

114TH CONGRESS
1ST SESSION

H. R. 1663

To greatly enhance America’s path toward energy independence and economic and national security, to rebuild our Nation’s aging roads, bridges, locks, and dams, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2015

Mr. MURPHY of Pennsylvania (for himself, Mr. MCKINLEY, Mr. HARPER, and Mr. KELLY of Pennsylvania) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, the Judiciary, Rules, the Budget, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To greatly enhance America’s path toward energy independence and economic and national security, to rebuild our Nation’s aging roads, bridges, locks, and dams, and for other purposes.

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—OFFSHORE LEASING AND OTHER ENERGY PROVISIONS

Subtitle A—Offshore Leasing

- Sec. 101. Leasing program deemed approved.
- Sec. 102. Lease sales.
- Sec. 103. Seaward boundaries of States.
- Sec. 104. Military operations.
- Sec. 105. Coordination with Adjacent States.
- Sec. 106. Gulf of Mexico oil and gas.
- Sec. 107. Sharing of revenues.
- Sec. 108. Inventory of offshore energy resources.
- Sec. 109. Prohibitions on surface occupancy and other appropriate environmental safeguards.

Subtitle B—Expedited Judicial Review

- Sec. 121. Definitions.
- Sec. 122. Exclusive jurisdiction over causes and claims relating to covered oil and natural gas activities.
- Sec. 123. Time for filing petition; standing.
- Sec. 124. Timetable.
- Sec. 125. Limitation on scope of review and relief.
- Sec. 126. Legal fees.
- Sec. 127. Exclusion.

Subtitle C—Other Energy Provisions

- Sec. 131. Policies regarding buying and building American.

TITLE II—MODIFYING THE STRATEGIC PETROLEUM RESERVE
 AND FUNDING CONSERVATION AND ENERGY RESEARCH AND
 DEVELOPMENT

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Objectives.
- Sec. 204. Modification of the Strategic Petroleum Reserve.

TITLE III—ARCTIC NATIONAL WILDLIFE REFUGE

- Sec. 301. Repeal of prohibition of leasing of Arctic National Wildlife Refuge.

1 **TITLE I—OFFSHORE LEASING**
2 **AND OTHER ENERGY PROVI-**
3 **SIONS**

4 **Subtitle A—Offshore Leasing**

5 **SEC. 101. LEASING PROGRAM DEEMED APPROVED.**

6 (a) IN GENERAL.—The Draft Proposed Outer Conti-
7 nental Shelf Oil and Gas Leasing Program 2017–2022
8 issued by the Secretary of the Interior (referred to in this
9 section as the “Secretary”) under section 18 of the Outer
10 Continental Shelf Lands Act (43 U.S.C. 1344) is deemed
11 to have been approved by the Secretary as a final oil and
12 gas leasing program under that section, and is deemed to
13 be in full compliance with and in accordance with all re-
14 quirements of the Outer Continental Shelf Lands Act,
15 with the modifications to the Program described in this
16 section.

17 (b) ADDITIONAL INCLUDED AREAS.—

18 (1) IN GENERAL.—The Program includes the
19 following additional areas:

20 (A) All areas in the Chukchi Sea.

21 (B) All areas in the Beaufort Sea.

22 (C) All areas in Bristol Bay.

23 (D) All areas in previously leased areas off
24 the coast of Virginia.

1 (E) All other outer Continental Shelf plan-
2 ning areas that—

3 (i) are estimated to contain more than
4 5,000,000,000 barrels of oil; and

5 (ii) are estimated to contain more
6 than 50,000,000,000,000 cubic feet of gas.

7 (2) DETERMINATION OF OTHER AREAS.—To
8 determine the planning areas described in paragraph
9 (1), the Secretary shall use the document titled “As-
10 sessment of Undiscovered Technically Recoverable
11 Oil and Gas Resources of the Nation’s Outer Conti-
12 nental Shelf, 2011” produced by the Bureau of
13 Ocean Energy Management.

14 (c) PRESIDENTIAL EXCLUSION PROHIBITED.—The
15 President may not exclude from oil and gas leasing any
16 area included in the final oil and gas leasing program
17 deemed approved under this section.

18 (d) FINAL ENVIRONMENTAL IMPACT STATEMENT.—
19 The Secretary is deemed to have issued a final environ-
20 mental impact statement for the final oil and gas leasing
21 program deemed approved under this section in accord-
22 ance with all requirements under section 102(2)(C) of the
23 National Environmental Policy Act of 1969 (42 U.S.C.
24 4332(2)(C)).

1 **SEC. 102. LEASE SALES.**

2 (a) OUTER CONTINENTAL SHELF.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (2), not later than 30 days after the date of
5 enactment of this Act and every 270 days thereafter,
6 the Secretary of the Interior (referred to in this sec-
7 tion as the “Secretary”) shall conduct a lease sale
8 under the oil and gas leasing program approved
9 under section 101 in each Outer Continental Shelf
10 planning area for which the Secretary determines
11 that there is a commercial interest in purchasing
12 Federal oil and gas leases for production on the
13 outer Continental Shelf.

14 (2) SUBSEQUENT DETERMINATIONS AND
15 SALES.—If the Secretary determines that there is
16 not a commercial interest in purchasing Federal oil
17 and gas leases for production on the outer Conti-
18 nental Shelf in a planning area under this sub-
19 section, not later than 2 years after the date of en-
20 actment of the determination and every 2 years
21 thereafter, the Secretary shall—

22 (A) determine whether there is a commer-
23 cial interest in purchasing Federal oil and gas
24 leases for production on the outer Continental
25 Shelf in the planning area; and

1 (B) if the Secretary determines that there
2 is a commercial interest described in subpara-
3 graph (A), conduct a lease sale in the planning
4 area.

5 (b) RENEWABLE ENERGY AND MARICULTURE.—The
6 Secretary may conduct commercial lease sales of resources
7 of the outer Continental Shelf (as that term is defined in
8 the Outer Continental Shelf Lands Act (43 U.S.C. 1331
9 et seq.))—

10 (1) to produce renewable energy (as defined in
11 section 203(b) of the Energy Policy Act of 2005 (42
12 U.S.C. 15852(b))); or

13 (2) to cultivate marine organisms in the natural
14 habitat of the organisms.

15 **SEC. 103. SEAWARD BOUNDARIES OF STATES.**

16 (a) SEAWARD BOUNDARIES.—Section 4 of the Sub-
17 merged Lands Act (43 U.S.C. 1312) is amended by strik-
18 ing “three geographical miles” each place it appears and
19 inserting “9 nautical miles”.

20 (b) CONFORMING AMENDMENTS.—Section 2 of the
21 Submerged Lands Act (43 U.S.C. 1301) is amended—

22 (1) in subsection (a)(2), by striking “three geo-
23 graphical miles” and inserting “9 nautical miles”;
24 and

25 (2) in subsection (b)—

1 (A) by striking “three geographical miles”
2 and inserting “9 nautical miles”; and

3 (B) by striking “three marine leagues” and
4 inserting “9 nautical miles”.

5 (c) EFFECT OF AMENDMENTS.—

6 (1) IN GENERAL.—Subject to paragraphs (2)
7 through (4), the amendments made by this section
8 shall not affect Federal oil and gas mineral rights
9 and should not affect the States’ current authority
10 within existing State boundaries.

11 (2) EXISTING LEASES.—The amendments made
12 by this section shall not affect any Federal oil and
13 gas lease in effect on the date of enactment of this
14 Act.

15 (3) TAXATION.—

16 (A) IN GENERAL.—A State may exercise
17 all of the sovereign powers of taxation of the
18 State within the entire extent of the seaward
19 boundaries of the State (as extended by the
20 amendments made by this section).

21 (B) LIMITATION.—Nothing in this para-
22 graph affects the authority of a State to tax
23 any Federal oil and gas lease in effect on the
24 date of enactment of this Act.

1 **SEC. 104. MILITARY OPERATIONS.**

2 The Secretary shall consult with the Secretary of De-
3 fense regarding military operations needs in the Outer
4 Continental Shelf. The Secretary shall work with the Sec-
5 retary of Defense to resolve any conflicts that might arise
6 between such operations and leasing under this section.
7 If the Secretaries are unable to resolve all such conflicts,
8 any unresolved issues shall be referred by the Secretaries
9 to the President in a timely fashion for immediate resolu-
10 tion.

11 **SEC. 105. COORDINATION WITH ADJACENT STATES.**

12 Section 19 of the Outer Continental Shelf Lands Act
13 (43 U.S.C. 1345) is amended—

14 (1) in subsection (a) in the first sentence by in-
15 sserting “, for any tract located within the Adjacent
16 State’s Adjacent Zone,” after “government”; and

17 (2) by adding the following:

18 “(f)(1) Prior to issuing a permit or approval for the
19 construction of a pipeline to transport crude oil, natural
20 gas or associated liquids production withdrawn from oil
21 and gas leases on the outer Continental Shelf, a Federal
22 agency must seek the concurrence of the Adjacent State
23 if the pipeline is to transit the Adjacent State’s Adjacent
24 Zone between the outer Continental Shelf and landfall. No
25 State may prohibit construction of such a pipeline within
26 its Adjacent Zone or its State waters. However, an Adja-

1 cent State may require routing of such a pipeline to one
2 of two alternate landfall locations in the Adjacent State,
3 designated by the Adjacent State, located within 60 miles
4 on either side of a proposed landfall location.

5 “(2) In this subsection:

6 “(A) The term ‘Adjacent State’ means, with re-
7 spect to any program, plan, lease sale, leased tract
8 or other activity, proposed, conducted, or approved
9 pursuant to the provisions of this Act, any State the
10 laws of which are declared, pursuant to section
11 4(a)(2), to be the law of the United States for the
12 portion of the outer Continental Shelf on which such
13 program, plan, lease sale, leased tract, or activity
14 appertains or is, or is proposed to be, conducted.
15 For purposes of this subparagraph, the term ‘State’
16 includes the Commonwealth of Puerto Rico, the
17 Commonwealth of the Northern Mariana Islands,
18 the Virgin Islands, American Samoa, Guam, and the
19 other territories of the United States.

20 “(B) The term ‘Adjacent Zone’ means, with re-
21 spect to any program, plan, lease sale, leased tract,
22 or other activity, proposed, conducted, or approved
23 pursuant to the provisions of this Act, the portion
24 of the outer Continental Shelf for which the laws of
25 a particular Adjacent State are declared, pursuant

1 to section 4(a)(2), to be the law of the United
2 States.”.

3 **SEC. 106. GULF OF MEXICO OIL AND GAS.**

4 (a) REPEAL.—Section 104 of division C of the Tax
5 Relief and Health Care Act of 2006 (Public Law 109–
6 432; 120 Stat. 3003) is repealed.

7 (b) LEASING PLAN FOR THE EASTERN GULF OF
8 MEXICO.—Pursuant to sections 101 and 102 of this Act,
9 the Secretary of the Interior shall issue a final leasing plan
10 for the Eastern Gulf of Mexico within 180 days after the
11 date of enactment of this Act for all areas where there
12 exists commercial interest in purchasing Federal oil and
13 gas leases for production.

14 **SEC. 107. SHARING OF REVENUES.**

15 (a) IN GENERAL.—Section 8(g) of the Outer Conti-
16 nental Shelf Lands Act (43 U.S.C. 1337(g)) is amended—

17 (1) in paragraph (2) by striking “Notwith-
18 standing” and inserting “Except as provided in
19 paragraph (6), and notwithstanding”;

20 (2) by redesignating paragraphs (6) and (7) as
21 paragraphs (8) and (9); and

22 (3) by inserting after paragraph (5) the fol-
23 lowing:

24 “(6) BONUS BIDS AND ROYALTIES UNDER
25 QUALIFIED LEASES.—

1 “(A) NEW LEASES.—Of amounts received
2 by the United States as bonus bids, royalties,
3 rentals, and other sums collected under any new
4 qualified lease on submerged lands made avail-
5 able for leasing under this Act by the enact-
6 ment of the Infrastructure Jobs and Energy
7 Independence Act—

8 “(i) 30 percent shall be paid to the
9 States that are producing States with re-
10 spect to those submerged lands that are lo-
11 cated within the seaward boundaries of
12 such a State established under section
13 4(a)(2)(A);

14 “(ii) 10 percent shall be deposited in
15 the general fund of the Treasury used sole-
16 ly for paying off the national debt; and

17 “(iii) 60 percent shall be deposited in
18 the Infrastructure Renewal Reserve estab-
19 lished by paragraph (7).

20 “(B) LEASED TRACT THAT LIES PAR-
21 Tially WITHIN THE SEAWARD BOUNDARIES OF
22 A STATE.—In the case of a leased tract that lies
23 partially within the seaward boundaries of a
24 State, the amounts of bonus bids and royalties
25 from such tract that are subject to subpara-

1 graph (A)(ii) with respect to such State shall be
2 a percentage of the total amounts of bonus bids
3 and royalties from such tract that is equivalent
4 to the total percentage of surface acreage of the
5 tract that lies within such seaward boundaries.

6 “(C) USE OF PAYMENTS TO STATES.—
7 Amounts paid to a State under subparagraph
8 (A)(ii) shall be used by the State for one or
9 more of the following:

10 “(i) Education.

11 “(ii) Transportation.

12 “(iii) Coastal restoration, environ-
13 mental restoration, and beach replenish-
14 ment.

15 “(iv) Energy infrastructure.

16 “(v) Renewable energy development.

17 “(vi) Energy efficiency and conserva-
18 tion.

19 “(vii) Any other purpose determined
20 by State law.

21 “(D) DEFINITIONS.—In this paragraph:

22 “(i) ADJACENT STATE.—The term
23 ‘Adjacent State’ means, with respect to
24 any program, plan, lease sale, leased tract
25 or other activity, proposed, conducted, or

1 approved pursuant to the provisions of this
2 Act, any State the laws of which are de-
3 clared, pursuant to section 4(a)(2), to be
4 the law of the United States for the por-
5 tion of the outer Continental Shelf on
6 which such program, plan, lease sale,
7 leased tract, or activity appertains or is, or
8 is proposed to be, conducted.

9 “(ii) ADJACENT ZONE.—The term
10 ‘Adjacent Zone’ means, with respect to any
11 program, plan, lease sale, leased tract, or
12 other activity, proposed, conducted, or ap-
13 proved pursuant to the provisions of this
14 Act, the portion of the outer Continental
15 Shelf for which the laws of a particular
16 Adjacent State are declared, pursuant to
17 section 4(a)(2), to be the law of the United
18 States.

19 “(iii) PRODUCING STATE.—The term
20 ‘producing State’ means an Adjacent State
21 having an Adjacent Zone containing leased
22 tracts from which are derived bonus bids
23 and royalties under a lease under this Act.

1 “(iv) STATE.—The term ‘State’ in-
2 cludes Puerto Rico and the other terri-
3 tories of the United States.

4 “(v) QUALIFIED LEASE.—The term
5 ‘qualified lease’ means a natural gas or oil
6 lease made available under this Act grant-
7 ed after the date of the enactment of the
8 Infrastructure Jobs and Energy Independ-
9 ence Act, for an area that is available for
10 leasing as a result of enactment of section
11 101 of that Act.

12 “(E) APPLICATION.—This paragraph shall
13 apply to bonus bids and royalties received by
14 the United States under qualified leases after
15 implementation of sections 105 and 106 of the
16 Infrastructure Jobs and Energy Independence
17 Act.

18 “(F) EXISTING REVENUES.—All revenues
19 including revenues, including bonus bids, royal-
20 ties, rentals, and other sums, collected from
21 leases issued under this Act prior to the enact-
22 ment Infrastructure Jobs and Energy Inde-
23 pendence Act, shall not be affected by the provi-
24 sions of that Act.

1 “(7) ESTABLISHMENT OF RESERVE AC-
2 COUNTS.—

3 “(A) IN GENERAL.—For budgetary pur-
4 poses, there is established as a separate account
5 to receive deposits under paragraph (6)(A)—

6 “(i) the Infrastructure Renewal Re-
7 serve, which shall be applied to offset the
8 costs of—

9 “(I) Federal-aid highway and
10 highway safety construction programs
11 carried out by the Secretary of Trans-
12 portation;

13 “(II) public transportation pro-
14 grams carried out by the Secretary of
15 Transportation;

16 “(III) water resources develop-
17 ment construction projects carried out
18 by the Secretary of the Army (acting
19 through the Chief of Engineers); and

20 “(IV) legislation enacted after
21 the date of the enactment of the In-
22 frastructure Jobs and Energy Inde-
23 pendence Act for purposes of invest-
24 ment in transportation infrastructure;
25 and

1 “(ii) the Clean Water Reserve, which
2 shall be applied to offset the costs of pro-
3 grams under the Federal Water Pollution
4 Control Act, the Safe Drinking Water Act,
5 and the Safe Drinking Water Act Amend-
6 ments of 1996 that provide assistance,
7 such as grants, matching grants, and no-
8 and low-interest loans, to States and mu-
9 nicipalities, including construction pro-
10 grams to rebuild and modernize clean
11 water and sewage infrastructure.

12 “(B) DEPOSIT OF BALANCE FROM SPR PE-
13 TROLEUM ACCOUNT.—In addition to deposits
14 under paragraph (6)(A), the Secretary shall
15 transfer to the Infrastructure Renewal Reserve
16 the balance of funds in the SPR Petroleum Ac-
17 count on the date of enactment of this Act in
18 excess of \$10,000,000.

19 “(C) PROCEDURE FOR ADJUSTMENTS.—

20 “(i) BUDGET COMMITTEE CHAIR-
21 MAN.—After the reporting of a bill or joint
22 resolution, or the offering of an amend-
23 ment thereto or the submission of a con-
24 ference report thereon, providing funding
25 for the purposes set forth in clause (i) or

1 (ii) of subparagraph (A) in excess of the
2 sum of amount of the deposits under para-
3 graph (6)(A) for those purposes for fiscal
4 year 2016 and funds deposited under sub-
5 paragraph (B) of this paragraph, the
6 chairman of the Committee on the Budget
7 of the applicable House of Congress shall
8 make the adjustments set forth in clause
9 (ii) for the amount of new budget author-
10 ity and outlays in that measure and the
11 outlays flowing from that budget authority.

12 “(ii) MATTERS TO BE ADJUSTED.—
13 The adjustments referred to in clause (i)
14 are to be made to—

15 “(I) the discretionary spending
16 limits, if any, set forth in the appro-
17 priate concurrent resolution on the
18 budget;

19 “(II) the allocations made pursu-
20 ant to the appropriate concurrent res-
21 olution on the budget pursuant to sec-
22 tion 302(a) of the Congressional
23 Budget Act of 1974; and

24 “(III) the budget aggregates con-
25 tained in the appropriate concurrent

1 resolution on the budget as required
2 by section 301(a) of the Congressional
3 Budget Act of 1974.

4 “(iii) AMOUNTS OF ADJUSTMENTS.—
5 The adjustments referred to in clauses (i)
6 and (ii) shall not exceed the receipts esti-
7 mated by the Congressional Budget Office
8 that are attributable to this Act for the fis-
9 cal year in which the adjustments are
10 made.

11 “(8) MAINTENANCE OF EFFORT BY STATES.—
12 The Secretary of the Interior, the Secretary of
13 Health and Human Services, the Secretary of En-
14 ergy, and any other Federal official with authority
15 to implement legislation referred to in paragraph
16 (6)(A) shall ensure that financial assistance provided
17 to a State under that legislation for any purpose
18 with amounts made available under this subsection
19 or in any legislation with respect to which paragraph
20 (7) applies supplement, and do not replace, the
21 amounts expended by the State for that purpose be-
22 fore the date of the enactment of the Infrastructure
23 Jobs and Energy Independence Act.

24 “(9) DISTRIBUTIONS FOR FEDERAL-AID HIGH-
25 WAY OR HIGHWAY SAFETY CONSTRUCTION PRO-

1 GRAM.—To the extent practicable, amounts made
2 available for a Federal-aid highway or highway safe-
3 ty construction program, the costs of which are off-
4 set by application of the Infrastructure Renewal Re-
5 serve, shall be distributed using the apportionment
6 formula that applies to that program.”.

7 (b) ESTABLISHMENT OF STATE SEAWARD BOUND-
8 ARIES.—Section 4(a)(2)(A) of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the
10 first sentence by striking “, and the President” and all
11 that follows through the end of the sentence and inserting
12 the following: “. Such extended lines are deemed to be as
13 indicated on the maps for each Outer Continental Shelf
14 region entitled ‘Alaska OCS Region State Adjacent Zone
15 and OCS Planning Areas’, ‘Pacific OCS Region State Ad-
16 jacent Zones and OCS Planning Areas’, ‘Gulf of Mexico
17 OCS Region State Adjacent Zones and OCS Planning
18 Areas’, and ‘Atlantic OCS Region State Adjacent Zones
19 and OCS Planning Areas’, all of which are dated Sep-
20 tember 2005 and on file in the Office of the Director, Min-
21 erals Management Service. The preceding sentence shall
22 not apply with respect to the treatment under section 105
23 of the Gulf of Mexico Energy Security Act of 2006 (title
24 I of division C of Public Law 109–432) of qualified outer

1 Continental Shelf revenues deposited and disbursed under
2 subsection (a)(2) of that section.”.

3 **SEC. 108. INVENTORY OF OFFSHORE ENERGY RESOURCES.**

4 (a) IN GENERAL.—The Secretary of the Interior (in
5 this section referred to as the “Secretary”) shall promptly
6 prepare an inventory of offshore energy resources of the
7 United States, including through conduct of geological and
8 geophysical explorations by private industry in all of the
9 United States outer Continental Shelf areas of the Atlan-
10 tic Ocean and the Pacific Ocean under part 251 of title
11 30, Code of Federal Regulations (or successor regula-
12 tions).

13 (b) ENVIRONMENTAL STUDIES.—Not later than 180
14 days after the date of enactment of this Act, the Secretary
15 shall complete any environmental studies necessary to
16 gather information essential to an accurate inventory, in-
17 cluding geological and geophysical explorations under part
18 251 of title 30, Code of Federal Regulations (or successor
19 regulations).

20 (c) EFFECT ON OIL AND GAS LEASING.—No inven-
21 tory that is conducted under this section or any other Fed-
22 eral law (including regulations) shall restrict, limit, delay,
23 or otherwise adversely affect—

1 (1) the development of any Outer Continental
2 Shelf leasing program under section 18 of the Outer
3 Continental Shelf Lands Act (43 U.S.C. 1344); or

4 (2) any leasing, exploration, development, or
5 production of any Federal offshore oil and gas
6 leases.

7 (d) FUNDING.—

8 (1) IN GENERAL.—The Secretary of the Treas-
9 ury shall make a one-time transfer to the Secretary,
10 without further appropriation and from royalties col-
11 lected by the United States in conjunction with the
12 production of oil and gas, of such sums as are nec-
13 essary for the Secretary to carry out this section.

14 (2) LIMITATION.—The amount transferred
15 under paragraph (1) shall not exceed \$50,000,000.

16 **SEC. 109. PROHIBITIONS ON SURFACE OCCUPANCY AND**
17 **OTHER APPROPRIATE ENVIRONMENTAL**
18 **SAFEGUARDS.**

19 (a) REGULATIONS.—

20 (1) IN GENERAL.—

21 (A) ENVIRONMENTAL SAFEGUARDS.—The
22 Secretary of the Interior shall promulgate regu-
23 lations that establish appropriate environmental
24 safeguards for the exploration and production

1 of oil and natural gas on the outer Continental
2 Shelf.

3 (B) SAFETY PROTOCOLS.—All operations,
4 including under any permit issued pursuant to
5 an application for a permit to drill or an appli-
6 cation for a permit to sidetrack, that has been
7 approved by the Minerals Management Service
8 or the Bureau of Ocean Energy Management,
9 Regulation and Enforcement, for purposes of
10 outer Continental Shelf energy exploration or
11 development and production, shall be carried
12 out in accordance with the safety protocols con-
13 tained in part 250 of title 30, Code of Federal
14 Regulations.

15 (2) REQUIREMENTS.—The regulations shall in-
16 clude provisions ensuring that—

17 (A) no surface facility shall be installed for
18 the purpose of production of oil or gas re-
19 sources in any area that is within 10 miles from
20 the shore of any coastal State, in any area of
21 the Outer Continental Shelf that has not pre-
22 viously been made available for oil and gas leas-
23 ing;

24 (B) only temporary surface facilities are
25 installed for areas that are located—

1 (i) beyond 10 miles from the shore of
2 any coastal State, in any area of the Outer
3 Continental Shelf that has not previously
4 been made available for oil and gas leasing;
5 and

6 (ii) not more than 20 miles from the
7 shore;

8 (C) the impact of offshore production fa-
9 cilities on coastal vistas is otherwise mitigated;
10 and

11 (D) onshore facilities that are able to draw
12 upon the resources of the outer Continental
13 Shelf within 10 miles of shore are allowed.

14 (b) CONFORMING AMENDMENT.—Section 105 of the
15 Department of the Interior, Environment, and Related
16 Agencies Appropriations Act, 2006 (Public Law 109–54;
17 119 Stat. 521) (as amended by section 103(d) of the Gulf
18 of Mexico Energy Security Act of 2006 (43 U.S.C. 1331
19 note; Public Law 109–432)) is amended by inserting “and
20 any other area that the Secretary of the Interior may offer
21 for leasing, preleasing, or any related activity under sec-
22 tion 104 of that Act” after “2006”).

1 cluding their suspension, and any environ-
2 mental analyses relating to such activity.

3 **SEC. 122. EXCLUSIVE JURISDICTION OVER CAUSES AND**
4 **CLAIMS RELATING TO COVERED OIL AND**
5 **NATURAL GAS ACTIVITIES.**

6 Notwithstanding any other provision of law, any Fed-
7 eral action approving any covered oil and natural gas ac-
8 tivity shall be subject to judicial review only—

9 (1) in the United States Court of Appeals for
10 the District of Columbia Circuit; and

11 (2) after the person filing a petition seeking
12 such judicial review has exhausted all available ad-
13 ministrative remedies with respect to such Federal
14 action.

15 **SEC. 123. TIME FOR FILING PETITION; STANDING.**

16 (a) IN GENERAL.—All petitions referred to in section
17 122 must be filed within 30 days after the latter of the
18 challenged Federal action or the exhaustion of all available
19 administrative remedies with respect to such Federal ac-
20 tion. A claim or challenge shall be barred unless it is filed
21 within the time specified.

22 (b) STANDING.—No person whose legal rights will
23 not be directly and adversely affected by the challenged
24 action, and who is not within the zone of interest protected
25 by each Act under which the challenge is brought, shall

1 have standing to file any petition referred to in section
2 122.

3 **SEC. 124. TIMETABLE.**

4 The United States Court of Appeals for the District
5 of Columbia Circuit shall complete all judicial review, in-
6 cluding rendering a judgment, before the end of the 120-
7 day period beginning on the date on which a petition re-
8 ferred to in section 122 is filed, unless all parties to such
9 proceeding agree to an extension of such period.

10 **SEC. 125. LIMITATION ON SCOPE OF REVIEW AND RELIEF.**

11 (a) ADMINISTRATIVE FINDINGS AND CONCLU-
12 SIONS.—In any judicial review referred to in section 122,
13 any administrative findings and conclusions relating to the
14 challenged Federal action shall be presumed to be correct
15 unless shown otherwise by clear and convincing evidence
16 contained in the administrative record.

17 (b) LIMITATION ON PROSPECTIVE RELIEF.—In any
18 judicial review referred to in section 122, the Court shall
19 not grant or approve any prospective relief unless the
20 court finds that such relief is narrowly drawn, extends no
21 further than necessary to correct the violation of a Federal
22 law requirement, and is the least intrusive means nec-
23 essary to correct the violation concerned.

1 **SEC. 126. LEGAL FEES.**

2 Any person filing a petition referred to in section 122
3 who is not a prevailing party shall pay to the prevailing
4 parties (including intervening parties), other than the
5 United States, fees and other expenses incurred by that
6 party in connection with the judicial review, unless the
7 Court finds that the position of the person was substan-
8 tially justified or that special circumstances make an
9 award unjust.

10 **SEC. 127. EXCLUSION.**

11 Section 122 shall not apply to disputes between the
12 parties to a lease issued pursuant to an authorizing leas-
13 ing statute regarding the obligations of such lease or the
14 alleged breach thereof.

15 **Subtitle C—Other Energy**
16 **Provisions**

17 **SEC. 131. POLICIES REGARDING BUYING AND BUILDING**
18 **AMERICAN.**

19 (a) INTENT OF CONGRESS.—It is the intent of the
20 Congress that this Act, among other things, result in a
21 healthy and growing American industrial, manufacturing,
22 transportation, and service sector employing the vast tal-
23 ents of America’s workforce to assist in the development
24 of energy from domestic sources. Moreover, the Congress
25 intends to monitor the deployment of personnel and mate-
26 rial onshore and offshore to encourage the development

1 of American technology and manufacturing to enable
2 United States workers to benefit from this Act by good
3 jobs and careers, as well as the establishment of important
4 industrial facilities to support expanded access to Amer-
5 ican resources.

6 (b) SAFEGUARD FOR EXTRAORDINARY ABILITY.—
7 Section 30(a) of the Outer Continental Shelf Lands Act
8 (43 U.S.C. 1356(a)) is amended in the matter preceding
9 paragraph (1) by striking “regulations which” and insert-
10 ing “regulations that shall be supplemental and com-
11 plimentary with and under no circumstances a substi-
12 tution for the provisions of the Constitution and laws of
13 the United States extended to the subsoil and seabed of
14 the outer Continental Shelf pursuant to section 4 of this
15 Act, except insofar as such laws would otherwise apply to
16 individuals who have extraordinary ability in the sciences,
17 arts, education, or business, which has been demonstrated
18 by sustained national or international acclaim, and that”.

19 (c) WORK STANDARDS.—All construction, repair, or
20 alteration of public buildings and public works of the Gov-
21 ernment and buildings or works financed or otherwise as-
22 sisted in whole or in part under this Act by a loan, loan
23 guarantee, grant, annual contribution, credit enhance-
24 ment, or any other form of Federal assistance authorized
25 under this Act shall be performed in accordance with the

1 standards applicable to comparable activity under any
2 other provision of law, without regard to the form or type
3 of Federal assistance provided thereunder.

4 **TITLE II—MODIFYING THE STRA-**
5 **TEGIC PETROLEUM RESERVE**
6 **AND FUNDING CONSERVA-**
7 **TION AND ENERGY RE-**
8 **SEARCH AND DEVELOPMENT**

9 **SEC. 201. FINDINGS.**

10 Congress finds the following:

11 (1) The Strategic Petroleum Reserve (SPR)
12 was created by Congress in 1975, to protect the Na-
13 tion from any future oil supply disruptions. When
14 the program was established, United States refiners
15 were capable of handling light crude and medium
16 crude and the makeup of the SPR matched this ca-
17 pacity. This is not the case today.

18 (2) A GAO analysis found that nearly half of
19 the refineries considered vulnerable to supply disrup-
20 tions are not compatible with the types of oil cur-
21 rently stored in the SPR and would be unable to
22 maintain normal refining capacity if forced to rely
23 on SPR oil as currently constituted, thereby reduc-
24 ing the effectiveness of the SPR in the event of a
25 supply disruption. GAO concluded that the SPR

1 should be comprised of at least 10 percent heavy
2 crude.

3 (3) This Act implements the GAO recommenda-
4 tion and dedicates funds received from the trans-
5 actions to existing energy conservation, research,
6 and assistance programs.

7 **SEC. 202. DEFINITIONS.**

8 In this title—

9 (1) the term “light grade petroleum” means
10 crude oil with an API gravity of 35 degrees or high-
11 er;

12 (2) the term “heavy grade petroleum” means
13 crude oil with an API gravity of 26 degrees or lower;
14 and

15 (3) the term “Secretary” means the Secretary
16 of Energy.

17 **SEC. 203. OBJECTIVES.**

18 The objectives of this title are as follows:

19 (1) To modernize the composition of the Stra-
20 tegic Petroleum Reserve to reflect the current proc-
21 essing capabilities of refineries in the United States.

22 (2) To provide increased funding to accelerate
23 conservation, energy research and development, and
24 assistance through existing programs.

1 **SEC. 204. MODIFICATION OF THE STRATEGIC PETROLEUM**
2 **RESERVE.**

3 Notwithstanding section 161 of the Energy Policy
4 and Conservation Act (42 U.S.C. 6241), the Secretary
5 shall publish a plan not later than 30 days after the date
6 of enactment of this Act to—

7 (1) exchange as soon as possible light grade pe-
8 troleum from the Strategic Petroleum Reserve, in an
9 amount equal to 10 percent of the total number of
10 barrels of crude oil in the Reserve as of the date of
11 enactment of this Act, for an equivalent volume of
12 heavy grade petroleum plus any additional cash
13 bonus bids received that reflect the difference in the
14 market value between light grade petroleum and
15 heavy grade petroleum and the timing of deliveries
16 of the heavy grade petroleum;

17 (2) from the gross proceeds of the cash bonus
18 bids, deposit the amount necessary to pay for the di-
19 rect administrative and operational costs of the ex-
20 change into the SPR Petroleum Account established
21 under section 167 of the Energy Policy and Con-
22 servation Act (42 U.S.C. 6247); and

23 (3) deposit 90 percent of the remaining net pro-
24 ceeds from the exchange into the Infrastructure Re-
25 newal Reserve established in section 107.

1 **TITLE III—ARCTIC NATIONAL**
2 **WILDLIFE REFUGE**

3 **SEC. 301. REPEAL OF PROHIBITION OF LEASING OF ARCTIC**
4 **NATIONAL WILDLIFE REFUGE.**

5 (a) REPEAL.—Section 1003 of the Alaska National
6 Interest Lands Conservation Act (16 U.S.C. 3143) is re-
7 pealed.

8 (b) CONFORMING AMENDMENT.—The table of con-
9 tents contained in section 1 of that Act (16 U.S.C. 3101
10 note) is amended by striking the item relating to section
11 1003.

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