TEXT OF AMENDMENTS

SA 1953. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. BAN ON EXPORTING CRUDE OIL PRODUCED ON FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PETROLEUM PRODUCT.—The term ''petroleum product'' means any of the following:

(A) Finished reformulated or conventional motor gasoline.

(B) Finished aviation gasoline.

(C) Kerosene-type jet fuel.

(D) Kerosene.

(E) Distillate fuel oil.

(F) Residual fuel oil.

(G) Lubricants.

(H) Waxes.

(I) Petroleum coke.

(J) Asphalt and road oil.

(2) PUBLIC LAND.—The term ''public land'' means any land and interest in land owned by the United States within the several States and administered by the Secretary concerned, without regard to how the United States acquired ownership.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

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

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(b) BAN.—Notwithstanding any other provision of law, petroleum extracted from public land in the United States (including land located on the outer Continental Shelf), or a petroleum product produced from the petroleum, may not be exported from the United States.

SA 1954. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES

SEC. 301. SHORT TITLE.

This title may be cited as the ''Use It or Lose It Act of 2012''.

SEC. 302. DILIGENT DEVELOPMENT OF FEDERAL OIL AND GAS LEASES.

(a) CLARIFICATION OF EXISTING LAW.—Each lease that authorizes the exploration for or production of oil or natural gas under a provision of law described in subsection (b) shall be diligently developed by the person holding the lease in order to ensure timely production from the lease.

(b) COVERED PROVISIONS.—Subsection (a) shall apply to—

(1) section 17 of the Mineral Leasing Act (30 U.S.C. 226); and

(2) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 303. NONPRODUCING LEASE FEE.

(a) ONSHORE OIL AND GAS LEASES.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(q) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this subsection, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.''.

(b) OUTER CONTINENTAL SHELF OIL AND GAS LEASES.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(d)) is amended—

(1) by striking ''(d) No bid'' and inserting the following:

''(d) DUE DILIGENCE.—

''(1) IN GENERAL.—No bid''; and

(2) by adding at the end the following:

''(2) NONPRODUCING LEASE FEE.—In the case of any lease for oil or gas issued on or after the date of enactment of this paragraph, as a condition of the lease, the Secretary shall require the lessee to pay an annual fee of $4 per acre on the acres covered by the lease if production is not occurring.''.

SEC. 304. REGULATIONS.

In the case of leases covered by this title and the amendments made by this title, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue regulations that—

(1) set forth requirements and benchmarks for oil and gas development that will ensure that leaseholders—

(A) diligently develop each lease; and

(B) to the maximum extent practicable, produce oil and gas from each lease during the primary term of the lease;

(2) require each leaseholder to submit to the Secretary a diligent development plan describing how the lessee will meet the benchmarks;

(3) in establishing requirements under paragraphs (1) and (2), take into account the differences in development conditions and circumstances in the areas to be developed; and

(4) implement the fee requirements established by the amendments made by section 303.

SA 1955. Mr. KOHL (for himself, Mr. LEAHY, Mr. GRASSLEY, Mr. CASEY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2012.

(a) SHORT TITLE.—This section may be cited as the ''No Oil Producing and Exporting Cartels Act of 2012'' or ''NOPEC''.

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—

''(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

''(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.''.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

SA 1956. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IV—WESTERN ENERGY DEVELOPMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''American Energy and Western Jobs Act''.

SEC. 402. RESCISSION OF CERTAIN INSTRUCTION MEMORANDA.

The following are rescinded and shall have no force or effect:

(1) The Bureau of Land Management Instruction Memorandum entitled ''Oil and Gas Leasing Reform—Land Use Planning and Lease Parcel Reviews'', numbered 2010–117, and dated May 17, 2010.

(2) The Bureau of Land Management Instruction Memorandum entitled ''Energy Policy Act Section 390 Categorical Exclusion Policy Revision'', numbered 2010–118, and dated May 17, 2010.

(3) Secretarial Order No. 3310 issued by the Secretary of the Interior on December 22, 2010.

SEC. 403. AMENDMENTS TO THE MINERAL LEASING ACT.

(a) ONSHORE OIL AND GAS LEASE ISSUANCE IMPROVEMENT.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended in the seventh sentence, by striking ''Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year'' and inserting ''The Secretary of the Interior shall automatically issue a lease 60 days after the date of the payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year, unless the Secretary of the Interior is able to issue the lease before that date. The filing of any protest to the sale or issuance of a lease shall not extend the date by which the lease is to be issued''.

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

''(q) JUDICIAL REVIEW.—Any action seeking judicial review of the adequacy of any program or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing for onshore Federal land shall be barred unless the action is brought in the appropriate district court of the United States by the date that is 60 days after the date on which there is published in the Federal Register the notice of the availability of the environmental impact statement.''.

(c) DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.—The Mineral Leasing Act is amended by inserting after section 37 (30 U.S.C. 193) the following:

''SEC. 38. DETERMINATION OF IMPACT OF PROPOSED POLICY MODIFICATIONS.

''(a) DEFINITIONS.—In this section:

''(1) DEPARTMENT.—The term 'Department' means the Department of the Interior.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(b) DUTY OF SECRETARY.—

''(1) IN GENERAL.—Before the modification and implementation of any onshore oil or natural gas preleasing or leasing and development policy (as in effect as of January 1, 2010) or a policy relating to protecting the wilderness characteristics of public land, the Secretary shall—

''(A) complete an economic impact assessment in accordance with paragraph (2); and

''(B) issue a determination that the proposed policy modification would have the effects described in paragraph (2)(A).

''(2) REQUIREMENTS.—In carrying out an assessment to determine the impact of a proposed policy modification described in paragraph (1), the Secretary shall—

''(A) in consultation with the appropriate officials of each State (including political subdivisions of the State) in which 1 or more parcels of land subject to oil and natural gas leasing are located and any other appropriate individuals or entities, as determined by the Secretary—

''(i)(I) carry out an economic analysis of the impact of the policy modification on oil- and natural gas-related employment opportunities and domestic reliance on foreign imports of petroleum resources; and

''(II) certify that the policy modification would not result in a detrimental impact on employment opportunities relating to oil- and natural gas-related development or contribute to an increase in the domestic use of imported petroleum resources; and

''(ii) carry out a policy assessment to determine the manner by which the policy modification would impact—

''(I) revenues from oil and natural gas receipts to the general fund of the Treasury, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

''(II) revenues to the treasury of each affected State that shares oil and natural gas receipts with the Federal Government, including a certification that the modification would, for the 10-year period beginning on the date of implementation of the modification, not contribute to an aggregate loss of oil and natural gas receipts; and

''(B) provide notice to the public of, and an opportunity to comment on, the policy modification in a manner consistent with subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly known as the 'Administrative Procedure Act').''.

SEC. 404. ANNUAL REPORT ON REVENUES GENERATED FROM MULTIPLE USE OF PUBLIC LAND.

(a) ANNUAL REPORT.—As part of the annual agency budget, the Secretary of the Interior (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall submit an annual report detailing, for each field office, the revenues generated by each use of public land.

(b) INCLUSIONS.—The report shall include—

(1) a line item for each use of public land, including use for—

(A) grazing;

(B) recreation;

(C) timber;

(D) leasable minerals, including a distinct accounting for each of oil, natural gas, coal, and geothermal development;

(E) locatable minerals;

(F) renewable energy sources, including a distinct accounting for each of wind and solar energy;

(G) the sale of land; and

(H) transmission; and

(2) identification of the total acres designated as wilderness, wilderness study areas, and wild lands.

(c) AVAILABILITY.—The Secretary of the Interior and the Secretary of Agriculture shall make the report prepared under this section publicly available on the applicable agency website.

SEC. 405. FEDERAL ONSHORE OIL AND NATURAL GAS PRODUCTION GOAL.

(a) IN GENERAL.—The Secretary of the Interior shall establish a domestic strategic production goal for the development of oil and natural gas managed by the Federal Government.

(b) REQUIREMENTS.—In establishing the goal under subsection (a), the Secretary shall—

(1) ensure that the United States maintains or increases production of Federal onshore oil and natural gas;

(2) ensure that the 10-year production outlook for Federal onshore oil and natural gas be provided annually;

(3) examine steps to streamline the permitting process to meet the goal;

(4) include the goal in each resource management plan; and

(5) analyze each proposed policy of the Department of the Interior for the potential impact of the policy on achieving the goal before implementation of the policy.

SEC. 406. OIL SHALE.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall hold a lease sale in which the Secretary of the Interior shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases described in the notice entitled ''Potential for Oil Shale Development; Call for Nominations—Oil Shale Research, Development, and Demonstration (R, D, and D) Program'' (74 Fed. Reg. 2611).

(b) APPLICATION OF REGULATIONS.—The final rule entitled ''Oil Shale Management—General'' (73 Fed. Reg. 69414), shall apply to all commercial leasing for the management of federally owned oil shale and any associated minerals located on Federal land.

SA 1957. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) CIRCULATE.—The term ''circulate'' means to distribute an environmental impact statement to another agency for the consideration of that agency.

(3) COOPERATING AGENCY.—The term ''cooperating agency'' means any agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.

(4) ENVIRONMENTAL ASSESSMENT.—The term ''environmental assessment'' has the meaning given the term in section 1508.9 of title 40, Code of Federal Regulations (or a successor regulation).

(5) ENVIRONMENTAL DOCUMENT.—The term ''environmental document'' means an environmental impact statement or an environmental assessment.

(6) ENVIRONMENTAL IMPACT STATEMENT.—The term ''environmental impact statement'' has the meaning given the term in section 1508.11 of title 40, Code of Federal Regulations (or a successor regulation).

(7) FINDING OF NO SIGNIFICANT IMPACT.—The term ''finding of no significant impact'' has the meaning given the term in section 1508.13 of title 40, Code of Federal Regulations (or a successor regulation).

(8) HUMAN ENVIRONMENT.—The term ''human environment'' has the meaning given the term in section 1508.14 of title 40, Code of Federal Regulations (or a successor regulation).

(9) LEAD AGENCY.—The term ''lead agency'' has the meaning given the term in section 1508.16 of title 40, Code of Federal Regulations (or a successor regulation).

(10) MAJOR FEDERAL ACTION.—The term ''major Federal action'' has the meaning given the term in section 1508.18 of title 40, Code of Federal Regulations (or a successor regulation).

(11) NOTICE OF INTENT.—The term ''notice of intent'' has the meaning given the term in section 1508.22 of title 40, Code of Federal Regulations (or a successor regulation).

(b) ADOPTION OF EXISTING ENVIRONMENTAL ASSESSMENTS.—If an agency determines that an environmental assessment should be prepared for a proposed action relating to oil and gas development on Federal public land or water, the agency shall adopt, in whole or in part, an existing Federal draft or final environmental assessment if—

(1) the existing assessment meets the standards for an adequate assessment under the regulations promulgated by the agency and the Council on Environmental Quality;

(2) the action covered by the existing assessment and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(c) PUBLICATION OF FINDINGS OF NO SIGNIFICANT IMPACT AND NOTICES OF INTENT.—

(1) FINDING OF NO SIGNIFICANT IMPACT.—If a proposed action is determined not to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a finding of no significant impact in

accordance with the regulations of the agency.

(2) NOTICE OF INTENT.—If a proposed action is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an agency adopting an existing environmental assessment under subsection (b) shall publish for public review a notice of intent in accordance with the regulations of the agency.

(d) ADOPTION OF EXISTING ENVIRONMENTAL IMPACT STATEMENTS.—If a proposed action of an agency relating to oil and gas development on Federal public land or water is determined to be a major Federal action that significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the agency shall adopt, in whole or in part, an existing Federal draft or final environmental impact statement if—

(1) the existing statement meets the standards for an adequate statement under the regulations promulgated by the Council on Environmental Quality;

(2) the action covered by the existing statement and the proposed action are substantially the same; and

(3) there are no significant new circumstances or information relating to the quality of the human environment affected by the proposed action.

(e) RECIRCULATION OF ENVIRONMENTAL IMPACT STATEMENTS.—

(1) DRAFT STATEMENT.—Subject to paragraphs (2) and (3), an agency adopting an environmental impact statement of another agency shall recirculate the statement as a draft statement.

(2) FINAL STATEMENT.—An agency adopting as final the environmental impact statement of another agency may recirculate the statement as a final statement.

(3) COOPERATING AGENCY.—A cooperating agency adopting the environmental impact statement of a lead agency shall not recirculate the statement if the cooperating agency determines, after an independent review of the statement, that the comments and suggestions of the cooperating agency have been satisfied.

(f) FINALITY OF ADOPTED DOCUMENT.—An agency may not adopt as final an environmental document prepared by another agency if, at the time of the proposed adoption—

(1) the existing document was not final within the agency that prepared the environmental document;

(2) the adequacy of the existing document is the subject of a pending judicial action; or

(3) in the case of an environmental impact statement, the action the existing statement assesses is the subject of a referral under part 1504 of title 40, Code of Federal Regulations (commonly known as ''Predecision referrals to the Council of proposed Federal actions determined to be environmentally unsatisfactory'') (or a successor regulation).

(g) JUDICIAL REVIEW.—The decision of an agency to adopt, in whole or in part, an existing environmental assessment or environmental impact statement shall not be subject to judicial review.

(h) REGULATIONS.—Notwithstanding any other provision of this section, an agency shall not adopt, in whole or in part, an existing environmental impact statement when issuing a proposed or final rule.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1958. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gas Price Relief Act of 2012''.

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

TITLE I—CONSUMER GAS PRICE RELIEF

SEC. 101. REDUCTION OF FUEL TAXES ON HIGHWAY MOTOR FUELS.

(a) TAXABLE FUELS.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''18.3 cents'' in clause (i) and inserting ''17.3 cents'',

(B) by striking ''and'' at the end of clause (ii), and

(C) by striking clause (iii) and inserting the following new clauses:

''(iii) in the case of aviation-grade kerosene, 24.3 cents per gallon, and

''(iv) in the case of diesel fuel or kerosene not described in clause (iii), 23.3 cents per gallon''.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 4081(a)(2) of such Code is amended by striking ''subparagraph (A)(iii) shall be applied by substituting '19.7 cents' for '24.3 cents' '' and inserting ''subparagraph (A)(iv) shall be applied by substituting '17.7 cents' for '23.3 cents' ''.

(3) FLOOR STOCK REFUNDS.—

(A) IN GENERAL.—If—

(i) before the tax reduction date, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any highway motor fuel, and

(ii) on such date such fuel is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the tax which would be imposed on such fuel had the taxable event occurred on such date.

(B) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(i) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax reduction date based on a request submitted to the taxpayer before the date which is 3 months after the tax date by the dealer who held the highway motor fuel on such date, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(C) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any highway motor fuel in retail stocks held at the place where intended to be sold at retail.

(D) DEFINITIONS.—For purposes of this subsection—

(i) TAX REDUCTION DATE.—The term ''tax reduction date'' means the date of enactment of this Act.

(ii) OTHER TERMS.—The terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code.

(E) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

(b) RETAIL TAX ON SPECIAL FUELS.—

(1) SCHOOL BUSES.—Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 is amended by striking ''7.3 cents'' and inserting ''6.3 cents''.

(2) CERTAIN ALTERNATIVE FUELS.—Clause (ii) of section 4041(a)(2)(B) of such Code is amended by striking ''24.3 cents'' and inserting ''23.3 cents''.

(3) COMPRESSED NATURAL GAS.—Subparagraph (A) of section 4041(a)(3) of such Code is amended by striking ''18.3 cents'' and inserting ''17.3 cents''.

(4) CERTAIN ALCOHOL FUELS.—Subparagraph (A) of section 4041(m) of such Code is amended—

(A) by striking ''9.15 cents'' in clause (i) and inserting ''8.15 cents'', and

(B) by striking ''11.3 cents'' in clause (ii) and inserting ''10.3 cents''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

(d) SENSE OF THE SENATE REGARDING CONSUMER RELIEF.—It is the sense of the Senate that the reduction in tax rates under the amendments made by this section is for the purpose of lowering consumer gas prices.

TITLE II—INCREASING DOMESTIC TRANSPORTATION FUEL PRODUCTION

Subtitle A—Outer Continental Shelf Leasing

SEC. 201. LEASING PROGRAM CONSIDERED APPROVED.

(a) IN GENERAL.—The Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344)

is considered to have been approved by the Secretary as a final oil and gas leasing program under that section.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) EXCEPTIONS.—Notwithstanding subsections (a) and (b), lease sales 214, 232, and 239 shall not be included in the final leasing program for 2013-2018.

SEC. 202. LEASE SALES.

(a) OUTER CONTINENTAL SHELF.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 30 days after the date of enactment of this Act and every 270 days thereafter, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a lease sale in each outer Continental Shelf planning area for which the Secretary determines that there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf.

(2) SUBSEQUENT DETERMINATIONS AND SALES.—If the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in a planning area under this subsection, not later than 2 years after the date of enactment of the determination and every 2 years thereafter, the Secretary shall—

(A) determine whether there is a commercial interest in purchasing Federal oil and gas leases for production on the outer Continental Shelf in the planning area; and

(B) if the Secretary determines that there is a commercial interest described in subparagraph (A), conduct a lease sale in the planning area.

(b) RENEWABLE ENERGY AND MARICULTURE.—The Secretary may conduct commercial lease sales of resources owned by United States—

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

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

SEC. 203. COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

''(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

''(B) be immediately eligible to receive payments under this section.''; and

(2) by adding at the end the following:

''(e) FUNDING.—

''(1) STREAMLINING.—

''(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the 'Secretary') shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

''(i) decreasing the time required to approve plans submitted under subsection (c)(1);

''(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

''(iii) any modifications to the authorized uses for payments under subsection (d).

''(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

''(C) ENVIRONMENTAL REQUIREMENTS.—A project funded under this section that does not involve wetlands shall not be subject to environmental review requirements under Federal law.

''(2) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs that support coastal wetland protection and restoration.

''(3) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

''(A) secure additional funds from other sources; and

''(B) use the amounts made available under this section on receipt.''.

SEC. 204. SEAWARD BOUNDARIES OF STATES.

(a) SEAWARD BOUNDARIES.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking ''three geographical miles'' each place it appears and inserting ''12 nautical miles''.

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

(1) in subsection (a)(2), by striking ''three geographical miles'' and inserting ''12 nautical miles''; and

(2) in subsection (b)—

(A) by striking ''three geographical miles'' and inserting ''12 nautical miles''; and

(B) by striking ''three marine leagues'' and inserting ''12 nautical miles''.

(c) EFFECT OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the amendments made by this section shall not effect Federal oil and gas mineral rights.

(2) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(A) subject to Federal oil and gas mineral rights to the extent provided by law;

(B) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(C) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

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

(4) TAXATION.—

(A) IN GENERAL.—Subject to subparagraph (B), a State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this section).

(B) LIMITATION.—Nothing in this paragraph affects the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment of this Act.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 211. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means that area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FEDERAL AGREEMENT.—The term ''Federal Agreement'' means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service.

SEC. 212. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

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

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(d) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(e) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(f) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, subsistence resources, and environment of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant biological, environmental, scientific or engineering data that come to the attention of the Secretary.

SEC. 213. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

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

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than 90 days after the date of the completion of the sale, evaluate the bids in the sale and issue leases resulting from the sale; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 214. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 213 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 215. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

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

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) on application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 212(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and the regulations promulgated under this subtitle.

SEC. 216. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 212, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the 1 or more agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements.

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

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

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC–ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

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

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 217. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 218. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle for each fiscal year—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 221(d), the balance shall be deposited in the Treasury and used for Federal budget deficit reduction.

(b) PAYMENTS TO ALASKA.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 219. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) IN GENERAL.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

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

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

(b) TERMS AND CONDITIONS.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) REGULATIONS.—The Secretary shall include in regulations under section 212(f) provisions granting rights-of-way and easements described in subsection (a).

SEC. 220. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any

cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 221. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2).

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services; and

(3) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(A) to coordinate with and advise developers on local conditions and the history of areas affected by development; and

(B) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough.

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'').

(2) USE.—Amounts in the Fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the Fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this subtitle.

(4) LIMITATION ON DEPOSITS.—The total amount in the Fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the Fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary from the Fund to provide financial assistance under this section $5,000,000 for each fiscal year.

Subtitle C—Approval of Keystone XL Pipeline Project

SEC. 231. APPROVAL OF KEYSTONE XL PIPELINE PROJECT.

(a) APPROVAL OF CROSS-BORDER FACILITIES.—

(1) IN GENERAL.—In accordance with section 8 of article 1 of the Constitution (delegating to Congress the power to regulate commerce with foreign nations), TransCanada Keystone Pipeline, L.P. is authorized to construct, connect, operate, and maintain pipeline facilities, subject to subsection (c), for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMIT.—Notwithstanding any other provision of law, no permit pursuant to Executive Order 13337 (3 U.S.C. 301 note) or any other similar Executive Order regulating construction, connection, operation, or maintenance of facilities at the borders of the United States, and no additional environmental impact statement, shall be required for TransCanada Keystone Pipeline, L.P. to construct, connect, operate, and maintain the facilities described in paragraph (1).

(b) CONSTRUCTION AND OPERATION OF KEYSTONE XL PIPELINE IN UNITED STATES.—

(1) IN GENERAL.—The final environmental impact statement issued by the Department of State on August 26, 2011, shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other provision of law that requires Federal agency consultation or review with respect to the cross-border facilities described in subsection (a)(1) and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(2) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall remain in effect.

(c) CONDITIONS.—In constructing, connecting, operating, and maintaining the cross-border facilities described in subsection (a)(1) and related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), TransCanada Keystone Pipeline, L.P. shall comply with the following conditions:

(1) TransCanada Keystone Pipeline, L.P. shall comply with all applicable Federal and State laws (including regulations) and all applicable industrial codes regarding the construction, connection, operation, and maintenance of the facilities.

(2) Except as provided in subsection (a)(2), TransCanada Keystone Pipeline, L.P. shall comply with all requisite permits from Canadian authorities and applicable Federal, State, and local government agencies in the United States.

(3) TransCanada Keystone Pipeline, L.P. shall take all appropriate measures to prevent or mitigate any adverse environmental impact or disruption of historic properties in connection with the construction, connection, operation, and maintenance of the facilities.

(4) The construction, connection, operation, and maintenance of the facilities shall be—

(A) in all material respects, similar to that described in—

(i) the application filed with the Department of State on September 19, 2008 (as supplemented and amended); and

(ii) the final environmental impact statement described in subsection (b)(1); and

(B) carried out in accordance with—

(i) the construction, mitigation, and reclamation measures agreed to for the project in the construction mitigation and reclamation plan contained in appendix B of the final environmental impact statement described in subsection (b)(1);

(ii) the special conditions agreed to between the owners and operators of the project and the Administrator of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, as contained in appendix U of the final environmental impact statement;

(iii) the measures identified in appendix H of the final environmental impact statement, if the modified route submitted by the State of Nebraska to the Secretary of State crosses the Sand Hills region; and

(iv) the stipulations identified in appendix S of the final environmental impact statement.

(d) ROUTE IN NEBRASKA.—

(1) IN GENERAL.—Any route and construction, mitigation, and reclamation measures for the project in the State of Nebraska that is identified by the State of Nebraska and submitted to the Secretary of State under this section is considered sufficient for the purposes of this section.

(2) PROHIBITION.—Construction of the facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), shall not commence in the State of Nebraska until the date on which the Secretary of State receives a route for the project in the State of Nebraska that is identified by the State of Nebraska.

(3) RECEIPT.—On the date of receipt of the route described in paragraph (1) by the Secretary of State, the route for the project within the State of Nebraska under this section shall supersede the route for the project in the State specified in the application filed with the Department of State on September 19, 2008 (including supplements and amendments).

(4) COOPERATION.—Not later than 30 days after the date on which the State of Nebraska submits a request to the Secretary of State or any appropriate Federal official, the Secretary of State or Federal official shall provide assistance that is consistent with the law of the State of Nebraska.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Any action taken to carry out this section (including the modification of any route under subsection (d)) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) STATE SITING AUTHORITY.—Nothing in this section alters any provision of State law relating to the siting of pipelines.

(3) PRIVATE PROPERTY.—Nothing in this section alters any Federal, State, or local process or condition in effect on the date of enactment of this Act that is necessary to secure access from an owner of private property to construct the project.

(f) FEDERAL JUDICIAL REVIEW.—The cross-border facilities described in subsection (a)(1), and the related facilities in the United States described in the application filed with the Department of State on September 19, 2008 (as supplemented and amended), that are approved by this section, and any permit, right-of-way, or other action taken to construct or complete the project pursuant to Federal law, shall only be subject to judicial review on direct appeal to the United States Court of Appeals for the District of Columbia Circuit.

TITLE III—CLOSING LOOPHOLES TO FUND CONSUMER RELIEF AT THE PUMP

SEC. 301. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO MAJOR INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a major integrated oil company (as defined in section 167(h)(5)(B)) to a foreign country or possession of the United States shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 302. LIMITATION ON SECTION 199 DEDUCTION ATTRIBUTABLE TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) DENIAL OF DEDUCTION.—Paragraph (4) of section 199(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR CERTAIN OIL AND GAS INCOME.—In the case of any taxpayer who is a major integrated oil company (as defined in section 167(h)(5)(B)) for the taxable year, the term 'domestic production gross receipts' shall not include gross receipts from the production, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 303. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 304. TRANSFER OF REVENUES TO HIGHWAY TRUST FUND.

Subsection (b) of section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) TRANSFERS OF CERTAIN REVENUES.—There are hereby appropriated the Highway Trust Fund amounts equivalent to the amounts received in the Treasury that are attributable to the amendments made by sections 301, 302, and 303 of the Gas Price Relief Act of 2012.''.

SA 1959. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, strike lines 4 and 5 and insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. HIGHWAY BRIDGE PROGRAM AND DEFICIT REDUCTION.

(a) IN GENERAL.—Of the amounts made available as a result of the repeal under subsection (b) for each fiscal year—

(1) 50 percent shall be transferred to the Secretary of Transportation and used to carry out the highway bridge program under section 144 of title 23, United States Code; and

(2) 50 percent shall be transferred to the general fund of the Treasury and used for deficit reduction.

(b) REPEAL.—Title XVII of the Energy Policy Act of 2005 (22 U.S.C. 16511 et seq.) is repealed.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. DEFICIT REDUCTION.

SA 1960. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. ___1. TAX ON BUSINESS ACTIVITIES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

''(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity a tax equal to 17 percent of the business taxable income of such person.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

''(c) BUSINESS TAXABLE INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

''(2) GROSS ACTIVE INCOME.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'gross active income' means gross receipts from—

''(i) the sale or exchange of property or services in the United States by any person in connection with a business activity, and

''(ii) the export of property or services from the United States in connection with a business activity.

''(B) EXCHANGES.—For purposes of this section, the amount treated as gross receipts from the exchange of property or services is the fair market value of the property or services received, plus any money received.

''(C) COORDINATION WITH SPECIAL RULES FOR FINANCIAL SERVICES, ETC.—Except as provided in subsection (e)—

''(i) the term 'property' does not include money or any financial instrument, and

''(ii) the term 'services' does not include financial services.

''(3) EXEMPTION FROM TAX FOR ACTIVITIES OF GOVERNMENTAL ENTITIES AND TAX-EXEMPT ORGANIZATIONS.—For purposes of this section, the term 'business activity' does not include any activity of a governmental entity or of any other organization which is exempt from tax under this chapter.

''(d) DEDUCTIONS.—

''(1) IN GENERAL.—The deductions specified in this subsection are—

''(A) the cost of business inputs for the business activity,

''(B) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash for services performed in the United States as an employee, and

''(C) retirement contributions to or under any plan or arrangement which makes retirement distributions for the benefit of such employees to the extent such contributions are allowed as a deduction under section 404.

''(2) BUSINESS INPUTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'cost of business inputs' means—

''(i) the amount paid for property sold or used in connection with a business activity,

''(ii) the amount paid for services (other than for the services of employees, including fringe benefits paid by reason of such services) in connection with a business activity, and

''(iii) any excise tax, sales tax, customs duty, or other separately stated levy imposed by a Federal, State, or local government on the purchase of property or services which are for use in connection with a business activity.

Such term shall not include any tax imposed by chapter 2 or 21.

''(B) EXCEPTIONS.—Such term shall not include—

''(i) items described in subparagraphs (B) and (C) of paragraph (1), and

''(ii) items for personal use not in connection with any business activity.

''(C) EXCHANGES.—For purposes of this section, the amount treated as paid in connection with the exchange of property or services is the fair market value of the property or services exchanged, plus any money paid.

''(3) RETIREMENT DISTRIBUTIONS.—For purposes of paragraph (1)(C), the term 'retirement distribution' means any distribution from—

''(A) a plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

''(B) an annuity plan described in section 403(a),

''(C) an annuity contract described in section 403(b),

''(D) an individual retirement account described in section 408(a),

''(E) an individual retirement annuity described in section 408(b),

''(F) an eligible deferred compensation plan (as defined in section 457),

''(G) a governmental plan (as defined in section 414(d)), or

''(H) a trust described in section 501(c)(18).

Such term includes any plan, contract, account, annuity, or trust which, at any time, has been determined by the Secretary to be such a plan, contract, account, annuity, or trust.

''(e) SPECIAL RULES FOR FINANCIAL INTERMEDIATION SERVICE ACTIVITIES.—In the case of the business activity of providing financial intermediation services, the taxable income from such activity shall be equal to the value of the intermediation services provided in such activity.

''(f) EXCEPTION FOR SERVICES PERFORMED AS EMPLOYEE.—For purposes of this section, the term 'business activity' does not include the performance of services by an employee for the employee's employer.

''(g) CARRYOVER OF CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—

''(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the credit-equivalent of such excess shall be allowed as a credit against the tax imposed by this section for the following taxable year.

''(2) CREDIT-EQUIVALENT OF EXCESS DEDUCTIONS.—For purposes of paragraph (1), the credit-equivalent of the excess described in paragraph (1) for any taxable year is an amount equal to—

''(A) the sum of—

''(i) such excess, plus

''(ii) the product of such excess and the 3-month Treasury rate for the last month of such taxable year, multiplied by

''(B) the rate of the tax imposed by subsection (a) for such taxable year.

''(3) CARRYOVER OF UNUSED CREDIT.—If the credit allowable for any taxable year by reason of this subsection exceeds the tax imposed by this section for such year, then (in lieu of treating such excess as an overpayment) the sum of—

''(A) such excess, plus

''(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year,

shall be allowed as a credit against the tax imposed by this section for the following taxable year.

''(4) 3-MONTH TREASURY RATE.—For purposes of this subsection, the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less.''

(b) TAX ON TAX-EXEMPT ENTITIES PROVIDING NONCASH COMPENSATION TO EMPLOYEES.—Section 4977 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 4977. TAX ON NONCASH COMPENSATION PROVIDED TO EMPLOYEES NOT ENGAGED IN BUSINESS ACTIVITY.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax equal to 17 percent of the value of excludable compensation provided during the calendar year by an employer for the benefit of employees to whom this section applies.

''(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the employer.

''(c) EXCLUDABLE COMPENSATION.—For purposes of subsection (a), the term 'excludable compensation' means any remuneration for services performed as an employee other than—

''(1) wages (as defined in section 3121(a) without regard to paragraph (1) thereof) which are paid in cash,

''(2) remuneration for services performed outside the United States, and

''(3) retirement contributions to or under any plan or arrangement which makes retirement distributions (as defined in section 11(d)(3)).

''(d) EMPLOYEES TO WHOM SECTION APPLIES.—This section shall apply to an employee who is employed in any activity by—

''(1) any organization which is exempt from taxation under this chapter, or

''(2) any agency or instrumentality of the United States, any State or political subdivision of a State, or the District of Columbia.''

(c) EFFECTIVE DATE.—The amendments made by this title shall apply to taxable years beginning after December 31, 2012.

SEC. ___2. REPEAL OF ALTERNATIVE MINIMUM TAX ON CORPORATIONS.

(a) IN GENERAL.—Subsection (a) of section 55 of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:

''No tax shall be imposed by this section on any corporation for any taxable year beginning after December 31, 2012, and the tentative minimum tax of any corporation for any such taxable year shall be zero for purposes of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. ___3. REPEAL OF BUSINESS RELATED CREDITS.

Subparts D, E, F, G, H, I, and J of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 are repealed with respect to taxable years beginning after December 31, 2012.

SEC. ___4. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. ___5. SUPERMAJORITY REQUIRED TO CONSIDER BUSINESS REVENUE MEASURE.

A bill, joint resolution, amendment to a bill or joint resolution, or conference report that—

(1) includes an increase in the rate of tax specified in section 11(a) of the Internal Revenue Code of 1986 (as amended by this Act), or

(2) reduces the deductions specified in section 11(d) of such Code (as so amended),

may not be considered as passed or agreed to by the House of Representatives or the Senate unless so determined by a vote of not less than two-thirds of the Members of the House of Representatives or the Senate (as the case may be) voting, a quorum being present.

SA 1961. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. POSITION LIMITS FOR PETROLEUM AND RELATED PRODUCTS.

Section 4a(a)(6) of the Commodity Exchange Act (7 U.S.C. 6a(a)(6)) is amended—

(1) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking ''The Commission shall'' and inserting the following:

''(A) IN GENERAL.—The Commission shall''; and

(3) by adding at the end the following:

''(B) PETROLEUM AND RELATED PRODUCTS.—The Commission shall, by regulation, establish limits on the aggregate number or amount of positions in contracts for petroleum or related products that may be held by any person, including any group or class of traders, for each month across contracts described in clauses (i) through (iii) of subparagraph (A), so that—

''(i) the short position for traditional bona fide hedgers in the aggregate is not less than 50 percent; and

''(ii) the long position for traditional bona fide hedgers in the aggregate is not less than 50 percent.''.

SA 1962. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. QUADRENNIAL ENERGY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the President's Council of Advisors on Science and Technology recommends that the United States develop a Government wide Federal energy policy and update the policy regularly with strategic Quadrennial Energy Reviews similar to the reviews conducted by the Department of Defense;

(2) as the lead agency in support of energy science and technology innovation, the Department of Energy has conducted a Quadrennial Technology Review of the energy technology policies and programs of the Department;

(3) the Quadrennial Technology Review of the Department of Energy serves as the basis for coordination with other agencies and on other programs for which the Department has a key role;

(4) a Quadrennial Energy Review would—

(A) establish integrated, Government wide national energy objectives in the context of economic, environmental, and security priorities;

(B) coordinate actions across Federal agencies;

(C) identify the resources needed for the invention, adoption, and diffusion of energy technologies; and

(D) provide a strong analytical base for Federal energy policy decisions;

(5) the development of an energy policy resulting from a Quadrennial Energy Review would—

(A) enhance the energy security of the United States;

(B) create jobs; and

(C) mitigate environmental harm; and

(6) while a Quadrennial Energy Review will be a product of the executive branch, the review will have substantial input from—

(A) Congress;

(B) the energy industry;

(C) academia;

(D) nongovernmental organizations; and

(E) the public.

(b) QUADRENNIAL ENERGY REVIEW.—Section 801 of the Department of Energy Organization Act (42 U.S.C. 7321) is amended to read as follows:

''SEC. 801. QUADRENNIAL ENERGY REVIEW.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy within the Executive Office of the President.

''(2) FEDERAL LABORATORY.—

''(A) IN GENERAL.—The term 'Federal Laboratory' has the meaning given the term 'laboratory' in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)).

''(B) INCLUSION.—The term 'Federal Laboratory' includes a federally funded research and development center sponsored by a Federal agency.

''(3) INTERAGENCY ENERGY COORDINATION COUNCIL.—The term 'interagency energy coordination council' means a council established under subsection (b)(1).

''(4) QUADRENNIAL ENERGY REVIEW.—The term 'Quadrennial Energy Review' means a comprehensive multiyear review, coordinated across the Federal agencies, that—

''(A) covers all energy programs and technologies of the Federal Government;

''(B) establishes energy objectives across the Federal Government; and

''(C) covers each of the areas described in subsection (d)(2).

''(b) INTERAGENCY ENERGY COORDINATION COUNCIL.—

''(1) ESTABLISHMENT.—Beginning on February 1, 2013, and every 4 years thereafter, the President shall establish an interagency energy coordination council to coordinate the Quadrennial Energy Review.

''(2) CO-CHAIRPERSONS.—The Secretary and the Director shall be co-chairpersons of the interagency energy coordination council.

''(3) MEMBERSHIP.—The interagency energy coordination council shall be comprised of representatives at level I or II of the Executive Schedule of—

''(A) the Department of Commerce;

''(B) the Department of Defense;

''(C) the Department of State;

''(D) the Department of the Interior;

''(E) the Department of Agriculture;

''(F) the Department of the Treasury;

''(G) the Department of Transportation;

''(H) the Office of Management and Budget;

''(I) the National Science Foundation;

''(J) the Environmental Protection Agency; and

''(K) such other Federal organizations, departments, and agencies that the President considers to be appropriate.

''(c) CONDUCT OF REVIEW.—Each Quadrennial Energy Review shall be conducted to provide an integrated view of national energy objectives and Federal energy policy, including (to the maximum extent practicable) alignment of research programs, incentives, regulations, and partnerships.

''(d) SUBMISSION OF QUADRENNIAL ENERGY REVIEW TO CONGRESS.—

''(1) IN GENERAL.—Not later than February 1, 2015, and every 4 years thereafter, the Secretary, in cooperation with the Director, shall publish and submit to Congress a report on the Quadrennial Energy Review.

''(2) INCLUSIONS.—The report described in paragraph (1) shall include, at a minimum—

''(A) an integrated view of short-, intermediate-, and long-term objectives for Federal energy policy in the context of economic, environmental, and security priorities;

''(B) anticipated Federal actions (including programmatic, regulatory, and fiscal actions) and resource requirements—

''(i) to achieve the objectives described in subparagraph (A); and

''(ii) to be coordinated across multiple agencies;

''(C) an analysis of the prospective roles of parties (including academia, industry, consumers, the public, and Federal agencies) in achieving the objectives described in subparagraph (A), including—

''(i) an analysis, by energy use sector, including—

''(I) commercial and residential buildings;

''(II) the industrial sector;

''(III) transportation; and

''(IV) electric power;

''(ii) requirements for invention, adoption, development, and diffusion of energy technologies that are mapped onto each of the energy use sectors; and

''(iii) other research that inform strategies to incentivize desired actions;

''(D) an assessment of policy options to increase domestic energy supplies;

''(E) an evaluation of energy storage, transmission, and distribution requirements, including requirements for renewable energy;

''(F) an integrated plan for the involvement of the Federal Laboratories in energy programs;

''(G) portfolio assessments that describe the optimal deployment of resources, including prioritizing financial resources for energy programs;

''(H) a mapping of the linkages among basic research and applied programs, demonstration programs, and other innovation mechanisms across the Federal agencies;

''(I) an identification of, and projections for, demonstration projects, including timeframes, milestones, sources of funding, and management;

''(J) an identification of public and private funding needs for various energy technologies, systems, and infrastructure, including consideration of public-private partnerships, loans, and loan guarantees;

''(K) an assessment of global competitors and an identification of programs that can be enhanced with international cooperation;

''(L) an identification of policy gaps that need to be filled to accelerate the adoption and diffusion of energy technologies, including consideration of—

''(i) Federal tax policies; and

''(ii) the role of Federal agencies as early adopters and purchasers of new energy technologies;

''(M) an analysis of—

''(i) points of maximum leverage for policy intervention to achieve outcomes; and

''(ii) areas of energy policy that can be most effective in meeting national goals for the energy sector; and

''(N) recommendations for executive branch organization changes to facilitate the development and implementation of Federal energy policies.

''(e) EXECUTIVE SECRETARIAT.—

''(1) IN GENERAL.—The Secretary shall provide the Executive Secretariat with the necessary analytical, financial, and administrative support for the conduct of each Quadrennial Energy Review required under this section.

''(2) COOPERATION.—The heads of applicable Federal agencies shall cooperate with the Secretary and provide such assistance, information, and resources as the Secretary may require to assist in carrying out this section.''.

(c) ADMINISTRATION.—Nothing in this section or an amendment made by this section supersedes, modifies, amends, or repeals any provision of Federal law not expressly superseded, modified, amended, or repealed by this section.

SA 1963. Mr. INHOFE (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—GASOLINE REGULATIONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Gasoline Regulations Act of 2012''.

SEC. 302. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term ''Commission'' means the Transportation Fuels Regulatory Commission established by section 303(a).

(3) COVERED ACTION.—The term ''covered action'' means any action, to the extent the action affects facilities involved in the production, transportation, or distribution of gasoline or diesel fuel, taken—

(A) on or after January 1, 2009, by the Administrator, a State, a local government, or a permitting agency; and

(B) to conform with part C of title I or title V of the Clean Air Act (42 U.S.C. 7401 et seq.) regarding an air pollutant identified as a greenhouse gas in the final rule entitled ''Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 66496 (December 15, 2009)).

(4) COVERED RULE.—The term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(A) ''Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86.

(B) ''National Ambient Air Quality Standards for Ozone'' (73 Fed. Reg. 16436 (March 27, 2008)).

(C) ''Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards'', as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AP98.

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

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

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

SEC. 303. TRANSPORTATION FUELS REGULATORY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Transportation Fuels Regulatory Commission''.

(b) MEMBERS.—The Commission shall be composed of the following officials (or designees of the officials):

(1) The Secretary of Energy, who shall serve as the Chair of the Commission.

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

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

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

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy.

(6) The Administrator.

(7) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(8) The Administrator of the Energy Information Administration.

(c) DUTIES OF THE COMMISSION.—The Commission shall analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline and diesel fuel prices, in accordance with sections 304 and 305.

(d) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Commission, the Chair shall consult with the other members of the Commission.

(e) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under section 305(c).

SEC. 304. ANALYSES.

(a) SCOPE.—The Commission shall conduct analyses, for each of the calendar years 2016 and 2020, of the cumulative impact of all covered rules and covered actions.

(b) CONTENTS.—In conducting each analysis under this section, the Commission shall include the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with respect to—

(A) any resulting change in the national, State, or regional price of gasoline or diesel fuel;

(B) required capital investments and projected costs for the operation and maintenance of new equipment required to be installed;

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

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

(E) national, State, and regional employment, including impacts associated with increased gasoline or diesel fuel prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline or diesel fuel.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health;

(G) local and industry-specific labor markets; and

(H) any uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) METHODS.—In conducting an analysis under this section, the Commission shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A–4.

(d) DATA.—In conducting an analysis under this section, the Commission shall not be required to create data or to use data that are not readily accessible.

SEC. 305. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Commission shall make public and submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a preliminary report containing the results of the analyses conducted under section 304.

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

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Commission shall submit to Congress a final report containing the analyses conducted under section 304, including—

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

(2) a response to the public comments.

SEC. 306. NO FINAL ACTION ON CERTAIN RULES.

The Administrator shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 180 days after the day on which the Commission submits the final report under section 305(c):

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

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

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

SEC. 307. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator shall consider the feasibility and cost of the revision or supplement.

SA 1964. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 2, between lines 20 and 21, insert the following:

SEC. 103. CREDIT FOR HYBRID CONVERSION.

(a) IN GENERAL.—Section 30B of the Internal Revenue Code of 1986 is amended by redesignating subsections (j) and (k) as subsections (k) and (l), respectively, and by inserting after subsection (i) the following new subsection:

''(j) HYBRID CONVERSION CREDIT.—

''(1) CREDIT ALLOWED.—

''(A) IN GENERAL.—For purposes of subsection (a), the hybrid conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified hybrid motor vehicle is an amount equal to so much of the cost of the conversion of such vehicle as does not exceed the applicable amount determined under the following table:

''If gross vehicle weight (prior to conversion) is:	**The applicable amount is:**
Not more than 8,500 pounds	$3,000
More than 8,500 pounds but not more than 14,000 pounds	$4,000
More than 14,000 pounds but not more than 26,000 pounds	$6,000
More than 26,000 pounds	$8,000.

''(2) QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection, the term 'qualified hybrid motor vehicle' means any new qualified hybrid motor vehicle (as defined in subsection (d)(3), determined without regard to whether such vehicle is made by a manufacturer or whether the original use of such vehicle commences with the taxpayer) which—

''(A) is used or leased by the taxpayer and is not for resale, and

''(B) achieves the minimum required reduction in fuel consumption determined under the following table, relative to the fuel consumption of an uncoverted vehicle of the same make and model under the Urban Dynamometer Driving Schedule (UDDS) test procedure issued by the Environmental Protection Agency (40 CFR 86.115 and Appendix I to 40 CFR Part 86):

''If vehicle (prior to conversion) is:	**The minimum required reduction is:**
A passenger vehicle with a gross vehicle weight of not more than 8,500 pounds	19 percent
A light truck with a gross vehicle weight of not more than 8,500 pounds	15 percent
A diesel vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	17 percent
A gasoline vehicle with a gross vehicle weight of more than 8,500 pounds but not more than 14,000 pounds	12 percent

"If vehicle (prior to conversion) is:	The minimum required reduction is:
A vehicle with a gross vehicle weight of more than 14,000 pounds	10 percent.

''(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection and subsection (i)) in any preceding taxable year. No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (i) is allowed with respect to such motor vehicle in any taxable year.

''(4) LIMITATION ON NUMBER OF HYBRID CONVERSIONS ELIGIBLE FOR CREDIT.—This subsection shall not apply to the conversion of any motor vehicle after the last day of the calendar quarter which includes the first date on which the total number of conversions with respect to which a credit under this subsection has been allowed for all taxable years is at least equal to the applicable number determined under the following table:

"If gross vehicle weight (prior to conversion) is:	The applicable number is:
Not more than 8,500 pounds	100,000
More than 8,500 pounds but not more than 14,000 pounds	70,000
More than 14,000 pounds but not more than 26,000 pounds	20,000
More than 26,000 pounds	10,000.

''(5) TERMINATION.—This subsection shall not apply to conversions made after the date which is 5 years after the date of the enactment of the RETRO Act.''.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Subsection (a) of section 30B of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(6) the hybrid conversion credit determined under subsection (j).''.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED HYBRID MOTOR VEHICLES.—Paragraph (8) of section 30B(h) of the Internal Revenue Code of 1986 is amended by striking ''a vehicle)'' and all that follows and inserting ''a vehicle), except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle or a qualified hybrid motor vehicle.''.

(d) DENIAL OF DOUBLE BENEFIT.—Paragraph (3) of section 30B(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following: ''No credit shall be allowed under this subsection with respect to a motor vehicle if the credit under subsection (j) is allowed with respect to such motor vehicle in any taxable year.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(f) RESCISSION OF UNOBLIGATED FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction in revenues to the Treasury by reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs, the Department of Defense, or any funds appropriated for disaster relief.

SA 1965. Mr. VITTER (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF LEASING PROGRAM.

(a) IN GENERAL.—Subject to subsection (c), the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior (referred to in this section as the ''Secretary'') under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) shall be considered to be the final oil and gas leasing program under that section for the period of fiscal years 2013 through 2018.

(b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—The Secretary is considered to have issued a final environmental impact statement for the program applicable to the period described in subsection (a) in accordance with all requirements under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

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

SA 1966. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

''(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

''(B) focused on—

''(i) meeting the demand for oil and natural gas in the United States;

''(ii) reducing the dependence of the United States on foreign energy sources; and

''(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

''(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

''(A) any projections for production under the program; and

''(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.''.

SA 1967. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Energy Tax Prevention Act of 2011''.

SEC. 302. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

(a) IN GENERAL.—Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

''SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

''(a) DEFINITION.—In this section, the term 'greenhouse gas' means any of the following:

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

''(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

''(b) LIMITATION ON AGENCY ACTION.—

''(1) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

''(B) AIR POLLUTANT DEFINITION.—The definition of the term 'air pollutant' in section 302(g) does not include a greenhouse gas. Nothwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

''(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

''(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled 'Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision)

and finalization, implementation, enforcement, and revision of the proposed rule entitled 'Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles' published at 75 Fed. Reg. 74152 (November 30, 2010).

''(B) Implementation and enforcement of section 211(o).

''(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

''(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

''(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the 'Clean Air Act Amendments of 1990').

''(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

''(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

''(A) 'Mandatory Reporting of Greenhouse Gases', published at 74 Fed. Reg. 56260 (October 30, 2009).

''(B) 'Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act' published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

''(C) 'Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs' published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning 'EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program' (Dec. 18, 2008).

''(D) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 31514 (June 3, 2010).

''(E) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call', published at 75 Fed. Reg. 77698 (December 13, 2010).

''(F) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases', published at 75 Fed. Reg. 81874 (December 29, 2010).

''(G) 'Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan', published at 75 Fed. Reg. 82246 (December 30, 2010).

''(H) 'Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule', published at 75 Fed. Reg. 82254 (December 30, 2010).

''(I) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program', published at 75 Fed. Reg. 82430 (December 30, 2010).

''(J) 'Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule', published at 75 Fed. Reg. 82536 (December 30, 2010).

''(K) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule', published at 75 Fed. Reg. 82365 (December 30, 2010).

''(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

''(5) STATE ACTION.—

''(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

''(B) EXCEPTION.—

''(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

''(I) is not federally enforceable;

''(II) is not deemed to be a part of Federal law; and

''(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

''(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term 'provision' means any provision that—

''(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

''(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

''(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).''.

SEC. 303. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

''(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

''(A) the Administrator may not waive application of subsection (a); and

''(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).''.

SA 1968. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

SA 1969. Mr. REID proposed an amendment to amendment SA 1968 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike ''1 day'' and insert ''2 days''.

SA 1970. Mr. REID proposed an amendment to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

SA 1971. Mr. REID proposed an amendment to amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows:

In the amendment, strike ''3 days'' and insert ''4 days''.

SA 1972. Mr. REID proposed an amendment to amendment SA 1971 proposed by Mr. REID to the amendment SA 1970 proposed by Mr. REID to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; as follows;

In the amendment, strike ''4 days'' and insert ''5 days''.

SA 1973. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

On page 22, between lines 3 and 4, insert the following:

TITLE III—MISCELLANEOUS

SEC. 301. PROHIBITION ON EXPORT OF CRUDE OIL TRANSPORTED BY KEYSTONE XL PIPELINE.

(a) DEFINITION OF KEYSTONE XL PIPELINE.—In this section, the term ''Keystone XL pipeline'' means the pipeline for the import of crude oil and other hydrocarbons at the United States-Canada Border at Phillips County, Montana, in accordance with the application filed with the Department of State on September 19, 2008 (as supplemented and amended).

(b) PROHIBITION ON EXPORTS.—Subject to subsection (c), no crude oil transported by the Keystone XL pipeline, or petroleum products derived from the crude oil, may be exported from the United States.

(c) WAIVERS.—The President may grant a waiver from the application of subsection (b) if the President—

(1) determines that the waiver is necessary as the result of—

(A) national security; or

(B) a natural or manmade disaster; or

(2) makes an express finding that the exports described in subsection (b)—

(A) will not diminish the total quantity or quality of petroleum available in the United States; and

(B) are in the national interest of the United States.

SA 1974. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Domestic Energy Production Act''.

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

TITLE I—OUTER CONTINENTAL SHELF

SEC. 101. DEFINITIONS.

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007–2012 5–YEAR OUTER CONTINENTAL SHELF PLAN.—The term ''Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan'' means the Final Environmental Impact Statement for Outer Continental Shelf Oil and Gas Leasing Program: 2007–2012 (April 2007) prepared by the Secretary.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term ''Multisale Environmental Impact Statement'' means the Environmental Impact Statement for Proposed Western Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and Proposed Central Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222 (September 2008) prepared by the Secretary.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 102. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

''(5) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

''(A) at least 75 percent of the available acreage within each outer Continental Shelf planning area that is—

''(i) not under lease at the time of a proposed lease sale and has not otherwise been made unavailable for leasing by law; and

''(ii) considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based on the most recent national geologic assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

''(B) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

''(6) In the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning area that the Secretary determines, based on the document entitled 'Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006'—

''(A) is estimated to contain more than 2,500,000,000 barrels of oil; or

''(B) is estimated to contain more than 7,500,000,000,000 cubic feet of natural gas.''.

SEC. 103. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

''(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

''(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, the Secretary shall establish a domestic strategic production goal for the development of oil and natural gas under the program that is—

''(A) the best estimate of the potential increase in domestic production of oil and natural gas from the outer Continental Shelf; and

''(B) focused on—

''(i) meeting the demand for oil and natural gas in the United States;

''(ii) reducing the dependence of the United States on foreign energy sources; and

''(iii) the production increases to be achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

''(2) 2012–2017 PROGRAM GOAL.—For purposes of the 5-year oil and gas leasing program for fiscal years 2012-2017, the production goal referred to in paragraph (1) shall be an increase by 2027 of—

''(A) not less than 3,000,000 barrels in the quantity of oil produced per day; and

''(B) not less than 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

''(3) REPORTS.—At the end of each 5-year oil and gas leasing program and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the progress of the applicable 5-year program with respect to achieving the production goal established for the program, including—

''(A) any projections for production under the program; and

''(B) identifying any problems with leasing, permitting, or production that would prevent the production goal from being achieved.''.

SEC. 104. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 4 months, after the date of enactment of this Act.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 105. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON THE OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.

(a) IN GENERAL.—Notwithstanding the inclusion of Lease Sale 220 in the fiscal years 2012 through 2017 5–Year Outer Continental Shelf Oil and Gas Leasing Program, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable, but not later than 1 year, after the date of enactment of this Act.

(b) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which the exploration, development, or production is conducted.

SEC. 106. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN THE CENTRAL GULF OF MEXICO.

(a) IN GENERAL.—The Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) as soon as practicable after the date of enactment of this Act, but not later than September 1, 2012.

(b) ENVIRONMENTAL REVIEW.—For the purposes of that lease sale, the Environmental Impact Statement for the 2007–2012 5–Year Outer Continental Shelf Plan and the Multisale Environmental Impact Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 107. ADDITIONAL LEASES.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by adding at the end the following:

''(i) ADDITIONAL LEASE SALES.—In addition to lease sales conducted in accordance with a leasing program under this section, the Secretary may hold lease sales for areas identified by the Secretary to have the greatest potential for new oil and gas development as a result of local support, new seismic findings, or nomination by interested persons.''.

TITLE II—COASTAL PLAIN ENERGY DEVELOPMENT

SEC. 201. DEFINITIONS.

In this title:

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

(2) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) PEER REVIEWED.—The term ''peer reviewed'' means a peer review conducted—

(A) by individuals chosen by the National Academy of Sciences that have no contractual relationship with or an application for a grant or other funding pending with a Federal agency with leasing jurisdiction; or

(B) if individuals described in subparagraph (A) are not available, by the top individuals in the specified biological fields, as determined by the National Academy of Sciences.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or a designee of the Secretary of the Interior), acting through the Director of the Bureau of Land Management (or any successor organization) in consultation with the Director of the United States Fish and Wildlife Service (or any successor organization).

SEC. 202. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this title, a competitive oil and gas leasing program that will result in the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(A) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(B) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this title in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) ADMINISTRATION.—None of the provisions of this title (including regulations, terms, conditions, restrictions, prohibitions, stipulations, and other provisions determined by the Secretary to be necessary under this title) shall limit the ability of a lessee—

(1) to create jobs; or

(2) to conduct, to the maximum extent practicable, any of the activities required to fully and completely explore, develop, and produce oil and gas resources under a lease.

(c) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

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

(d) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this title before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this title, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this title that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this title; and

(ii) only analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 10 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this title.

(e) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this title expands or limits any State or local regulatory authority.

(f) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area is of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary shall lease any portion of a special area for which there is commercial demand for oil and gas exploration, development, and production (as determined under section 203) under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(g) LIMITATION ON CLOSED AREAS.—The sole authority of the Secretary to close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production shall be the authority provided under this title.

(h) REGULATIONS.—

(1) IN GENERAL.—Subject to subsection (b), not later than 15 months after the date of enactment of this Act, the Secretary shall issue such regulations as are necessary to carry out this title, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may, through a rulemaking conducted in accordance with section 553 of title 5, United States Code, periodically review and, if appropriate, revise the regulations issued under paragraph (1) to reflect a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

SEC. 203. LEASE SALES.

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

(b) PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall, by regulation, establish procedures for—

(1) the quarterly receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Lease sales under this title may be conducted through an Internet leasing program, if the Secretary determines that the program will result in—

(1) savings to the taxpayer;

(2) an increase in the number of bidders participating; and

(3) higher returns than oral bidding or a sealed bidding system.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this title, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall—

(A) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this title;

(B) offer for lease under this title not less than an additional 50,000 acres at 6-, 12-, and 18-month intervals following the first lease sale conducted under subparagraph (A);

(C) conduct additional sales at appropriate intervals, that are not less frequent than quarterly, if sufficient interest in exploration or development exists to warrant the conduct of the additional sales; and

(D) evaluate bids for each sale and issue leases resulting from the sales, not later than 60 days after the date of the completion of the sale.

(2) ADMINISTRATION.—Nothing in paragraph (1) shall prevent the Secretary from issuing a lease during the 60-day period beginning on the date of the completion of a lease sale.

SEC. 204. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary shall grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 203 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) APPROVAL OR DENIAL.—

(A) IN GENERAL.—Not later 30 days after the date a lessee requests approval for a transfer under paragraph (1), the Secretary shall—

(i) approve or deny the request; and

(ii) announce the decision.

(B) CONSTRUCTIVE APPROVAL.—If the Secretary does not announce the approval or denial of a request for a transfer in accordance with subparagraph (A), the request shall be considered approved.

(3) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 205. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—Subject to section 202(b) and subsection (b), an oil or gas lease issued pursuant to this title shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, for a period of not more than 60 days, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

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

(5) provide that the standard of reclamation for land required to be reclaimed under this title shall be, to the extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 202(a); and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this title and regulations issued under this title.

(b) APPROVAL OR DENIAL.—

(1) IN GENERAL.—Not later 30 days after the date a lessee requests approval for a delegation or conveyance under subsection (a)(4), the Secretary shall—

(A) approve or deny the request; and

(B) announce the decision.

(2) CONSTRUCTIVE APPROVAL.—If the Secretary does not announce the approval or denial of a request for a delegation or conveyance in accordance with paragraph (1), the request shall be considered approved.

SEC. 206. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 202, the Secretary shall administer this title through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 10,000 acres on the Coastal Plain for each 100,000 acres of area leased.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant permanent and irreversible adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with each agency having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Not later than 180 days after the date of enactment of this Act, subject to section 202(b), the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this title are conducted in a manner consistent with the purposes and environmental requirements of this title.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—Subject to section 202(b), the proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this title shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant permanent and irreversible adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on the best available scientific evidence that is peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, significant permanent and irreversible adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this title for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) reasonable measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant permanent and irreversible adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping by subsistence users;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve—Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve—Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

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

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 207. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review—

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

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

(i) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(ii) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this title or an action of the Secretary under this title shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this title (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this title; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this title shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

(c) LIMITATION ON ATTORNEYS' FEES AND COURT COSTS.—No person seeking judicial review of any action under this title shall receive payment from the Federal Government for attorneys' fees and other court costs under any provision of law, including under any amendment made by the Equal Access to Justice Act (5 U.S.C. 504 note; Public Law 96–481).

SEC. 208. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 209. CONVEYANCE.

In order to maximize revenue to the Federal Government, notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 210. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this title shall prohibit the exportation of oil or gas produced under the lease.

SEC. 211. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this title:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) 50 percent shall be disbursed to the State of Alaska.

TITLE III—OIL SHALE

SEC. 301. FINDINGS.

Congress finds that—

(1) the Office of Naval Petroleum and Oil Shale Reserves at the Department of Energy has estimated that oil shale resources located on Federal land hold approximately 2,000,000,000,000 recoverable barrels of oil;

(2) oil shale is a strategically important domestic resource that should be developed to reduce the growing dependence of the United States on politically and economically unstable sources of foreign oil imports;

(3) the development of oil shale for research and commercial development should be conducted—

(A) in an environmentally sound manner;

(B) using practices that minimize the impacts of the development;

(C) with an emphasis on sustainability; and

(D) in a manner that benefits the United States while taking into account affected States and communities;

(4) oil shale is 1 of the best resources available for advancing technology and creating jobs in the United States; and

(5) oil shale will be a critically important component of the transportation fuel sector by providing a secure domestic source of aviation fuel for commercial and military uses.

SEC. 302. DEFINITION OF SECRETARY.

In this title, the term ''Secretary'' means the Secretary of the Interior.

SEC. 303. EFFECTIVENESS OF OIL SHALE REGULATIONS, AMENDMENTS TO RESOURCE MANAGEMENT PLANS, AND RECORD OF DECISIONS.

(a) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the final rule entitled ''Oil Shale Management—General'' (73 Fed. Reg. 69414 (November 18, 2008)) shall be considered to satisfy all legal and procedural requirements of applicable law, including—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

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

(C) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(D) the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.) and amendments made by that Act.

(2) IMPLEMENTATION.—The Secretary shall implement the regulations described in paragraph (1) (including the oil shale and oil sands leasing program authorized by the regulations) without regard to any other administrative requirements.

(b) RESOURCE MANAGEMENT PLAN AND RECORD OF DECISION.—

(1) DEFINITION OF COVERED OIL SHALE AND LEASING PROGRAM.—In this subsection, the term ''covered oil shale and leasing program'' means the oil shale and leasing program established by—

(A) the programmatic environmental impact statement for commercial leasing for oil and tar sand development in Colorado, Utah, and Wyoming issued by the Bureau of Land Management during September 2008; and

(B) the Record of Decision that adopted the proposed land use amendments issued by the Bureau of Land Management on November 17, 2008.

(2) REQUIREMENTS.—Notwithstanding any other provision of law, the covered oil shale and leasing program shall be considered to satisfy all legal and procedural requirements

of applicable law, including the provisions of law described in subsection (a)(1).

(3) IMPLEMENTATION.—The Secretary shall implement the covered oil shale and leasing program without regard to any other administrative requirements.

SEC. 304. LEASE SALES.

(a) ADDITIONAL RESEARCH AND DEVELOPMENT LEASE SALES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall hold a lease sale in which the Secretary shall offer an additional 10 parcels for lease for research, development, and demonstration of oil shale resources in accordance with the terms offered in the solicitation of bids for the leases published on January 15, 2009 (74 Fed. Reg. 2611).

(b) COMMERCIAL LEASE SALES.—

(1) IN GENERAL.—Not later than January 1, 2016, the Secretary shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale or oil sands development, as determined by the Secretary, in areas nominated through public comment.

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

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

(B) in multiple lease blocs.

(c) REDUCED PAYMENTS TO ENSURE PRODUCTION.—If the Secretary determines that the royalties, fees, rentals, bonus bids, or other payments for leases of Federal land for the development and production of oil shale resources authorized by Federal law are hindering production of the oil shale resources, the Secretary may temporarily reduce the royalties, fees, rentals, bonus bids, or other payments to provide incentives for, and encourage the development of, the oil shale resources.

TITLE IV—ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS

SEC. 401. ENERGY DEVELOPMENT AT MILITARY INSTALLATIONS.

Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in the first sentence of subsection (a), by striking ''All money received'' and inserting ''Subject to subsection (d), all money received''; and

(2) by adding at the end the following:

''(d) CERTAIN SALES, BONUSES, AND ROYALTIES.—

''(1) IN GENERAL.—Of the amounts received under subsection (a), the Secretary of the Treasury shall transfer to the Secretary of Defense for each military installation that holds title to or occupies land on which oil and gas production is carried out, an amount equal to the total amount received from sales, bonuses, rentals, or royalties (including interest charges) from the production or leasing of shale gas on the land.

''(2) USE OF FUNDS.—Any amounts received by the Secretary of Defense under paragraph (1) shall be used to offset costs of military installations for—

''(A) administrative operations; and

''(B) the maintenance and repair of facilities and infrastructure of military installations.''.

TITLE V—HYDRAULIC FRACTURING

SEC. 501. FINDINGS.

Congress finds that—

(1) hydraulic fracturing is a commercially viable practice that has been used in the United States for more than 60 years in more than 1,000,000 wells;

(2) the Ground Water Protection Council, a national association of State water regulators that is considered to be a leading groundwater protection organization in the United States, released a report finding that the ''current State regulation of oil and gas activities is environmentally proactive and preventive'';

(3) that report also concluded that ''[a]ll oil and gas producing States have regulations which are designed to provide protection for water resources'';

(4) a 2004 study by the Environmental Protection Agency, entitled ''Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs'', found no evidence of drinking water wells contaminated by fracture fluid from the fracked formation;

(5) a 2009 report by the Ground Water Protection Council, entitled ''State Oil and Natural Gas Regulations Designed to Protect Water Resources'', found a ''lack of evidence'' that hydraulic fracturing conducted in both deep and shallow formations presents a risk of endangerment to ground water;

(6) a January 2009 resolution by the Interstate Oil and Gas Compact Commission stated ''The states, who regulated production, have comprehensive laws and regulations to ensure operations are safe and to protect drinking water. States have found no verified cases of groundwater contamination associated with hydraulic fracturing.'';

(7) on May 24, 2011, before the Oversight and Government Reform Committee of the House of Representatives, Lisa Jackson, the Administrator of the Environmental Protection Agency, testified that she was ''not aware of any proven case where the fracking process itself has affected water'';

(8) in 2011, Bureau of Land Management Director Bob Abbey stated, ''We have not seen evidence of any adverse effect as a result of the use of the chemicals that are part of that fracking technology.'';

(9)(A) activities relating to hydraulic fracturing (such as surface discharges, wastewater disposal, and air emissions) are already regulated at the Federal level under a variety of environmental statutes, including portions of—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(iii) the Clean Air Act (42 U.S.C. 7401 et seq.); but

(B) Congress has continually elected not to include the hydraulic fracturing process in the underground injection control program under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(10) in 2011, the Secretary of the Interior announced the intention to promulgate new Federal regulations governing hydraulic fracturing on Federal land; and

(11) a February 2012 study by the Energy Institute at the University of Texas at Austin entitled ''Fact-Based Regulation for Environmental Protection in Shale Gas Development'' found that ''[n]o evidence of chemicals from hydraulic fracturing fluid has been found in aquifers as a result of fracturing operations.''.

SEC. 502. DEFINITION OF FEDERAL LAND.

In this title, the term ''Federal land'' means—

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

(2) National Forest System land;

(3) land under the jurisdiction of the Bureau of Reclamation;

(4) land under the jurisdiction of the Corps of Engineers; and

(5) Indian lands (as defined in section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302)).

SEC. 503. STATE AUTHORITY.

(a) IN GENERAL.—A State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any component of that process, relating to oil, gas, or geothermal production activities on or under any land within the boundaries of the State.

(b) FEDERAL LAND.—The underground injection of fluids or propping agents pursuant to the hydraulic fracturing process, or any components of that process, relating to oil, gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

SA 1975. Mr. MERKLEY (for himself, Mr. LEE, Mr. TESTER, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1789, to improve, sustain, and transform the United States Postal Service which was ordered to lie on the table; as follows:

At the end of section 204, add the following:

(d) LIMITATION ON CLOSING OF POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this Act, is amended by adding at the end the following:

''(7)(A) Notwithstanding any other provision of this subsection, in making any determination under subsection (a)(3) as to the necessity for the closing or consolidation of any post office, the Postal Service may not close any post office if the closing would—

''(i) result in more than 10 miles distance (as measured on roads with year-round access) between any 2 post offices; or

''(ii) require a postal customer to travel more than 10 miles to reach a post office that is inaccessible by road.

''(B) Nothing in this paragraph may be construed to encourage the Postal Service to close a post office not described in subparagraph (A).''.

SA 1976. Ms. MURKOWSKI (for herself, Mr. VITTER, Mr. BEGICH, and Mr. BARRASSO) submitted an amendment intended to be proposed by her to the bill S. 2204, to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COASTAL PLAIN.—The term ''Coastal Plain'' means the area identified as the ''1002 Coastal Plain Area'' on the map.

(2) FINAL STATEMENT.—The term ''Final Statement'' means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) MAP.—The term ''map'' means the map entitled ''Arctic National Wildlife Refuge'', dated September 2005, and prepared by the United States Geological Survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of

the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) WESTERN COASTAL PLAIN.—The term ''Western Coastal Plain'' means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12½ percent of the quantity or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the ''Coastal Plain Local Government Impact Aid Assistance Fund'' (referred to in this section as the ''Fund'') to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, $15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) $15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) Twenty-five percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) Ten percent shall be available to the Department of Health and Human Services to provide low-income home energy assistance under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.).

(C) Ten percent shall be available to the Department of Energy to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(D) Ten percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act) (commonly known as the ''Wallop-Breaux Act'') (16 U.S.C. 777 et seq.).

(E) The balance shall be deposited into the Treasury as miscellaneous receipts.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, March 29, 2012, at 10 a.m., to hear testimony on ''S. 2219, the ''Democracy Is Strengthened by Casting Light on Spending in Elections Act of 2012 (DISCLOSE Act of 2012).''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on (202) 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 27, 2012, at 2:45 p.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Renewable Energy Tax Incentives: How have the recent and pending expirations of key incentives affected the renewable energy industry in the United States?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 27, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on March 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on March 27, 2012, at 10:30 a.m., to conduct a hearing entitled ''The Choice Neighborhoods Initiative: A New Community Development Model.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on