (i) shall—

16 (I) only identify a preferred ac-
17 tion for leasing and a single leasing
18 alternative; and

19 (II) analyze the environmental ef-
20 fects and potential mitigation meas-
21 ures for those 2 alternatives; and

22 (ii) is not required—

23 (I) to identify nonleasing alter-
24 native courses of action; or

1 (II) to analyze the environmental
2 effects of nonleasing alternative
3 courses of action.

4 (C) DEADLINE.—The identification under
5 subparagraph (B)(i)(I) for the first lease sale
6 conducted under this subtitle shall be completed
7 not later than 18 months after the date of en-
8 actment of this Act.

9 (D) PUBLIC COMMENT.—The Secretary
10 shall only consider public comments that—

11 (i) specifically address the preferred
12 action of the Secretary; and

13 (ii) are filed not later than 20 days
14 after the date on which the environmental
15 analysis is published.

16 (E) COMPLIANCE.—Notwithstanding any
17 other provision of law, compliance with this
18 paragraph is deemed to satisfy all requirements
19 for the analysis and consideration of the envi-
20 ronmental effects of proposed leasing under this
21 subtitle.

22 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
23 ITY.—Nothing in this subtitle expands or limits State or
24 local regulatory authority.

25 (e) SPECIAL AREAS.—

1 (1) IN GENERAL.—The Secretary, after con-
2 sultation with the State of Alaska, the city of
3 Kaktovik and the North Slope Borough of the State
4 of Alaska, may designate not more than 45,000
5 acres of the Coastal Plain as a “Special Area” if the
6 Secretary determines that the area is of such unique
7 character and interest so as to require special man-
8 agement and regulatory protection.

9 (2) SADLEROCHIT SPRING AREA.—The Sec-
10 retary shall designate the Sadlerochit Spring area,
11 consisting of approximately 4,000 acres, as a Special
12 Area.

13 (3) MANAGEMENT.—Each Special Area shall be
14 managed to protect and preserve the unique and di-
15 verse character of the area, including the fish, wild-
16 life, and subsistence resource values of the area.

17 (4) EXCLUSION FROM LEASING OR SURFACE
18 OCCUPANCY.—

19 (A) IN GENERAL.—The Secretary may ex-
20 clude any Special Area from leasing.

21 (B) NO SURFACE OCCUPANCY.—If the Sec-
22 retary leases a Special Area, or any part of a
23 Special Area, for oil and gas exploration, devel-
24 opment, production, or related activities, there

1 shall be no surface occupancy of the land com-
2 prising the Special Area.

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

9 (f) LIMITATION ON CLOSED AREAS.—The authority
10 of the Secretary to close land on the Coastal Plain to oil
11 and gas leasing, exploration, development, or production
12 shall be limited to the authority provided under this sub-
13 title.

14 (g) REGULATIONS.—

15 (1) IN GENERAL.—Not later than 15 months
16 after the date of enactment of this Act, the Sec-
17 retary shall promulgate regulations necessary to
18 carry out this subtitle, including regulations relating
19 to protection of fish and wildlife, the habitat of fish
20 and wildlife, subsistence resources, and environment
21 of the Coastal Plain.

22 (2) REVISION OF REGULATIONS.—The Sec-
23 retary shall, through a rulemaking conducted in ac-
24 cordance with section 553 of title 5, United States
25 Code, periodically review and, if appropriate, revise

1 the regulations promulgated under paragraph (1) to
2 reflect a preponderance of the best available sci-
3 entific evidence that has been peer reviewed and ob-
4 tained by following appropriate, documented sci-
5 entific procedures, the results of which can be re-
6 peated using those same procedures.

7 **SEC. 5004. LEASE SALES.**

8 (a) IN GENERAL.—In accordance with the require-
9 ments of this subtitle, the Secretary may lease land under
10 this subtitle to any person qualified to obtain a lease for
11 deposits of oil and gas under the Mineral Leasing Act (30
12 U.S.C. 181 et seq.).

13 (b) PROCEDURES.—The Secretary shall, by regula-
14 tion and not later than 180 days after the date of enact-
15 ment of this Act, establish procedures for—

16 (1) receipt and consideration of sealed nomina-
17 tions for any area of the Coastal Plain for inclusion
18 in, or exclusion from, a lease sale;

19 (2) the holding of lease sales after the nomina-
20 tion process; and

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

24 (c) LEASE SALE BIDS.—Lease sales under this sub-
25 title may be conducted through an Internet leasing pro-

1 gram, if the Secretary determines that the Internet leasing
 2 program will result in savings to the taxpayer, an increase
 3 in the number of bidders participating, and higher returns
 4 than oral bidding or a sealed bidding system.

5 (d) SALE ACREAGES AND SCHEDULE.—The Sec-
 6 retary shall—

7 (1) offer for lease under this subtitle—

8 (A) those tracts the Secretary considers to
 9 have the greatest potential for the discovery of
 10 hydrocarbons, taking into consideration nomi-
 11 nations received under subsection (b)(1); and

12 (B)(i) not fewer than 50,000 acres by not
 13 later than 22 months after the date of the en-
 14 actment of this Act; and

15 (ii) not fewer than an additional 50,000
 16 acres at 6-, 12-, and 18-month intervals fol-
 17 lowing the initial offering under subclause (i);

18 (2) conduct 4 additional lease sales under the
 19 same terms and schedule as the last lease sale under
 20 paragraph (1)(B)(ii) not later than 2 years after the
 21 date of that sale, if sufficient interest in leasing ex-
 22 ists to warrant, in the judgment of the Secretary,
 23 the conduct of the sales; and

24 (3) evaluate the bids in each lease sale under
 25 this subsection and issue leases resulting from the

1 sales not later than 90 days after the date on which
2 the sale is completed.

3 **SEC. 5005. GRANT OF LEASES BY THE SECRETARY.**

4 (a) IN GENERAL.—The Secretary may grant to the
5 highest responsible qualified bidder in a lease sale con-
6 ducted under section 5004 any land to be leased on the
7 Coastal Plain upon payment by the bidder of any bonus
8 as may be accepted by the Secretary.

9 (b) SUBSEQUENT TRANSFERS.—No lease issued
10 under this subtitle may be sold, exchanged, assigned, sub-
11 let, or otherwise transferred except with the approval of
12 the Secretary after the Secretary consults with, and gives
13 due consideration to the views of, the Attorney General.

14 **SEC. 5006. LEASE TERMS AND CONDITIONS.**

15 An oil or gas lease issued under this subtitle shall—

16 (1) provide for the payment of a royalty of not
17 less than 12.5 percent in amount or value of the
18 production removed or sold under the lease, as de-
19 termined by the Secretary under the regulations ap-
20 plicable to other Federal oil and gas leases;

21 (2) provide that the Secretary may close, on a
22 seasonal basis, portions of the Coastal Plain to ex-
23 ploratory drilling activities as necessary to protect
24 caribou calving areas and other species of fish and
25 wildlife based on a preponderance of the best avail-

1 able scientific evidence that has been peer reviewed
2 and obtained by following appropriate, documented
3 scientific procedures, the results of which can be re-
4 peated using those same procedures;

5 (3) require that the lessee of land on the Coast-
6 al Plain shall be fully responsible and liable for the
7 reclamation of land on the Coastal Plain and any
8 other Federal land that is adversely affected in con-
9 nection with exploration, development, production, or
10 transportation activities conducted under the lease
11 and on the Coastal Plain by the lessee or by any of
12 the subcontractors or agents of the lessee;

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

17 (5) provide that the standard of reclamation for
18 land required to be reclaimed under this subtitle
19 shall be, as nearly as practicable, a condition capable
20 of supporting the uses which the land was capable
21 of supporting prior to any exploration, development,
22 or production activities, or upon application by the
23 lessee, to a higher or better use as certified by the
24 Secretary;

1 (6) contain terms and conditions relating to
 2 protection of fish and wildlife, the habitat of fish
 3 and wildlife, subsistence resources, and the environ-
 4 ment as required under section 5003(a)(2);

5 (7) provide that the lessee, agents of the lessee,
 6 and contractors of the lessee use best efforts to pro-
 7 vide a fair share, as determined by the level of obli-
 8 gation previously agreed to in the 1974 agreement
 9 implementing section 29 of the Federal Agreement
 10 and Grant of Right-of-Way for the Operation of the
 11 Trans-Alaska Pipeline, of employment and con-
 12 tracting for Alaska Natives and Alaska Native cor-
 13 porations from throughout the State; and

14 (8) contain such other provisions as the Sec-
 15 retary determines necessary to ensure compliance
 16 with this subtitle and the regulations issued pursu-
 17 ant to this subtitle.

18 **SEC. 5007. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

19 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD
 20 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—
 21 The Secretary shall, consistent with the requirements of
 22 section 5003, administer this subtitle through regulations,
 23 lease terms, conditions, restrictions, prohibitions, stipula-
 24 tions, and other provisions that—

1 (1) ensure the oil and gas exploration, develop-
2 ment, and production activities on the Coastal Plain
3 shall not result in any significant adverse effect on
4 fish and wildlife, the habitat of fish and wildlife, or
5 the environment;

6 (2) require the application of the best commer-
7 cially available technology for oil and gas explo-
8 ration, development, and production on all new ex-
9 ploration, development, and production operations;
10 and

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

17 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—
18 With respect to any proposed drilling and related activi-
19 ties, the Secretary shall require that—

20 (1) a site-specific analysis be made of the prob-
21 able effects, if any, that the drilling or related activi-
22 ties will have on fish and wildlife, the habitat of fish
23 and wildlife, subsistence resources, and the environ-
24 ment;

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

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

8 (c) REGULATIONS TO PROTECT COASTAL PLAIN
9 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,
10 AND THE ENVIRONMENT.—Prior to implementing the
11 leasing program authorized by this subtitle, the Secretary
12 shall prepare and promulgate regulations, lease terms,
13 conditions, restrictions, prohibitions, stipulations, and
14 other measures designed to ensure that the activities un-
15 dertaken on the Coastal Plain under this subtitle are con-
16 ducted in a manner consistent with the purposes and envi-
17 ronmental requirements of this subtitle.

18 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-
19 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The
20 proposed regulations, lease terms, conditions, restrictions,
21 prohibitions, and stipulations for the leasing program
22 under this subtitle shall require compliance with all appli-
23 cable provisions of Federal and State environmental law
24 and compliance with the following:

1 (1) Standards at least as effective as the safety
2 and environmental mitigation measures set forth in
3 items 1 through 29 at pages 167 through 169 of the
4 document of the Department of the Interior entitled
5 “Final Legislative Environmental Impact State-
6 ment” and dated April 1987 relating to the Coastal
7 Plain.

8 (2) Seasonal limitations on exploration, develop-
9 ment, and related activities, where necessary, to
10 avoid significant adverse effects during periods of
11 concentrated fish and wildlife breeding, denning,
12 nesting, spawning, and migration based on a prepon-
13 derance of the best available scientific evidence that
14 has been peer reviewed and obtained by following
15 appropriate, documented scientific procedures, the
16 results of which can be repeated using those same
17 procedures.

18 (3) That exploration activities, except for sur-
19 face geological studies—

20 (A) be limited to the period between ap-
21 proximately November 1 and May 1 each year;
22 and

23 (B) be supported, if necessary, by ice
24 roads, winter trails with adequate snow cover,
25 ice pads, ice airstrips, and air transport meth-

1 ods, except that exploration activities may occur
2 at other times if the Secretary finds that the
3 exploration will have no significant adverse ef-
4 fect on the fish and wildlife, the habitat of fish
5 and wildlife, and the environment of the Coastal
6 Plain.

7 (4) Design safety and construction standards
8 for all pipelines and any access and service roads,
9 that minimize, to the maximum extent practicable,
10 adverse effects on—

11 (A) the passage of migratory species such
12 as caribou; and

13 (B) the flow of surface water by requiring
14 the use of culverts, bridges, and other struc-
15 tural devices.

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

18 (6) Stringent reclamation and rehabilitation re-
19 quirements, consistent with the standards set forth
20 in this subtitle, requiring the removal from the
21 Coastal Plain of all oil and gas development and
22 production facilities, structures, and equipment upon
23 completion of oil and gas production operations, ex-
24 cept that the Secretary may exempt from the re-
25 quirements of this paragraph those facilities, struc-

1 tures, or equipment that the Secretary determines
2 would assist in the management of the Arctic Na-
3 tional Wildlife Refuge and that are donated to the
4 United States for that purpose.

5 (7) Appropriate prohibitions or restrictions on
6 access by all modes of transportation.

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

9 (9) Consolidation of facility siting.

10 (10) Appropriate prohibitions or restrictions on
11 the use of explosives.

12 (11) Avoidance, to the extent practicable, of
13 springs, streams, and river systems, the protection
14 of natural surface drainage patterns, wetlands, and
15 riparian habitats, and the regulation of methods or
16 techniques for developing or transporting adequate
17 supplies of water for exploratory drilling.

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

20 (13) Treatment and disposal of hazardous and
21 toxic wastes, solid wastes, reserve pit fluids, drilling
22 muds and cuttings, and domestic wastewater, includ-
23 ing an annual waste management report, a haz-
24 ardous materials tracking system, and a prohibition
25 on chlorinated solvents, in accordance with applica-

1 ble Federal and State environmental law (including
2 regulations).

3 (14) Fuel storage and oil spill contingency plan-
4 ning.

5 (15) Research, monitoring, and reporting re-
6 quirements.

7 (16) Field crew environmental briefings.

8 (17) Avoidance of significant adverse effects
9 upon subsistence hunting, fishing, and trapping by
10 subsistence users.

11 (18) Compliance with applicable air and water
12 quality standards.

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

16 (20) Reasonable stipulations for protection of
17 cultural and archeological resources.

18 (21) All other protective environmental stipula-
19 tions, restrictions, terms, and conditions determined
20 necessary by the Secretary.

21 (e) CONSIDERATIONS.—In preparing and promul-
22 gating regulations, lease terms, conditions, restrictions,
23 prohibitions, and stipulations under this section, the Sec-
24 retary shall consider—

1 (1) the stipulations and conditions that govern
2 the National Petroleum Reserve-Alaska leasing pro-
3 gram, as set forth in the 1999 Northeast National
4 Petroleum Reserve-Alaska Final Integrated Activity
5 Plan/Environmental Impact Statement;

6 (2) the environmental protection standards that
7 governed the initial Coastal Plain seismic exploration
8 program under parts 37.31 to 37.33 of title 50,
9 Code of Federal Regulations; and

10 (3) the land use stipulations for exploratory
11 drilling on the KIC-ASRC private land that are set
12 forth in appendix 2 of the August 9, 1983, agree-
13 ment between Arctic Slope Regional Corporation and
14 the United States.

15 (f) FACILITY CONSOLIDATION PLANNING.—

16 (1) IN GENERAL.—The Secretary shall, after
17 providing for public notice and comment, prepare
18 and update periodically a plan to govern, guide, and
19 direct the siting and construction of facilities for the
20 exploration, development, production, and transpor-
21 tation of Coastal Plain oil and gas resources.

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

24 (A) Avoiding unnecessary duplication of fa-
25 cilities and activities.

1 (B) Encouraging consolidation of common
2 facilities and activities.

3 (C) Locating or confining facilities and ac-
4 tivities to areas that will minimize impact on
5 fish and wildlife, the habitat of fish and wildlife,
6 and the environment.

7 (D) Using existing facilities wherever prac-
8 ticable.

9 (E) Enhancing compatibility between wild-
10 life values and development activities.

11 (g) ACCESS TO PUBLIC LAND.—The Secretary
12 shall—

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

16 (2) ensure that local residents shall have rea-
17 sonable access to public land in the Coastal Plain for
18 traditional uses.

19 **SEC. 5008. EXPEDITED JUDICIAL REVIEW.**

20 (a) FILING OF COMPLAINT.—

21 (1) DEADLINE.—Subject to paragraph (2), any
22 complaint seeking judicial review of—

23 (A) any provision of this subtitle shall be
24 filed by not later than 1 year after the date of
25 enactment of this Act; or

1 (B) any action of the Secretary under this
 2 subtitle shall be filed—

3 (i) except as provided in clause (ii),
 4 during the 90-day period beginning on the
 5 date on which the action is challenged; or

6 (ii) in the case of a complaint based
 7 solely on grounds arising after the period
 8 described in clause (i), not later than 90
 9 days after the date on which the complain-
 10 ant knew or reasonably should have known
 11 of the grounds for the complaint.

12 (2) VENUE.—Any complaint seeking judicial re-
 13 view of any provision of this subtitle or any action
 14 of the Secretary under this subtitle may be filed only
 15 in the United States Court of Appeals for the Dis-
 16 trict of Columbia.

17 (3) LIMITATION ON SCOPE OF CERTAIN RE-
 18 VIEW.—

19 (A) IN GENERAL.—Judicial review of a de-
 20 cision by the Secretary to conduct a lease sale
 21 under this subtitle, including an environmental
 22 analysis, shall be—

23 (i) limited to whether the Secretary
 24 has complied with this subtitle; and

1 (ii) based on the administrative record
2 of that decision.

3 (B) PRESUMPTION.—The identification by
4 the Secretary of a preferred course of action to
5 enable leasing to proceed and the analysis by
6 the Secretary of environmental effects under
7 this subtitle is presumed to be correct unless
8 shown otherwise by clear and convincing evi-
9 dence.

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

14 (c) LIMITATION ON ATTORNEYS' FEES AND COURT
15 COSTS.—

16 (1) IN GENERAL.—Sections 504 of title 5 and
17 2412 of title 28, United States Code (commonly
18 known as the “Equal Access to Justice Act”), shall
19 not apply to any action under this subtitle.

20 (2) COURT COSTS.—A party to any action
21 under this subtitle shall not receive payment from
22 the Federal Government for the attorneys' fees, ex-
23 penses, or other court costs incurred by the party.

1 **SEC. 5009. TREATMENT OF REVENUES.**

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

6 **SEC. 5010. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

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

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

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

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

1 that facilities be sited or designed so as to avoid unneces-
2 sary duplication of roads and pipelines.

3 (c) REGULATIONS.—The Secretary shall include in
4 regulations promulgated under section 5003(g) provisions
5 granting rights-of-way and easements described in sub-
6 section (a).

7 **SEC. 5011. CONVEYANCE.**

8 In order to maximize Federal revenues by removing
9 clouds on titles to land and clarifying land ownership pat-
10 terns on the Coastal Plain, and notwithstanding section
11 1302(h)(2) of the Alaska National Interest Lands Con-
12 servation Act (16 U.S.C. 3192(h)(2)), the Secretary shall
13 convey—

14 (1) to the Kaktovik Inupiat Corporation, the
15 surface estate of the land described in paragraph 1
16 of Public Land Order 6959, to the extent necessary
17 to fulfill the entitlement of the Kaktovik Inupiat
18 Corporation under sections 12 and 14 of the Alaska
19 Native Claims Settlement Act (43 U.S.C. 1611,
20 1613) in accordance with the terms and conditions
21 of the Agreement between the Department of the In-
22 terior, the United States Fish and Wildlife Service,
23 the Bureau of Land Management, and the Kaktovik
24 Inupiat Corporation dated January 22, 1993; and

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

7 **Subtitle B—Native American** 8 **Energy**

9 **SEC. 5021. FINDINGS.**

10 Congress finds that—

11 (1) the Federal Government has unreasonably
 12 interfered with the efforts of Indian tribes to develop
 13 energy resources on tribal land; and

14 (2) Indian tribes should have the opportunity to
 15 gain the benefits of the jobs, investment, and eco-
 16 nomic development to be gained from energy devel-
 17 opment.

18 **SEC. 5022. APPRAISALS.**

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

22 **“SEC. 2607. APPRAISAL REFORMS.**

23 “(a) OPTIONS TO INDIAN TRIBES.—With respect to
 24 a transaction involving Indian land or the trust assets of
 25 an Indian tribe that requires the approval of the Sec-

1 retary, any appraisal or other estimates of value relating
 2 to fair market value required to be conducted under appli-
 3 cable law, regulation, or policy may be completed by—

4 “(1) the Secretary;

5 “(2) the affected Indian tribe; or

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

8 “(b) TIME LIMIT ON SECRETARIAL REVIEW AND AC-
 9 TION.—Not later than 30 days after the date on which
 10 the Secretary receives an appraisal conducted by or for
 11 an Indian tribe pursuant to paragraph (2) or (3) of sub-
 12 section (a), the Secretary shall—

13 “(1) review the appraisal; and

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

16 “(c) FAILURE OF SECRETARY TO APPROVE OR DIS-
 17 APPROVE.—If the Secretary has failed to approve or dis-
 18 approve any appraisal by the date that is 60 days after
 19 the date on which the appraisal is received, the appraisal
 20 shall be deemed approved.

21 “(d) OPTION OF INDIAN TRIBES TO WAIVE AP-
 22 PRAISAL.—An Indian tribe may waive the requirements of
 23 subsection (a) if the Indian tribe provides to the Secretary
 24 a written resolution, statement, or other unambiguous in-
 25 dication of tribal intent to waive the requirements that—

1 “(1) is duly approved by the governing body of
2 the Indian tribe; and

3 “(2) includes an express waiver by the Indian
4 tribe of any claims for damages the Indian tribe
5 might have against the United States as a result of
6 the waiver.

7 “(e) REGULATIONS.—The Secretary shall promulgate
8 regulations to implement this section, including standards
9 the Secretary shall use for approving or disapproving an
10 appraisal under subsection (b).”.

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

 “Sec. 2607. Appraisal reforms.”.

15 **SEC. 5023. STANDARDIZATION.**

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

1 **SEC. 5024. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL**
 2 **ACTIONS ON INDIAN LAND.**

3 Section 102 of the National Environmental Policy
 4 Act of 1969 (42 U.S.C. 4332) is amended—

5 (1) in the matter preceding paragraph (1) by
 6 inserting “(a) IN GENERAL.—” before “The Con-
 7 gress authorizes”; and

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

9 “(b) REVIEW OF MAJOR FEDERAL ACTIONS ON IN-
 10 DIAN LAND.—

11 “(1) DEFINITIONS OF INDIAN LAND AND IN-
 12 DIAN TRIBE.—In this subsection, the terms ‘Indian
 13 land’ and ‘Indian tribe’ have the meaning given
 14 those terms in section 2601 of the Energy Policy
 15 Act of 1992 (25 U.S.C. 3501).

16 “(2) IN GENERAL.—For any major Federal ac-
 17 tion on Indian land of an Indian tribe requiring the
 18 preparation of a statement under subsection
 19 (a)(2)(C), the statement shall only be available for
 20 review and comment by—

21 “(A) the members of the Indian tribe; and

22 “(B) any other individual residing within
 23 the affected area.

24 “(3) REGULATIONS.—The Chairman of the
 25 Council on Environmental Quality, in consultation
 26 with Indian tribes, shall develop regulations to im-

1 plement this section, including descriptions of af-
 2 fected areas for specific major Federal actions.”.

3 **SEC. 5025. JUDICIAL REVIEW.**

4 (a) DEFINITIONS.—In this section:

5 (1) AGENCY ACTION.—The term “agency ac-
 6 tion” has the meaning given the term in section 551
 7 of title 5, United States Code.

8 (2) ENERGY RELATED ACTION.—The term “en-
 9 ergy-related action” means a civil action that—

10 (A) is filed on or after the date of enact-
 11 ment of this Act; and

12 (B) seeks judicial review of a final agency
 13 action relating to the issuance of a permit, li-
 14 cense, or other form of agency permission allow-
 15 ing—

16 (i) any person or entity to conduct on
 17 Indian Land activities involving the explo-
 18 ration, development, production, or trans-
 19 portation of oil, gas, coal, shale gas, oil
 20 shale, geothermal resources, wind or solar
 21 resources, underground coal gasification,
 22 biomass, or the generation of electricity; or

23 (ii) any Indian Tribe, or any organiza-
 24 tion of 2 or more entities, not less than 1
 25 of which is an Indian tribe, to conduct ac-

1 activities involving the exploration, develop-
2 ment, production, or transportation of oil,
3 gas, coal, shale gas, oil shale, geothermal
4 resources, wind or solar resources, under-
5 ground coal gasification, biomass, or the
6 generation of electricity, regardless of
7 where such activities are undertaken.

8 (3) INDIAN LAND.—

9 (A) IN GENERAL.—The term “Indian
10 land” has the meaning given the term in sec-
11 tion 2601 of the Energy Policy Act of 1992 (25
12 U.S.C. 3501).

13 (B) INCLUSION.—The term “Indian land”
14 includes land owned by a Native Corporation
15 (as that term is defined in section 3 of the
16 Alaska Native Claims Settlement Act (43
17 U.S.C. 1602)) under that Act (43 U.S.C. 1601
18 et seq.).

19 (4) ULTIMATELY PREVAIL.—

20 (A) IN GENERAL.—The term “ultimately
21 prevail” means, in a final enforceable judgment
22 that the court rules in the party’s favor on at
23 least 1 civil claim that is an underlying ration-
24 ale for the preliminary injunction, administra-
25 tive stay, or other relief requested by the party.

1 (B) EXCLUSION.—The term “ultimately
2 prevail” does not include circumstances in
3 which the final agency action is modified or
4 amended by the issuing agency unless the modi-
5 fication or amendment is required pursuant to
6 a final enforceable judgment of the court or a
7 court-ordered consent decree.

8 (b) TIME FOR FILING COMPLAINT.—

9 (1) IN GENERAL.—Any energy related action
10 shall be filed not later than the end of the 60-day
11 period beginning on the date of the action or deci-
12 sion by a Federal official that constitutes the cov-
13 ered energy project concerned.

14 (2) PROHIBITION.—Any energy related action
15 that is not filed within the time period described in
16 paragraph (1) shall be barred.

17 (c) DISTRICT COURT VENUE AND DEADLINE.—An
18 energy related action—

19 (1) may only be brought in the United States
20 District Court for the District of Columbia; and

21 (2) shall be resolved as expeditiously as pos-
22 sible, and in any event not more than 180 days after
23 the energy related action is filed.

1 (d) APPELLATE REVIEW.—An interlocutory order or
2 final judgment, decree or order of the district court in an
3 energy related action—

4 (1) may be appealed to the United States Court
5 of Appeals for the District of Columbia Circuit; and

6 (2) if the court described in paragraph (1) un-
7 dertakes the review, the court shall resolve the re-
8 view as expeditiously as possible, and in any event
9 by not later than 180 days after the interlocutory
10 order or final judgment, decree or order of the dis-
11 trict court was issued.

12 (e) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
13 standing section 1304 of title 31, United States Code, no
14 award may be made under section 504 of title 5, United
15 States Code, or under section 2412 of title 28, United
16 States Code, and no amounts may be obligated or ex-
17 pended from the Claims and Judgment Fund of the
18 United States Treasury to pay any fees or other expenses
19 under such sections, to any person or party in an energy
20 related action.

21 (f) LIMITATION ON ATTORNEYS' FEES AND COURT
22 COSTS.—

23 (1) IN GENERAL.—Sections 504 of title 5 and
24 2412 of title 28, United States Code (commonly

1 known as the “Equal Access to Justice Act”), shall
 2 not apply to an energy related action.

3 (2) COURT COSTS.—A party to a covered civil
 4 action shall not receive payment from the Federal
 5 Government for the attorneys’ fees, expenses, or
 6 other court costs incurred by the party.

7 **SEC. 5026. TRIBAL RESOURCE MANAGEMENT PLANS.**

8 Unless otherwise explicitly exempted by Federal law
 9 enacted after the date of enactment of this Act, any activ-
 10 ity conducted or resources harvested or produced pursuant
 11 to a tribal resource management plan or an integrated re-
 12 source management plan approved by the Secretary of the
 13 Interior under the National Indian Forest Resources Man-
 14 agement Act (25 U.S.C. 3101 et seq.) or the American
 15 Indian Agricultural Resource Management Act (25 U.S.C.
 16 3701 et seq.), shall be considered a sustainable manage-
 17 ment practice for purposes of any Federal standard, ben-
 18 efit, or requirement that requires a demonstration of such
 19 sustainability.

20 **SEC. 5027. LEASES OF RESTRICTED LANDS FOR THE NAV-**
 21 **AJO NATION.**

22 Subsection (e)(1) of the first section of the Act of
 23 August 9, 1955 (25 U.S.C. 415) (commonly known as the
 24 “Long-Term Leasing Act”), is amended—

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

3 (2) in subparagraph (A), by striking “25 years,
4 except” and all that follows through “; and” and in-
5 serting “99 years;”;

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

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

9 “(C) in the case of a lease for the exploration,
10 development, or extraction of mineral resources, in-
11 cluding geothermal resources, 25 years, except that
12 the lease may include an option to renew for 1 addi-
13 tional term not to exceed 25 years.”.

14 **SEC. 5028. NONAPPLICABILITY OF CERTAIN RULES.**

15 No rule promulgated by the Secretary of the Interior
16 regarding hydraulic fracturing used in the development or
17 production of oil or gas resources shall affect any land
18 held in trust or restricted status for the benefit of Indians
19 except with the express consent of the beneficiary on be-
20 half of which the land is held in trust or restricted status.

1 **Subtitle C—Additional Regulatory**
2 **Provisions**

3 **PART I—STATE AUTHORITY OVER HYDRAULIC**
4 **FRACTURING**

5 **SEC. 5031. FINDING.**

6 Congress finds that given variations in geology, land
7 use, and population, the States are best placed to regulate
8 the process of hydraulic fracturing occurring on any land
9 within the boundaries of the individual State.

10 **SEC. 5032. STATE AUTHORITY.**

11 (a) DEFINITION OF FEDERAL LAND.—In this sec-
12 tion, the term “Federal land” means—

13 (1) public lands (as defined in section 103 of
14 the Federal Land Policy and Management Act of
15 1976 (43 U.S.C. 1702));

16 (2) National Forest System land;

17 (3) land under the jurisdiction of the Bureau of
18 Reclamation; and

19 (4) land under the jurisdiction of the Corps of
20 Engineers.

21 (b) STATE AUTHORITY.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, a State shall have the sole author-
24 ity to promulgate or enforce any regulation, guid-
25 ance, or permit requirement regarding the treatment

1 of a well by the application of fluids under pressure
 2 to which propping agents may be added for the ex-
 3 pressly designed purpose of initiating or propagating
 4 fractures in a target geologic formation in order to
 5 enhance production of oil, natural gas, or geothermal
 6 production activities on or under any land within the
 7 boundaries of the State.

8 (2) FEDERAL LAND.—Notwithstanding any
 9 other provision of law, the treatment of a well by the
 10 application of fluids under pressure to which prop-
 11 ping agents may be added for the expressly designed
 12 purpose of initiating or propagating fractures in a
 13 target geologic formation in order to enhance pro-
 14 duction of oil, natural gas, or geothermal production
 15 activities on Federal land shall be subject to the law
 16 of the State in which the land is located.

17 **PART II—MISCELLANEOUS PROVISIONS**

18 **SEC. 5041. ENVIRONMENTAL LEGAL FEES.**

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

21 “(g) ENVIRONMENTAL LEGAL FEES.—Notwith-
 22 standing section 1304 of title 31, no award may be made
 23 under this section and no amounts may be obligated or
 24 expended from the Claims and Judgment Fund of the
 25 Treasury to pay any legal fees of a nongovernmental orga-

1 nization related to an action that (with respect to the
2 United States)—

3 “(1) prevents, terminates, or reduces access to
4 or the production of—

5 “(A) energy;

6 “(B) a mineral resource;

7 “(C) water by agricultural producers;

8 “(D) a resource by commercial or rec-
9 reational fishermen; or

10 “(E) grazing or timber production on Fed-
11 eral land;

12 “(2) diminishes the private property value of a
13 property owner; or

14 “(3) eliminates or prevents 1 or more jobs.”.

15 **SEC. 5042. MASTER LEASING PLANS.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, the Secretary of the Interior, acting through
18 the Bureau of Land Management, shall not establish a
19 master leasing plan as part of any guidance issued by the
20 Secretary.

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

1 **TITLE VI—IMPROVING AMER-**
2 **ICA’S DOMESTIC REFINING**
3 **CAPACITY**

4 **Subtitle A—Refinery Permitting**
5 **Reform**

6 **SEC. 6001. FINDING.**

7 Congress finds that the domestic refining industry is
8 an important source of jobs and economic growth and
9 whose growth should not be limited by an excessively
10 drawn out permitting and approval process.

11 **SEC. 6002. DEFINITIONS.**

12 In this subtitle:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Environ-
15 mental Protection Agency.

16 (2) EXPANSION.—The term “expansion” means
17 a physical change that results in an increase in the
18 capacity of a refinery.

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

23 (4) PERMIT.—The term “permit” means any
24 permit, license, approval, variance, or other form of
25 authorization that a refiner is required to obtain—

1 (A) under any Federal law; or

2 (B) from a State or tribal government
3 agency delegated authority by the Federal Gov-
4 ernment, or authorized under Federal law, to
5 issue permits.

6 (5) REFINER.—The term “refiner” means a
7 person that—

8 (A) owns or operates a refinery; or

9 (B) seeks to become an owner or operator
10 of a refinery.

11 (6) REFINERY.—

12 (A) IN GENERAL.—The term “refinery”
13 means—

14 (i) a facility at which crude oil is re-
15 fined into transportation fuel or other pe-
16 troleum products; and

17 (ii) a coal liquification or coal-to-liquid
18 facility at which coal is processed into syn-
19 thetic crude oil or any other fuel.

20 (B) INCLUSION.—The term “refinery” in-
21 cludes an expansion of a refinery.

22 (7) REFINERY PERMITTING AGREEMENT.—The
23 term “refinery permitting agreement” means an
24 agreement entered into between the Administrator
25 and a State or Indian tribe under subsection (c).

1 (8) STATE.—The term “State” means—

2 (A) a State; and

3 (B) the District of Columbia.

4 **SEC. 6003. STREAMLINING OF REFINERY PERMITTING**
5 **PROCESS.**

6 (a) IN GENERAL.—At the request of the Governor
7 of a State or the governing body of an Indian tribe, the
8 Administrator shall enter into a refinery permitting agree-
9 ment with the State or Indian tribe under which the proc-
10 ess for obtaining all permits necessary for the construction
11 and operation of a refinery shall be streamlined using a
12 systematic, interdisciplinary multimedia approach, as pro-
13 vided in this section.

14 (b) AUTHORITY OF ADMINISTRATOR.—Under a refin-
15 ery permitting agreement, the Administrator shall have
16 the authority, as applicable and necessary—

17 (1) to accept from a refiner a consolidated ap-
18 plication for all permits that the refiner is required
19 to obtain to construct and operate a refinery;

20 (2) in consultation and cooperation with each
21 Federal, State, or tribal government agency that is
22 required to make any determination to authorize the
23 issuance of a permit, to establish a schedule under
24 which each agency shall—

1 (A) concurrently consider, to the maximum
 2 extent practicable, each determination to be
 3 made; and

4 (B) complete each step in the permitting
 5 process; and

6 (3) to issue a consolidated permit that combines
 7 all permits issued under the schedule established
 8 under paragraph (2).

9 (c) REFINERY PERMITTING AGREEMENTS.—Under a
 10 refinery permitting agreement, a State or governing body
 11 of an Indian tribe shall agree that—

12 (1) the Administrator shall have each of the au-
 13 thorities described in subsection (b); and

14 (2) the State or tribal government agency
 15 shall—

16 (A) in accordance with State law, make
 17 such structural and operational changes in the
 18 agencies as are necessary to enable the agencies
 19 to carry out consolidated, project-wide permit
 20 reviews concurrently and in coordination with
 21 the Environmental Protection Agency and other
 22 Federal agencies; and

23 (B) comply, to the maximum extent prac-
 24 ticable, with the applicable schedule established
 25 under subsection (b)(2).

1 (d) DEADLINES.—

2 (1) NEW REFINERIES.—In the case of a con-
3 solidated permit for the construction of a new refin-
4 ery, the Administrator and the State or governing
5 body of an Indian tribe shall approve or disapprove
6 the consolidated permit not later than—

7 (A) 365 days after the date of receipt of
8 an administratively complete application for the
9 consolidated permit; or

10 (B) on agreement of the applicant, the Ad-
11 ministrator, and the State or governing body of
12 the Indian tribe, 90 days after the expiration of
13 the deadline described in subparagraph (A).

14 (2) EXPANSION OF EXISTING REFINERIES.—In
15 the case of a consolidated permit for the expansion
16 of an existing refinery, the Administrator and the
17 State or governing body of an Indian tribe shall ap-
18 prove or disapprove the consolidated permit not later
19 than—

20 (A) 120 days after the date of receipt of
21 an administratively complete application for the
22 consolidated permit; or

23 (B) on agreement of the applicant, the Ad-
24 ministrator, and the State or governing body of

1 the Indian tribe, 30 days after the expiration of
2 the deadline described in subparagraph (A).

3 (e) FEDERAL AGENCIES.—Each Federal agency that
4 is required to make any determination to authorize the
5 issuance of a permit shall comply with the applicable
6 schedule established under subsection (b)(2).

7 (f) JUDICIAL REVIEW.—Any civil action for review
8 of a permit determination under a refinery permitting
9 agreement shall be brought exclusively in the United
10 States district court for the district in which the refinery
11 is located or proposed to be located.

12 (g) EFFICIENT PERMIT REVIEW.—In order to reduce
13 the duplication of procedures, the Administrator shall use
14 State permitting and monitoring procedures to satisfy
15 substantially equivalent Federal requirements under this
16 subtitle.

17 (h) SEVERABILITY.—If 1 or more permits that are
18 required for the construction or operation of a refinery are
19 not approved on or before an applicable deadline under
20 subsection (d), the Administrator may issue a consolidated
21 permit that combines all other permits that the refiner is
22 required to obtain, other than any permits that are not
23 approved.

24 (i) CONSULTATION WITH LOCAL GOVERNMENTS.—
25 The Administrator, States, and tribal governments shall

1 consult, to the maximum extent practicable, with local gov-
 2 ernments in carrying out this section.

3 (j) EFFECT OF SECTION.—Nothing in this section af-
 4 fects—

5 (1) the operation or implementation of any oth-
 6 erwise applicable law regarding permits necessary
 7 for the construction and operation of a refinery;

8 (2) the authority of any unit of local govern-
 9 ment with respect to the issuance of permits; or

10 (3) any requirement or ordinance of a local gov-
 11 ernment (such as a zoning regulation).

12 **Subtitle B—Repeal of Renewable** 13 **Fuel Standard**

14 **SEC. 6011. FINDINGS.**

15 Congress finds that the mandates under the renew-
 16 able fuel standard contained in section 211(o) of the Clean
 17 Air Act (42 U.S.C. 7545(o))—

18 (1) impose significant costs on American citi-
 19 zens and the American economy, without offering
 20 any benefit; and

21 (2) should be repealed.

22 **SEC. 6012. PHASE OUT OF RENEWABLE FUEL STANDARD.**

23 (a) IN GENERAL.—Section 211(o) of the Clean Air
 24 Act (42 U.S.C. 7545(o)) is amended—

25 (1) in paragraph (2)—

1 (A) in subparagraph (A)—

2 (i) by striking clause (ii); and

3 (ii) by redesignating clauses (iii) and

4 (iv) as clauses (ii) and (iii), respectively;

5 and

6 (B) in subparagraph (B), by striking

7 clauses (ii) through (v) and inserting the fol-

8 lowing:

9 “(ii) CALENDAR YEARS 2014 THROUGH

10 2018.—Notwithstanding clause (i), for pur-

11 poses of subparagraph (A), the applicable

12 volumes of renewable fuel for each of cal-

13 endar years 2014 through 2018 shall be

14 determined as follows:

15 “(I) For calendar year 2014, in

16 accordance with the table entitled ‘I–

17 2—Proposed 2014 Volume Require-

18 ments’ of the proposed rule published

19 at pages 71732 through 71784 of vol-

20 ume 78 of the Federal Register (No-

21 vember 29, 2013).

22 “(II) For calendar year 2015,

23 the applicable volumes established

24 under subclause (I), reduced by 20

25 percent.

1 “(III) For calendar year 2016,
2 the applicable volumes established
3 under subclause (I), reduced by 40
4 percent.

5 “(IV) For calendar year 2017,
6 the applicable volumes established
7 under subclause (I), reduced by 60
8 percent.

9 “(V) For calendar year 2018, the
10 applicable volumes established under
11 subclause (I), reduced by 80 per-
12 cent.”;

13 (2) in paragraph (3)—

14 (A) by striking “2021” and inserting
15 “2017” each place it appears; and

16 (B) in subparagraph (B)(i), by inserting “,
17 subject to the condition that the renewable fuel
18 obligation determined for a calendar year is not
19 more than the applicable volumes established
20 under paragraph (2)(B)(ii)” before the period;
21 and

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

23 “(13) SUNSET.—The program established
24 under this subsection shall terminate on December
25 31, 2018.”.

1 (b) REGULATIONS.—Effective beginning on January
 2 1, 2019, the regulations contained in subparts K and M
 3 of part 80 of title 40, Code of Federal Regulations (as
 4 in effect on that date of enactment), shall have no force
 5 or effect.

6 **TITLE VII—STOPPING EPA** 7 **OVERREACH**

8 **SEC. 7001. FINDINGS.**

9 Congress finds that—

10 (1) the Environmental Protection Agency has
 11 exceeded its statutory authority by promulgating
 12 regulations that were not contemplated by Congress
 13 in the authorizing language of the statutes enacted
 14 by Congress;

15 (2) no Federal agency has the authority to reg-
 16 ulate greenhouse gases under current law; and

17 (3) no attempt to regulate greenhouse gases
 18 should be undertaken without further Congressional
 19 action.

20 **SEC. 7002. CLARIFICATION OF FEDERAL REGULATORY AU-** 21 **THORITY TO EXCLUDE GREENHOUSE GASES** 22 **FROM REGULATION UNDER THE CLEAN AIR** 23 **ACT.**

24 (a) REPEAL OF FEDERAL CLIMATE CHANGE REGU-
 25 LATION.—

1 (1) GREENHOUSE GAS REGULATION UNDER
2 CLEAN AIR ACT.—Section 302(g) of the Clean Air
3 Act (42 U.S.C. 7602(g)) is amended—

4 (A) by striking “(g) The term” and insert-
5 ing the following:

6 “(g) AIR POLLUTANT.—

7 “(1) IN GENERAL.—The term”; and

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

9 “(2) EXCLUSION.—The term ‘air pollutant’
10 does not include carbon dioxide, water vapor, meth-
11 ane, nitrous oxide, hydrofluorocarbons, perfluorocar-
12 bons, or sulfur hexafluoride.”.

13 (2) NO REGULATION OF CLIMATE CHANGE.—
14 Notwithstanding any other provision of law, nothing
15 in any of the following Acts or any other law author-
16 izes or requires the regulation of climate change or
17 global warming:

18 (A) The Clean Air Act (42 U.S.C. 7401 et
19 seq.).

20 (B) The Federal Water Pollution Control
21 Act (33 U.S.C. 1251 et seq.).

22 (C) The National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.).

24 (D) The Endangered Species Act of 1973
25 (16 U.S.C. 1531 et seq.).

1 (E) The Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.).

3 (b) EFFECT ON PROPOSED RULES OF THE EPA.—

4 In accordance with this section, the following proposed or
5 contemplated rules (or any similar or successor rules) of
6 the Environmental Protection Agency shall be void and
7 have no force or effect:

8 (1) The proposed rule entitled “Standards of
9 Performance for Greenhouse Gas Emissions From
10 New Stationary Sources: Electric Utility Generating
11 Units” (published at 79 Fed. Reg. 1430 (January 8,
12 2014)).

13 (2) The contemplated rules on carbon pollution
14 for existing power plants.

15 (3) Any other contemplated or proposed rules
16 proposed to be issued pursuant to the purported au-
17 thority described in subsection (a)(2).

18 **SEC. 7003. JOBS ANALYSIS FOR ALL EPA REGULATIONS.**

19 (a) IN GENERAL.—Before proposing or finalizing any
20 regulation, rule, or policy, the Administrator of the Envi-
21 ronmental Protection Agency shall provide an analysis of
22 the regulation, rule, or policy and describe the direct and
23 indirect net and gross impact of the regulation, rule, or
24 policy on employment in the United States.

1 (b) LIMITATION.—No regulation, rule, or policy de-
2 scribed in subsection (a) shall take effect if the regulation,
3 rule, or policy has a negative impact on employment in
4 the United States unless the regulation, rule, or policy is
5 approved by Congress and signed by the President.

6 **TITLE VIII—DEBT FREEDOM**
7 **FUND**

8 **SEC. 8001. FINDINGS.**

9 Congress finds that—

10 (1) the national debt being over
11 \$17,000,000,000,000 in 2014—

12 (A) threatens the current and future pros-
13 perity of the United States;

14 (B) undermines the national security inter-
15 ests of the United States; and

16 (C) imposes a burden on future genera-
17 tions of United States citizens; and

18 (2) revenue generated from the development of
19 the natural resources in the United States should be
20 used to reduce the national debt.

21 **SEC. 8002. DEBT FREEDOM FUND.**

22 Notwithstanding any other provision of law, in ac-
23 cordance with all revenue sharing arrangement with
24 States in effect on the date of enactment of this Act, an
25 amount equal to the additional amount of Federal funds

1 generated by the programs and activities under this Act
2 (and the amendments made by this Act)—

3 (1) shall be deposited in a special trust fund ac-
4 count in the Treasury, to be known as the “Debt
5 Freedom Fund”; and

6 (2) shall not be withdrawn for any purpose
7 other than to pay down the national debt of the
8 United States, for which purpose payments shall be
9 made expeditiously.

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