

displayed during that historic battle can never be forgotten;

Whereas many brave Mexicans willingly gave their lives for the causes of justice and freedom in the Battle of Puebla on Cinco de Mayo;

Whereas the sacrifice of the Mexican fighters was instrumental in keeping Mexico from falling under European domination while, in the United States, the Union Army battled Confederate forces in the Civil War;

Whereas Cinco de Mayo serves as a reminder that the foundation of the United States was built by people from many countries and diverse cultures who were willing to fight and die for freedom;

Whereas Cinco de Mayo also serves as a reminder of the close ties between the people of Mexico and the people of the United States;

Whereas, in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez, the president of Mexico during the Battle of Puebla, once said, "El respeto al derecho ajeno es la paz" ("Respect for the rights of others is peace"); and

Whereas many people celebrate Cinco de Mayo during the entire week in which the date falls; Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historic struggle of the people of Mexico for independence and freedom, which Cinco de Mayo commemorates; and

(2) encourages the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2974. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 2975. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2976. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2977. Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2978. Mr. INHOFE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2979. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2980. Mr. INHOFE (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2981. Mr. BARRASSO (for himself, Mr. CORNYN, Mr. HOEVEN, Mr. INHOFE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2982. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2983. Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 2262, supra; which was ordered to lie on the table.

SA 2984. Mr. BENNET submitted an amendment intended to be proposed by him

to the bill S. 2262, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 2974. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title V, insert the following:

##### SEC. 5. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

(a) IN GENERAL.—The Mineral Leasing Act is amended—

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

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

##### "SEC. 44. REGULATION OF OIL OR NATURAL GAS DEVELOPMENT ON FEDERAL LAND IN STATES.

"(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior shall not issue or promulgate any guideline or regulation relating to oil or gas exploration or production on Federal land in a State if the State has otherwise met the requirements under this Act or any other applicable Federal law.

"(b) EXCEPTION.—The Secretary may issue or promulgate guidelines and regulations relating to oil or gas exploration or production on Federal land in a State if the Secretary of the Interior determines that as a result of the oil or gas exploration or production there is an imminent and substantial danger to the public health or environment."

(b) REGULATIONS.—Part E of the Safe Drinking Water Act (42 U.S.C. 300j et seq.) is amended by adding at the end the following:

##### "SEC. 1459. REGULATIONS.

"(a) COMMENTS RELATING TO OIL AND GAS EXPLORATION AND PRODUCTION.—Before issuing or promulgating any guideline or regulation relating to oil and gas exploration and production on Federal, State, tribal, or fee land pursuant to this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Act entitled 'An Act to regulate the leasing of certain Indian lands for mining purposes', approved May 11, 1938 (commonly known as the 'Indian Mineral Leasing Act of 1938') (25 U.S.C. 396a et seq.), the Mineral Leasing Act (30 U.S.C. 181 et seq.), or any other provision of law or Executive order, the head of a Federal department or agency shall seek comments from and consult with the head of each affected State, State agency, and Indian tribe at a location within the jurisdiction of the State or Indian tribe, as applicable.

"(b) STATEMENT OF ENERGY AND ECONOMIC IMPACT.—Each Federal department or agency described in subsection (a) shall develop a Statement of Energy and Economic Impact, which shall consist of a detailed statement and analysis supported by credible objective evidence relating to—

"(1) any adverse effects on energy supply, distribution, or use, including a shortfall in supply, price increases, and increased use of foreign supplies; and

"(2) any impact on the domestic economy if the action is taken, including the loss of jobs and decrease of revenue to each of the general and educational funds of the State or affected Indian tribe.

"(c) REGULATIONS.—

"(1) IN GENERAL.—A Federal department or agency shall not impose any new or modified

regulation unless the head of the applicable Federal department or agency determines—

"(A) that the rule is necessary to prevent imminent substantial danger to the public health or the environment; and

"(B) by clear and convincing evidence, that the State or Indian tribe does not have an existing reasonable alternative to the proposed regulation.

"(2) DISCLOSURE.—Any Federal regulation promulgated on or after the date of enactment of this paragraph that requires disclosure of hydraulic fracturing chemicals shall refer to the database managed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission (as in effect on the date of enactment of this Act).

"(d) JUDICIAL REVIEW.—

"(1) IN GENERAL.—With respect to any regulation described in this section, a State or Indian tribe adversely affected by an action carried out under the regulation shall be entitled to review by a United States district court located in the State or the District of Columbia of compliance by the applicable Federal department or agency with the requirements of this section.

"(2) ACTION BY COURT.—

"(A) IN GENERAL.—A district court providing review under this subsection may enjoin or mandate any action by a relevant Federal department or agency until the district court determines that the department or agency has complied with the requirements of this section.

"(B) DAMAGES.—The court shall not order money damages.

"(3) SCOPE AND STANDARD OF REVIEW.—In reviewing a regulation under this subsection—

"(A) the court shall not consider any evidence outside of the record that was before the agency; and

"(B) the standard of review shall be *de novo*."

SA 2975. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### DIVISION B—DOMESTIC ENERGY AND JOBS

##### SEC. 2001. SHORT TITLE.

This division may be cited as the "Domestic Energy and Jobs Act".

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

##### SEC. 2101. SHORT TITLE.

This title may be cited as the "Gasoline Regulations Act of 2014".

##### SEC. 2102. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a committee, to be known as the Transportation Fuels Regulatory Committee (referred to in this title as the "Committee"), to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 2103 and 2104.

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

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

(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 of the Department of the Treasury.

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

(7) The Administrator of the Environmental Protection Agency.

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

(9) The Administrator of the Energy Information Administration.

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

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

(e) TERMINATION.—The Committee shall terminate on the date that is 60 days after the date of submission of the final report of the Committee pursuant to section 2104(c).

#### SEC. 2103. ANALYSES.

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term “covered action” means any action, to the extent that the action affects facilities involved in the production, transportation, or distribution of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the 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)).

(2) 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).

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

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

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

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

(B) required capital investments and projected costs for 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;

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures; and

(F) any other matters affecting the growth, stability, and sustainability of the oil and gas industries of the United States, particularly relative to that of other nations;

(2) an analysis 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, diesel fuel, or natural gas; and

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

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

- (i) consumers;
- (ii) small businesses;
- (iii) regional economies;
- (iv) State, local, and tribal governments;
- (v) low-income communities;
- (vi) public health; and
- (vii) local and industry-specific labor markets; and

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

(d) METHODS.—In conducting analyses under this section, the Committee 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.

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

#### SEC. 2104. REPORTS; PUBLIC COMMENT.

(a) PRELIMINARY REPORT.—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 2103.

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

(c) FINAL REPORT.—Not later than 60 days after the expiration of the 60-day period described in subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 2103, including—

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

#### SEC. 2105. NO FINAL ACTION ON CERTAIN RULES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency 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 date on which the Committee submits the final report under section 2104(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).

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

#### SEC. 2106. 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 of the Environmental Protection Agency shall take into consideration feasibility and cost.

#### SEC. 2107. FUEL REQUIREMENTS WAIVER AND STUDY.

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

(1) in clause (ii)(II), by inserting “a problem with distribution or delivery equipment that is necessary for the transportation or delivery of fuel or fuel additives,” after “equipment failure.”;

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

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following: “(vii) PRESUMPTIVE APPROVAL.—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be waived for the period of time requested.”

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

(1) in subsection (a)—

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

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

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

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

##### SEC. 2201. SHORT TITLE.

This title may be cited as the “Planning for American Energy Act of 2014”.

##### SEC. 2202. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

The Mineral Leasing Act is amended—

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

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

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

“(a) DEFINITIONS.—In this section:

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

“(2) STRATEGIC AND CRITICAL ENERGY MINERALS.—The term ‘strategic and critical energy minerals’ means—

“(A) minerals that are necessary for the energy infrastructure of the United States, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production; and

“(B) minerals that are necessary to support domestic manufacturing, including materials used in energy generation, production, and transportation.

“(3) STRATEGY.—The term ‘Strategy’ means the Quadrennial Federal Onshore Energy Production Strategy required under this section.

“(b) STRATEGY.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture with regard to land administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy.

“(2) ENERGY SECURITY.—The Strategy shall direct Federal land energy development and department resource allocation to promote the energy security of the United States.

“(c) PURPOSES.—

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

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

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

“(2) ENERGY SECURITY.—The Secretary shall consider how Federal land will contribute to ensuring national energy security, with a goal of increasing energy independence and production, during the 4-year period beginning on the date of initiation of the Strategy.

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

“(1) domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on land held by the Bureau of Land Management and the Forest Service;

“(2) domestic coal production from Federal land;

“(3) domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

“(4) megawatts for electricity production from each of wind, solar, biomass, hydropower, and geothermal energy produced on Federal land administered by the Bureau of Land Management and the Forest Service;

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

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

“(7) domestic production of geothermal, solar, wind, or other renewable energy

sources on land defined as available lands under section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 109, chapter 42), and any other land considered by the Territory or State of Hawaii, as the case may be, to be available lands.

“(e) METHODOLOGY.—The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at the estimates made by the Secretary to carry out this section.

“(f) EXPANSION OF PLAN.—The Secretary may expand a Strategy to include other energy production technology sources or advancements in energy production on Federal land.

“(g) TRIBAL OBJECTIVES.—

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

“(2) COOPERATION.—The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving the strategic energy objectives of the Indian tribe under this subsection.

“(h) EXECUTION OF STRATEGY.—

“(1) DEFINITION OF SECRETARY CONCERNED.—In this subsection, 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).

“(2) ADDITIONAL LAND.—The Secretary concerned may make determinations regarding which additional land under the jurisdiction of the Secretary concerned will be made available in order to meet the energy production objectives established by a Strategy.

“(3) ACTIONS.—The Secretary concerned shall take all necessary actions to achieve the energy production objectives established under this section unless the President determines that it is not in the national security and economic interests of the United States—

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

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

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

“(i) STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In developing a Strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

“(j) ANNUAL REPORTS.—

“(1) IN GENERAL.—The Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report describing the progress made in meeting the production goals of a Strategy.

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

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

“(B) describe any problems with leasing, permitting, siting, or production that will prevent meeting the production goals of a Strategy; and

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

“(k) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement for carrying out this section.

“(2) COMPLIANCE.—The programmatic environmental impact statement shall be considered sufficient to comply with all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for all necessary resource management and land use plans associated with the implementation of a Strategy.

“(1) CONGRESSIONAL REVIEW.—

“(1) IN GENERAL.—Not later than 60 days before publishing a proposed Strategy under this section, the Secretary shall submit to Congress and the President the proposed Strategy, together with any comments received from States, federally recognized Indian tribes, and local governments.

“(2) RECOMMENDATIONS.—The submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.

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

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

**TITLE III—ONSHORE OIL AND GAS LEASING CERTAINTY**

**SEC. 2301. SHORT TITLE.**

This title may be cited as the “Providing Leasing Certainty for American Energy Act of 2014”.

**SEC. 2302. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.**

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

(1) by striking “SEC. 17. (a) All lands” and inserting the following:

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

“(a) AUTHORITY.—

“(1) IN GENERAL.—All land”; and

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

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

“(A) IN GENERAL.—In conducting lease sales under this section, each year, the Secretary shall offer for sale not less than 25 percent of the annual nominated acreage not previously made available for lease.

“(B) REVIEW.—The offering of acreage offered for lease under this paragraph shall not be subject to review.

“(C) CATEGORICAL EXCLUSIONS.—Acreage offered for lease under this paragraph shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942), except that extraordinary circumstances shall not be required for a categorical exclusion under this paragraph.

“(D) LEASING.—In carrying out this subsection, the Secretary shall only consider leasing of Federal land that is available for leasing at the time the lease sale occurs.”

**SEC. 2303. LEASING CERTAINTY AND CONSISTENCY.**

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 2302) is amended by adding at the end the following:

“(3) LEASING CERTAINTY.—

“(A) IN GENERAL.—The Secretary shall not withdraw approval of any covered energy project involving a lease under this Act without finding a violation of the terms of the lease by the lessee.

“(B) DELAY.—The Secretary shall not infringe on lease rights under leases issued

under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights-of-way for activities under a lease.

“(C) AVAILABILITY OF NOMINATED AREAS.—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease under paragraph (2).

“(D) ISSUANCE OF LEASES.—Notwithstanding any other provision of law, the Secretary shall issue all leases sold under this Act not later than 60 days after the last payment is made.

“(E) CANCELLATION OR WITHDRAWAL OF LEASE PARCELS.—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

“(F) APPEALS.—

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

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

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

“(i) consults with the lessee and obtains the approval of the lessee; or

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

“(4) LEASING CONSISTENCY.—A Federal land manager shall comply with applicable resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until a new record of decision is signed.”

#### SEC. 2304. REDUCTION OF REDUNDANT POLICIES.

Bureau of Land Management Instruction Memorandum 2010-117 shall have no force or effect.

### TITLE IV—STREAMLINED ENERGY PERMITTING

#### SEC. 2401. SHORT TITLE.

This title may be cited as the “Streamlined Permitting of American Energy Act of 2014”.

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

#### SEC. 2411. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

“(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall decide whether to issue a permit to drill not later than 30 days after the date on which the application for the permit is received by the Secretary.

“(B) EXTENSIONS.—

“(i) IN GENERAL.—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary gives written notice of the delay to the applicant.

“(ii) NOTICE.—The notice shall—

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

“(II) include—

“(aa) the names and positions of the persons processing the application;

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

“(cc) a specific date on which a final decision on the application is expected.

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

“(i) a written notice that provides—

“(I) clear and comprehensive reasons why the application was not accepted; and

“(II) detailed information concerning any deficiencies; and

“(ii) an opportunity to remedy any deficiencies.

“(D) APPLICATION CONSIDERED APPROVED.—If the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application for the permit is received by the Secretary, the application shall be considered approved unless applicable reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are incomplete.

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

“(i) provide to the applicant a description of the reasons for the denial of the permit;

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

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

“(F) FEE.—

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

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

“(iii) TREATMENT OF PERMIT PROCESSING FEE.—Subject to appropriation, of all fees collected under this paragraph, 50 percent shall be transferred to the field office where the fees are collected and used to process leases, permits, and appeals under this Act.”

#### SEC. 2412. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation—

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

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

#### Subtitle B—Administrative Appeal Documentation Reform

#### SEC. 2421. ADMINISTRATIVE APPEAL DOCUMENTATION REFORM.

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

“(4) APPEAL FEE.—

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

“(B) TREATMENT OF FEES.—Subject to appropriation, of all fees collected under this

paragraph, 50 percent shall remain in the field office where the fees are collected and used to process appeals.”

#### Subtitle C—Permit Streamlining

#### SEC. 2431. FEDERAL ENERGY PERMIT COORDINATION.

(a) DEFINITIONS.—In this section:

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

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

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

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

(c) MEMORANDUM OF UNDERSTANDING.—

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

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

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

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

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

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

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

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

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

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

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

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home office of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

(e) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified under subsection (b) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple-use requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(f) FUNDING.—Funding for the additional personnel shall be derived from the Department of the Interior reforms made by sections 2411, 2412, and 2421 and the amendments made by those sections.

(g) SAVINGS PROVISION.—Nothing in this section affects—

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

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

**SEC. 2432. ADMINISTRATION OF CURRENT LAW.**

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

**Subtitle D—Judicial Review**

**SEC. 2441. DEFINITIONS.**

In this title:

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

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term “covered energy project” means the leasing of Federal land of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease.

(B) EXCLUSION.—The term “covered energy project” does not include any disputes between the parties to a lease regarding the obligations under the lease, including regarding any alleged breach of the lease.

**SEC. 2442. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.**

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

**SEC. 2443. TIMELY FILING.**

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

**SEC. 2444. EXPEDITION IN HEARING AND DETERMINING THE ACTION.**

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

**SEC. 2445. STANDARD OF REVIEW.**

In any judicial review of a covered civil action—

(1) administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct; and

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

**SEC. 2446. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.**

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

(1) is narrowly drawn;

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

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

(b) PRELIMINARY INJUNCTIONS.—

(1) IN GENERAL.—A court shall limit the duration of a preliminary injunction to halt a covered energy project to not more than 60 days, unless the court finds clear reasons to extend the injunction.

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

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

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

**SEC. 2447. LIMITATION ON ATTORNEYS' FEES.**

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

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

**SEC. 2448. LEGAL STANDING.**

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

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

**SEC. 2501. SHORT TITLE.**

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

**SEC. 2502. SENSE OF CONGRESS REAFFIRMING NATIONAL POLICY REGARDING NATIONAL PETROLEUM RESERVE IN ALASKA.**

It is the sense of Congress that—

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

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

**SEC. 2503. COMPETITIVE LEASING OF OIL AND GAS.**

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following:

“(a) COMPETITIVE LEASING.—

“(1) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.

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

**SEC. 2504. PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

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

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

(b) TIMELINES.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timelines:

(1) EXISTING LEASES.—Each permit for construction relating to the transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to

which the Secretary of the Interior has issued a permit to drill shall be approved by not later than 60 days after the date of enactment of this Act.

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

(c) PLAN.—To ensure timely future development of the Reserve, not later than 270 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure to ensure that all leaseable tracts in the Reserve are located within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

**SEC. 2505. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations to establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the Reserve.

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

(1) require the Secretary of the Interior to respond, acknowledging receipt of any permit application for development, by not later than 5 business days after the date of receipt of the application; and

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

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

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

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

(1) the reasons for the permit delay;

(2) the name of each specific office of the Department of the Interior responsible for—

(A) issuing the permit; or

(B) monitoring the permit delay; and

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

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

**SEC. 2506. UPDATED RESOURCE ASSESSMENT.**

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the Reserve, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The resource assessment under subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) TIMING.—The resource assessment under subsection (a) shall be completed by

not later than 2 years after the date of enactment of this Act.

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

**SEC. 2507. COLVILLE RIVER DELTA DESIGNATION.**

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

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

**SEC. 2601. SHORT TITLE.**

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

**SEC. 2602. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.**

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

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

(2) by adding at the end the following:

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

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

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

- (A) the number of bidders;
- (B) the average amount of the bids;
- (C) the highest amount of the bids; and
- (D) the lowest amount of the bids;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of the sales, as compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales, which may—

(A) provide an opportunity to better maximize bidder participation;

(B) ensure the highest return to Federal taxpayers;

(C) minimize opportunities for fraud or collusion; and

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

**TITLE VII—ADVANCING OFFSHORE WIND PRODUCTION**

**SEC. 2701. SHORT TITLE.**

This title may be cited as the “Advancing Offshore Wind Production Act”.

**SEC. 2702. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.**

(a) DEFINITION OF OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term “offshore meteorological site testing and monitoring project” means a project carried out on or in the waters of the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)) and administered by the Department of the Interior to test or monitor weather (including energy

provided by weather, such as wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

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

(B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by the project (including hazards to navigation);

(2) is decommissioned not more than 5 years after the date of commencement of the project, including—

(A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and

(B) restoration of the project site to approximately the original condition of the site; and

(3) provides meteorological information obtained by the project to the Secretary of the Interior.

(b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—

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

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

(A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right-of-way for an offshore meteorological site testing and monitoring project by not later than 30 days after the date of receipt of a relevant application.

(B) PUBLIC COMMENT AND CONSULTATION.—During the 30-day period referred to in subparagraph (A) with respect to an application for a permit and right-of-way under this subsection, the Secretary shall—

(i) provide an opportunity for submission of comments regarding the application by the public; and

(ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by the issuance of the permit and right-of-way.

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

(i) in writing—

(I) a list of clear and comprehensive reasons why the application was denied; and

(II) detailed information concerning any deficiencies in the application; and

(ii) an opportunity to remedy those deficiencies.

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

(d) PROTECTION OF INFORMATION.—Any information provided to the Secretary of the Interior under subsection (a)(3) shall be—

(1) treated by the Secretary as proprietary information; and

(2) protected against disclosure.

**TITLE VIII—CRITICAL MINERALS**

**SEC. 2801. DEFINITIONS.**

In this title:

(1) APPLICABLE COMMITTEES.—The term “applicable committees” means—

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

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

(C) the Committee on Energy and Commerce of the House of Representatives; and

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

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

(A) reduces the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, storing, or transporting energy with greater effectiveness in or through the infrastructure of the United States;

(B) diversifies the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(C) contributes to a stabilization of atmospheric greenhouse gas concentrations through reduction, avoidance, or sequestration of energy-related greenhouse gas emissions.

(3) CRITICAL MINERAL.—

(A) IN GENERAL.—The term “critical mineral” means any mineral designated as a critical mineral pursuant to section 2802.

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

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

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

(B) the fabrication, assembly, or production, within the United States, of clean energy technologies (including technologies related to wind, solar, and geothermal energy, efficient lighting, electrical superconducting materials, permanent magnet motors, batteries, and other energy storage devices), military equipment, and consumer electronics, or components necessary for applications; or

(C) any other value-added, manufacturing-related use of critical minerals undertaken within the United States.

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

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

(7) RARE EARTH ELEMENT.—

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

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

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

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

(B) in consultation with (as appropriate)—

(i) the Secretary of Energy;

(ii) the Secretary of Defense;

(iii) the Secretary of Commerce;

(iv) the Secretary of State;

(v) the Secretary of Agriculture;

(vi) the United States Trade Representative; and

(vii) the heads of other applicable Federal agencies.

(9) STATE.—The term “State” means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

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



(10) VALUE-ADDED.—The term “value-added” means, with respect to an activity, an activity that changes the form, fit, or function of a product, service, raw material, or physical good so that the resultant market price is greater than the cost of making the changes.

(11) WORKING GROUP.—The term “Working Group” means the Critical Minerals Working Group established under section 2805(a).

#### SEC. 2802. DESIGNATIONS.

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

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

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

(b) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this section, qualitative evidence may be used.

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

(1) a review of the methodology; and

(2) recommendations for improving the methodology.

(d) FINAL METHODOLOGY.—After reviewing the recommendations under subsection (c), not later than 150 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a description of the final methodology for determining which minerals qualify as critical minerals.

(e) DESIGNATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a list of minerals designated as critical, pursuant to the final methodology under subsection (d), for purposes of carrying out this title.

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

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

#### SEC. 2803. POLICY.

(a) POLICY.—It is the policy of the United States to promote an adequate, reliable, domestic, and stable supply of critical minerals, produced in an environmentally responsible manner, in order to strengthen and sustain the economic security, and the manufacturing, industrial, energy, technological, and competitive stature, of the United States.

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

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

(2) to minimize duplication, needless paperwork, and delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct and operate critical mineral manufacturing facilities in an environmentally responsible manner;

(3) to promote the development of economically stable and environmentally responsible domestic critical mineral production and manufacturing;

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

(5) to strengthen educational and research capabilities and workforce training;

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

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

(8) to develop alternatives to critical minerals; and

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

#### SEC. 2804. RESOURCE ASSESSMENT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary shall complete a comprehensive national assessment of each critical mineral that—

(1) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories;

(2) estimates the cost of production of the critical mineral resources identified and quantified under this section, using all available public and private information and datasets, including exploration histories;

(3) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories;

(4) provides qualitative information on the environmental attributes of the critical mineral resources identified under this section; and

(5) pays particular attention to the identification and quantification of critical mineral resources on Federal land that is open to location and entry for exploration, development, and other uses.

(b) FIELD WORK.—If existing information and datasets prove insufficient to complete the assessment under this section and there is no reasonable opportunity to obtain the information and datasets from nongovernmental entities, the Secretary may carry out field work (including drilling, remote sensing, geophysical surveys, geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals on—

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

(2) tribal land, at the request and with the written permission of the Indian tribe with jurisdiction over the land; and

(3) State land, at the request and with the written permission of the Governor of the State.

(c) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

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

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

(f) PRIORITIZATION.—

(1) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical materials considered to be most critical under the methodology established pursuant to section 2802 are completed first.

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

(g) UPDATES.—The Secretary shall periodically update the assessment conducted under this section based on—

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

(2) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other entities or individuals.

#### SEC. 2805. PERMITTING.

(a) CRITICAL MINERALS WORKING GROUP.—

(1) IN GENERAL.—There is established within the Department of the Interior a working group to be known as the “Critical Minerals Working Group”, which shall report to the President and the applicable committees through the Secretary.

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

(A) The Secretary of the Interior (or a designee), who shall serve as chair of the Working Group.

(B) A Presidential designee from the Executive Office of the President, who shall serve as vice-chair of the Working Group.

(C) The Secretary of Energy (or a designee).

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

(E) The Secretary of Defense (or a designee).

(F) The Secretary of Commerce (or a designee).

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

(H) The United States Trade Representative (or a designee).

(I) The Administrator of the Environmental Protection Agency (or a designee).

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

(b) CONSULTATION.—The Working Group shall operate in consultation with private sector, academic, and other applicable stakeholders with experience related to—

(1) critical minerals exploration;

(2) critical minerals permitting;

(3) critical minerals production; and

(4) critical minerals manufacturing.

(c) DUTIES.—The Working Group shall—

(1) facilitate Federal agency efforts to optimize efficiencies associated with the permitting of activities that will increase exploration and development of domestic critical minerals, while maintaining environmental standards;

(2) facilitate Federal agency review of laws (including regulations) and policies that discourage investment in exploration and development of domestic critical minerals;

(3) assess whether Federal policies adversely impact the global competitiveness of the domestic critical minerals exploration and development sector (including taxes, fees, regulatory burdens, and access restrictions);

(4) evaluate the sufficiency of existing mechanisms for the provision of tenure on Federal land and the role of the mechanisms in attracting capital investment for the exploration and development of domestic critical minerals; and

(5) generate such other information and take such other actions as the Working Group considers appropriate to achieve the policy described in section 2803(a).

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

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

(2) evaluates the amount of time typically required (including the range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch of the Federal Government, such as judicial review, applicant decisions, or State and local government involvement) associated with the processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric developed and finalized under subsections (e) and (f), respectively;

(3) identifies measures (including regulatory changes and legislative proposals) that would optimize efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

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

(e) **DRAFT PERFORMANCE METRIC.**—Not later than 330 days after the date of enactment of this Act, and on completion of the report required under subsection (d), the Working Group shall publish in the Federal Register for public comment a draft description of a performance metric for evaluating the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals.

(f) **FINAL PERFORMANCE METRIC.**—Not later than 1 year after the date of enactment of this Act, and after consideration of any public comments received under subsection (e), the Working Group shall publish in the Federal Register a description of the final performance metric.

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

(1) describes the progress made by the executive branch of the Federal Government on matters within the control of that branch towards optimizing efficiencies, while maintaining environmental standards, associated with the permitting of activities that will increase exploration and development of domestic critical minerals; and

(2) compares the United States to other countries in terms of permitting efficiency, environmental standards, and other criteria relevant to a globally competitive economic sector.

(h) **REPORT OF SMALL BUSINESS ADMINISTRATION.**—Not later than 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees a report that assesses the performance of Federal agencies in—

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

(2) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(i) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Nothing in this section affects any judicial review of an agency action under any other provision of law.

(2) **CONSTRUCTION.**—This section—

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

(B) does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States (including an agency, instrumentality, officer, or employee) or any other person.

**SEC. 2806. RECYCLING AND ALTERNATIVES.**

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

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

(1) Federal agencies and National Laboratories;

(2) critical mineral producers;

(3) critical mineral manufacturers;

(4) trade associations;

(5) academic institutions;

(6) small businesses; and

(7) other relevant entities or individuals.

(c) **ACTIVITIES.**—Under the program, the Secretary of Energy shall carry out activities that include the identification and development of—

(1) advanced critical mineral production or processing technologies that decrease the environmental impact, and costs of production, of such activities;

(2) techniques and practices that minimize or lead to more efficient use of critical minerals;

(3) techniques and practices that facilitate the recycling of critical minerals, including options for improving the rates of collection of post-consumer products containing critical minerals;

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

(5) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals.

(d) **REPORT.**—Not later than 2 years after the date of enactment of this Act and every 5 years thereafter, the Secretaries shall sub-

mit to the applicable committees a report summarizing the activities, findings, and progress of the program.

**SEC. 2807. ANALYSIS AND FORECASTING.**

(a) **CAPABILITIES.**—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary, in consultation with academic institutions, the Energy Information Administration, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

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

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

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

(C) market price data for each critical mineral;

(D) an assessment of—

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

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

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

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

(F) the market penetration during the preceding year of alternatives to each critical mineral;

(G) a discussion of applicable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this section; and

(2) a comprehensive forecast, entitled the “Annual Critical Minerals Outlook”, of projected critical mineral production, consumption, and recycling patterns, including—

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

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

(C) market price projections for each critical mineral, to the maximum extent practicable and based on the best available information;

(D) an assessment of—

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

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

(iii) the projected implications of potential supply shortages, restrictions, or disruptions;

(E) the quantity of each critical mineral projected to be domestically recycled over



the subsequent 1-year, 5-year, and 10-year periods;

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

(G) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(H) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this section.

(b) PROPRIETARY INFORMATION.—In preparing a report described in subsection (a), the Secretary shall ensure that—

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

(2) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information; and

(3) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

#### SEC. 2808. EDUCATION AND WORKFORCE.

(a) WORKFORCE ASSESSMENT.—Not later than 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary of the Interior, the Director of the National Science Foundation, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

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

(2) skills that are projected to be in short supply in the future;

(3) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

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

(5) opportunities to hire locally for new and existing critical mineral activities;

(6) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policy described in section 2803(a); and

(7) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(b) CURRICULUM STUDY.—

(1) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(A) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, and manufacturing;

(B) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, and manufacturing;

(C) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, development, and manufacturing; and

(D) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the grant program described in subsection (c).

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

(c) GRANT PROGRAM.—

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

(A) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with subsection (b);

(B) internships, scholarships, and fellowships for students enrolled in critical mineral programs; and

(C) equipment necessary for integrated critical mineral innovation, training, and workforce development programs.

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

#### SEC. 2809. INTERNATIONAL COOPERATION.

(a) ESTABLISHMENT.—The Secretary of State, in coordination with the Secretary, shall carry out a program to promote international cooperation on critical mineral supply chain issues with allies of the United States.

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

(1) to increase the global, responsible production of critical minerals, if a determination is made by the Secretary of State that there is no viable production capacity for the critical minerals within the United States;

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

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

(4) to assist in the development and transfer of critical mineral extraction, processing, and manufacturing technologies that would have a beneficial impact on world commodity markets and the environment;

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

(6) to facilitate the collection of information necessary for analyses and forecasts conducted pursuant to section 2807.

#### SEC. 2810. REPEAL, AUTHORIZATION, AND OFFSET.

(a) REPEAL.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking “,

with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),”.

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

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

#### TITLE IX—MISCELLANEOUS

##### SEC. 2901. LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE SOLID MINERALS LEASING PROGRAM.

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed on the day before the date of enactment of this Act under the solid minerals leasing program of the Department of the Interior, including—

(1) any function under—

(A) sections 2318 through 2352 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 21 et seq.);

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

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

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

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

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

##### SEC. 2902. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

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

##### SEC. 2903. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

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

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

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the outer Continental Shelf oil and gas leasing program and the domestic energy resources produced under that program are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section—

(A) to preserve the ability of the Armed Forces to maintain an optimum state of readiness through their continued use of energy resources of the outer Continental Shelf; and

(B) to allow effective exploration, development, and production of the oil, gas, and renewable energy resources of the United States.

(2) 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—

(A) the agreement entitled “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

(B) any revision to, or replacement of, the agreement described in subparagraph (A) that is agreed to by the Secretary of Defense and the Secretary of the Interior after July 20, 1983, but before the date of issuance of the lease under which the exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the outer Continental Shelf under section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

**SEC. 2904. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS MODIFYING THE STREAM ZONE BUFFER RULE.**

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

**SA 2976.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**DIVISION —AMERICAN ENERGY RENAISSANCE**

**SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the “American Energy Renaissance Act of 2014”.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:  
Sec. 2001. Short title; table of contents.

**TITLE I—EXPANDING AMERICAN ENERGY EXPORTS**

- Sec. 2101. Finding.
- Sec. 2102. Natural gas exports.
- Sec. 2103. Crude oil exports.
- Sec. 2104. Coal exports.

**TITLE II—IMPROVING NORTH AMERICAN ENERGY INFRASTRUCTURE**

**Subtitle A—North American Energy Infrastructure**

- Sec. 2201. Finding.
- Sec. 2202. Definitions.
- Sec. 2203. Authorization of certain energy infrastructure projects at the national boundary of the United States.
- Sec. 2204. Transmission of electric energy to Canada and Mexico.
- Sec. 2205. Effective date; rulemaking deadlines.

**Subtitle B—Keystone XL Permit Approval**

- Sec. 2211. Findings.
- Sec. 2212. Keystone XL permit approval.

**TITLE III—OUTER CONTINENTAL SHELF LEASING**

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

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

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

**Subtitle A—Energy Development by States**

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

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

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

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

**PART II—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM**

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

**PART III—OIL SHALE**

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

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

- Sec. 4051. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 4052. National Petroleum Reserve in Alaska: lease sales.
- Sec. 4053. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.

- Sec. 4054. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 4055. Departmental accountability for development.

- Sec. 4056. Deadlines under new proposed integrated activity plan.
- Sec. 4057. Updated resource assessment.

**PART V—MISCELLANEOUS PROVISIONS**

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

**PART VI—JUDICIAL REVIEW**

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

**TITLE V—ADDITIONAL ONSHORE RESOURCES**

**Subtitle A—Leasing Program for Land Within Coastal Plain**

- Sec. 5001. Finding.

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

**Subtitle B—Native American Energy**

- Sec. 5021. Findings.
- Sec. 5022. Appraisals.
- Sec. 5023. Standardization.
- Sec. 5024. Environmental reviews of major Federal actions on Indian land.
- Sec. 5025. Judicial review.
- Sec. 5026. Tribal resource management plans.
- Sec. 5027. Leases of restricted lands for the Navajo Nation.
- Sec. 5028. Nonapplicability of certain rules.

**Subtitle C—Additional Regulatory Provisions**

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

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

**PART II—MISCELLANEOUS PROVISIONS**

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

**TITLE VI—IMPROVING AMERICA’S DOMESTIC REFINING CAPACITY**

**Subtitle A—Refinery Permitting Reform**

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

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

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

**TITLE VII—STOPPING EPA OVERREACH**

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

**TITLE VIII—DEBT FREEDOM FUND**

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

**TITLE I—EXPANDING AMERICAN ENERGY EXPORTS**

**SEC. 2101. FINDING.**

Congress finds that opening up energy exports will contribute to economic development, private sector job growth, and continued growth in American energy production.

**SEC. 2102. NATURAL GAS EXPORTS.**

(a) FINDING.—Congress finds that expanding natural gas exports will lead to increased investment and development of domestic supplies of natural gas that will contribute to job growth and economic development.

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

(1) by inserting “or any other nation not excluded by this section” after “trade in natural gas”;

(2) by striking “(c) For purposes” and inserting the following:

“(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

“(1) IN GENERAL.—For purposes”;

(3) by adding at the end the following:

“(2) EXCLUSIONS.—

“(A) IN GENERAL.—Any nation subject to sanctions or trade restrictions imposed by the United States is excluded from expedited approval under paragraph (1).

“(B) DESIGNATION BY PRESIDENT OR CONGRESS.—The President or Congress may designate nations that may be excluded from expedited approval under paragraph (1) for reasons of national security.

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

#### SEC. 2103. CRUDE OIL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) the restrictions on crude oil exports from the 1970s are no longer necessary due to the technological advances that have increased the domestic supply of crude oil; and

(2) repealing restrictions on crude oil exports will contribute to job growth and economic development.

(b) REPEAL OF PRESIDENTIAL AUTHORITY TO RESTRICT OIL EXPORTS.—

(1) IN GENERAL.—Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212) is repealed.

(2) CONFORMING AMENDMENTS.—

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

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

(ii) by striking “such Acts” and inserting “that Act”.

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

(i) in section 251 (42 U.S.C. 6271)—

(I) by striking subsection (d); and

(II) by redesignating subsection (e) as subsection (d); and

(ii) in section 523(a)(1) (42 U.S.C. 6393(a)(1)), by striking “(other than section 103 thereof)”.

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

(1) IN GENERAL.—Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended—

(A) by striking subsection (u); and

(B) by redesignating subsections (v) through (y) as subsections (u) through (x), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 1107(c) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3167(c)) is amended by striking “(u) through (y)” and inserting “(u) through (x)”.

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

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

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

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

(e) TERMINATION OF LIMITATION ON EXPORTATION OF CRUDE OIL.—Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)) shall have no force or effect.

(f) CLARIFICATION OF CRUDE OIL REGULATION.—

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

(2) CRUDE OIL LICENSE REQUIREMENTS.—The Bureau of Industry and Security of the Department of Commerce shall grant licenses

to export to a country crude oil (as the term is defined in subsection (a) of the regulation referred to in paragraph (1)) (as in effect on the date that is 1 day before the date of enactment of this Act) unless—

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

(B) the President or Congress has designated the country as subject to exclusion for reasons of national security.

#### SEC. 2104. COAL EXPORTS.

(a) FINDINGS.—Congress finds that—

(1) increased international demand for coal is an opportunity to support jobs and promote economic growth in the United States; and

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

(b) NEPA REVIEW FOR COAL EXPORTS.—In completing an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for an approval or permit for coal export terminals, or transportation of coal to coal export terminals, the Secretary of the Army, acting through the Chief of Engineers—

(1) may only take into account domestic environmental impacts; and

(2) may not take into account any impacts resulting from the final use overseas of the exported coal.

### TITLE II—IMPROVING NORTH AMERICAN ENERGY INFRASTRUCTURE

#### Subtitle A—North American Energy Infrastructure

##### SEC. 2201. FINDING.

Congress finds that the United States should establish a more efficient, transparent, and modern process for the construction, connection, operation, and maintenance of oil and natural gas pipelines and electric transmission facilities for the import and export of oil, natural gas, and electricity to and from Canada and Mexico, in pursuit of a more secure and efficient North American energy market.

##### SEC. 2202. DEFINITIONS.

In this title:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term “Electric Reliability Organization” has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

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

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

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

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

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

##### SEC. 2203. AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT THE NATIONAL BOUNDARY OF THE UNITED STATES.

(a) AUTHORIZATION.—Except as provided in subsections (d) and (e), no person may construct, connect, operate, or maintain an oil or natural gas pipeline or electric transmission facility at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico without obtaining approval of the construction, connection, operation, or maintenance under this section.

(b) APPROVAL.—

(1) REQUIREMENT.—Not later than 120 days after receiving a request for approval of construction, connection, operation, or maintenance under this section, the relevant official identified under paragraph (2), in consultation with appropriate Federal agencies, shall approve the request unless the relevant official finds that the construction, connection, operation, or maintenance harms the national security interests of the United States.

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

(A) the Secretary of Commerce with respect to oil pipelines;

(B) the Federal Energy Regulatory Commission with respect to natural gas pipelines; and

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

(3) APPROVAL NOT MAJOR FEDERAL ACTION.—An approval of construction, connection, operation, or maintenance under paragraph (1) shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for approval of the construction, connection, operation, or maintenance of an electric transmission facility, the Secretary of Energy shall require, as a condition of approval of the request under paragraph (1), that the electric transmission facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

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

(B) any Regional Transmission Organization or Independent System Operator with operational or functional control over the electric transmission facility.

(c) NO OTHER APPROVAL REQUIRED.—No Presidential permit (or similar permit) required under Executive Order 13337 (3 U.S.C. 301 note; 69 Fed. Reg. 25299 (April 30, 2004)), Executive Order 11423 (3 U.S.C. 301 note; 33 Fed. Reg. 11741 (August 16, 1968)), section 301 of title 3, United States Code, Executive Order 12038 (43 Fed. Reg. 3674 (January 26, 1978)), Executive Order 10485 (18 Fed. Reg. 5397 (September 9, 1953)), or any other Executive order shall be necessary for construction, connection, operation, or maintenance to which this section applies.

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

(1) any construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility at the national boundary of the United States for the import or export of oil, natural gas, or electricity to or from Canada or Mexico if—

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

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

(C) approval of the construction, connection, operation, or maintenance has previously been obtained under this section; or

(D) an application for a permit described in subsection (c) for the construction, connection, operation, or maintenance is pending on the date of enactment of this Act, until the earlier of—

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

(ii) July 1, 2015; or

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

(e) MODIFICATIONS TO EXISTING PROJECTS.—No approval under this section, or permit described in subsection (c), shall be required

for modifications to construction, connection, operation, or maintenance described in subparagraphs (A), (B), or (C) of subsection (d)(1), including reversal of flow direction, change in ownership, volume expansion, downstream or upstream interconnection, or adjustments to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

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

**SEC. 2204. TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.**

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

(b) CONFORMING AMENDMENTS.—

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

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

(B) in subsection (e) (as so redesignated), by striking “insofar as such State regulation does not conflict with the exercise of the Commission’s powers under or relating to subsection 202(e)”.

(2) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-4(b)) is amended by striking “the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act” and all that follows through the period at the end and inserting “the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.”.

**SEC. 2205. EFFECTIVE DATE; RULEMAKING DEADLINES.**

(a) EFFECTIVE DATE.—Sections 2203 and 2204, and the amendments made by those sections, shall take effect on July 1, 2015.

(b) RULEMAKING DEADLINES.—Each relevant official described in section 2203(b)(2) shall—

(1) not later than 180 days after the date of enactment of this Act, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of section 2203; and

(2) not later than 1 year after the date of enactment of this Act, publish in the Federal Register a final rule to carry out the applicable requirements of section 2203.

**Subtitle B—Keystone XL Permit Approval**

**SEC. 2211. FINDINGS.**

Congress finds that—

(1) building the Keystone XL pipeline will provide jobs and economic growth to the United States; and

(2) the Keystone XL pipeline should be approved immediately.

**SEC. 2212. KEYSTONE XL PERMIT APPROVAL.**

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

(b) ENVIRONMENTAL IMPACT STATEMENT.—The final environmental impact statement issued by the Secretary of State on January 31, 2014, regarding the pipeline referred to in subsection (a), shall be considered to satisfy all requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) CRITICAL HABITAT.—No area necessary to construct or maintain the Keystone XL pipeline shall be considered critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other provision of law.

(d) PERMITS.—Any Federal permit or authorization issued before the date of enactment of this Act for the pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, shall remain in effect.

(e) FEDERAL JUDICIAL REVIEW.—The pipeline and cross-border facilities described in subsection (a), and the related facilities in the United States, 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—OUTER CONTINENTAL SHELF LEASING**

**SEC. 3001. FINDING.**

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

**SEC. 3002. 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 title 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 2014 through 2019.

(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 2014 through 2019.

**SEC. 3003. LEASE SALES.**

(a) IN GENERAL.—Except as otherwise provided in this section, not later than 180 days after the date of enactment of this Act and every 270 days thereafter, 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.

(b) 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 section, not later than 2 years after the date of the determination and every 2 years thereafter, the Secretary shall—

(1) make an additional determination on 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

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

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

(d) PETITIONS.—If a person petitions the Secretary to conduct a lease sale for an outer Continental Shelf planning area in which the person has a commercial interest, the Secretary shall conduct a lease sale for the area in accordance with subsection (a).

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

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

“(k) APPLICATIONS FOR PERMITS TO DRILL.—

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

“(2) DISAPPROVAL.—If the Secretary disapproves an application for a permit to drill under paragraph (1), the Secretary shall—

“(A) provide to the applicant a description of the reasons for the disapproval of the application;

“(B) allow the applicant to resubmit an application during the 10-day period beginning on the date of the receipt of the description described in subparagraph (A) by the applicant; and

“(C) approve or disapprove any resubmitted application not later than 10 days after the date on which the application is submitted to the Secretary.”.

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

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

(b) COMPLIANCE WITH OTHER LAWS.—For purposes of the lease sale described in subsection (a), the environmental impact statement prepared under section 3001 shall satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) ENERGY PROJECTS IN GULF OF MEXICO.—

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

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

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

**SEC. 4001. FINDINGS.**

Congress finds that—

(1) current policy has failed to take full advantage of the natural resources on Federal land;

(2) the States should be given the option to lead energy development on all available Federal land in a State; and

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

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

Notwithstanding any other provision of this title, a State may elect to control energy development and production on available Federal land in accordance with the terms and conditions of subtitle A and the

amendments made by subtitle A in lieu of being subject to the Federal system established under subtitle B and the amendments made by subtitle B.

**Subtitle A—Energy Development by States**

**SEC. 4011. DEFINITIONS.**

In this subtitle:

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

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

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

(C) is not a unit of the National Park System;

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

(E) is not a congressionally designated wilderness area.

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

(3) **STATE.**—The term “State” means—

(A) a State; and

(B) the District of Columbia.

**SEC. 4012. STATE PROGRAMS.**

(a) **IN GENERAL.**—A State—

(1) may establish a program covering the leasing and permitting processes, regulatory requirements, and any other provisions by which the State would exercise the rights of the State to develop all forms of energy resources on available Federal land in the State; and

(2) as a condition of certification under section 4013(b) shall submit a declaration to the Departments of the Interior, Agriculture, and Energy that a program under paragraph (1) has been established or amended.

(b) **AMENDMENT OF PROGRAMS.**—A State may amend a program developed and certified under this subtitle at any time.

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

**SEC. 4013. LEASING, PERMITTING, AND REGULATORY PROGRAMS.**

(a) **SATISFACTION OF FEDERAL REQUIREMENTS.**—Each program certified under this section shall be considered to satisfy all applicable requirements of Federal law (including regulations), including—

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

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

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

(b) **FEDERAL CERTIFICATION AND TRANSFER OF DEVELOPMENT RIGHTS.**—Upon submission of a declaration by a State under section 4012(a)(2)—

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

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

(c) **ISSUANCE OF PERMITS AND LEASES.**—If a State elects to issue a permit or lease for the development of any form of energy resource on any available Federal land within the borders of the State in accordance with a program certified under subsection (b), the permit or lease shall be considered to meet all applicable requirements of Federal law (including regulations).

**SEC. 4014. JUDICIAL REVIEW.**

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

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

Activities carried out in accordance with this subtitle shall not be subject to sub-

chapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

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

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

**SEC. 4021. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.**

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

(1) by striking “SEC. 17. (a) All lands” and inserting the following:

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

“(a) **AUTHORITY OF SECRETARY.**—

“(1) **IN GENERAL.**—All land”; and

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

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

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

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

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

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

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

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

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

**SEC. 4022. LEASING CERTAINTY.**

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) (as amended by section 4061) is amended by adding at the end the following:

“(3) **LEASING CERTAINTY.**—

“(A) **IN GENERAL.**—The Secretary of the Interior shall not withdraw any covered energy project (as defined in section 4051 of the American Energy Renaissance Act of 2014 ) issued under this Act without finding a violation of the terms of the lease by the lessee.

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

“(C) **AVAILABILITY FOR LEASE.**—Not later than 18 months after an area is designated as open under the applicable land use plan, the Secretary shall make available nominated areas for lease using the criteria established under section 2.

“(D) **LAST PAYMENT.**—

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

“(ii) **CANCELLATION.**—The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

“(E) **PROTESTS.**—

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

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

“(I) the protest shall be considered automatically denied; and

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

“(F) **ADDITIONAL LEASE STIPULATIONS.**—No additional lease stipulation may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary considers the stipulation as an emergency action to conserve the resources of the United States.”.

**SEC. 4023. LEASING CONSISTENCY.**

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

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

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

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

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

**PART II—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM**

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

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by striking paragraph (2) and inserting the following:

“(2) **APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.**—

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

“(B) **EXTENSION.**—

“(i) **IN GENERAL.**—The Secretary may extend the period described in subparagraph (A) for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant.

“(ii) **NOTICE.**—The notice shall—

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

“(II) include—

“(aa) the names and titles of the persons processing the application;

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

“(cc) a specific date a final decision on the application is expected.

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

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

“(ii) an opportunity to remedy any deficiencies.

“(D) **APPLICATION DEEMED APPROVED.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), if the Secretary has not made a decision on the application by the end of the 60-day period beginning on the date the application is received by the Secretary, the application shall be considered approved.

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

“(E) **DENIAL OF PERMIT.**—If the Secretary decides not to issue a permit to drill under this paragraph, the Secretary shall—

“(i) provide to the applicant a description of the reasons for the denial of the permit;

“(ii) allow the applicant to resubmit an application for a permit to drill during the 10-

day period beginning on the date the applicant receives the description of the denial from the Secretary; and

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

“(F) FEE.—

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

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

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

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

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

**SEC. 4032. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.**

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

“(A) PROTEST FEE.—

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

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

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

“(ii) be used to process protests.”.

**SEC. 4033. IMPROVED FEDERAL ENERGY PERMIT COORDINATION.**

(a) DEFINITIONS.—In this section:

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

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

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

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

(c) MEMORANDUM OF UNDERSTANDING.—

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

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of Engineers.

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

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (c), each Federal signatory party shall, if appropriate, assign to each Bureau of Land Management field office an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

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

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

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

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

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

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

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the home agency of the employee; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal land.

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

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

(g) SAVINGS PROVISION.—Nothing in this section affects—

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

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

**SEC. 4034. ADMINISTRATION.**

Notwithstanding any other provision of law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942).

**PART III—OIL SHALE**

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

(a) REGULATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations), the final regulations regarding oil shale management published by the Bureau of Land Management on November 18, 2008 (73 Fed. Reg. 69414) shall be considered to satisfy all legal and procedural requirements under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

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

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

(2) IMPLEMENTATION.—The Secretary of the Interior shall implement the regulations described in paragraph (1) (including the oil shale leasing program authorized by the regulations) without any other administrative action necessary.

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

(1) IN GENERAL.—Notwithstanding any other provision of law (including regulations) to the contrary, the Approved Resource Management Plan Amendments/Record of Decision for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and the Final Programmatic Environmental Impact Statement of the Bureau of Land Management, as in effect on November 17, 2008, shall be considered to satisfy all legal and procedural requirements under any law, including—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

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

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

(2) IMPLEMENTATION.—The Secretary of the Interior shall implement the oil shale leasing program authorized by the regulations described in paragraph (1) in those areas covered by the resource management plans covered by the amendments, and covered by the record of decision, described in paragraph (1) without any other administrative action necessary.

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

(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 offering an additional 10 parcels for lease for research, development, and demonstration of oil shale resources, under the terms offered in the solicitation of bids for such 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 of the Interior shall hold not less than 5 separate commercial lease sales in areas considered to have the most potential for oil shale 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.

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

**SEC. 4051. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.**

It is the sense of Congress that—

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

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

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

Section 107 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a) is amended by striking subsection (a) and inserting the following

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

“(1) in accordance with this Act; and

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



**SEC. 4053. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with other appropriate Federal agencies, shall facilitate and ensure permits, in a timely and environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary—

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

(2) to transport oil and gas from and through the National Petroleum Reserve in Alaska in the most direct manner possible to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) TIMELINE.—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

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

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

(c) PLAN.—To ensure timely future development of the National Petroleum Reserve in Alaska, not later than 270 days after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leaseable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

**SEC. 4054. ISSUANCE OF A NEW INTEGRATED ACTIVITY PLAN AND ENVIRONMENTAL IMPACT STATEMENT.**

(a) ISSUANCE OF NEW INTEGRATED ACTIVITY PLAN.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall issue—

(1) a new proposed integrated activity plan from among the nonadopted alternatives in the National Petroleum Reserve Alaska Integrated Activity Plan Record of Decision issued by the Secretary of the Interior and dated February 21, 2013; and

(2) an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for issuance of oil and gas leases in the National Petroleum Reserve-Alaska to promote efficient and maximum development of oil and natural gas resources of the Reserve.

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

**SEC. 4055. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.**

The Secretary of the Interior shall promulgate regulations not later than 180 days after the date of enactment of this Act that estab-

lish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve-Alaska.

**SEC. 4056. DEADLINES UNDER NEW PROPOSED INTEGRATED ACTIVITY PLAN.**

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

(1) require the Department of the Interior to respond within 5 business days to a person who submits an application for a permit for development of oil and natural gas leases in the National Petroleum Reserve-Alaska acknowledging receipt of the application; and

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

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

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

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

(a) IN GENERAL.—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) COOPERATION AND CONSULTATION.—The assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

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

(d) FUNDING.—In carrying out this section, the United States Geological Survey may cooperatively use resources and funds provided by the State of Alaska.

**PART V—MISCELLANEOUS PROVISIONS**

**SEC. 4061. SANCTIONS.**

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

(1) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note; Public Law 108-175);

(2) the Comprehensive Iran Sanctions, Accountability, and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.);

(3) section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a);

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

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

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

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

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

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

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

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

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

(a) AUTHORIZATION.—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

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

(2) by adding at the end the following:

“(C) INTERNET-BASED BIDDING.—

“(i) IN GENERAL.—In order to diversify and expand the onshore leasing program of the United States to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods.

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

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

(1) estimates on increases or decreases in Internet-based lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of bid;

(C) the highest amount bid; and

(D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of Internet-based lease sales, compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to better—

(A) maximize bidder participation;

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

(C) minimize opportunities for fraud or collusion; and

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

**PART VI—JUDICIAL REVIEW**

**SEC. 4071. DEFINITIONS.**

In this part:

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

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term “covered energy project” means—

(i) the leasing of Federal land for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy; and

(ii) any action under the lease.

(B) EXCLUSION.—The term “covered energy project” does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

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

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

**SEC. 4073. TIMELY FILING.**

To ensure timely redress by the courts, a covered civil action shall be filed not later than the end of the 90-day period beginning

on the date of the final Federal agency action to which the covered civil action relates.

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

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

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

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

- (1) is narrowly drawn;
- (2) extends no further than necessary to correct the violation of a legal requirement; and
- (3) is the least intrusive means necessary to correct the violation.

(b) DURATION.—

(1) IN GENERAL.—A court shall limit the duration of preliminary injunctions to halt covered energy projects to not more than 60 days, unless the court finds clear reasons to extend the injunction.

(2) ADMINISTRATION.—In the case of an extension, the extension shall—

- (A) only be in 30-day increments; and
- (B) require action by the court to renew the injunction.

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

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the "Equal Access to Justice Act"), shall not apply to a covered civil action.

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

**SEC. 4077. LEGAL STANDING.**

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

**TITLE V—ADDITIONAL ONSHORE RESOURCES**

**Subtitle A—Leasing Program for Land Within Coastal Plain**

**SEC. 5001. FINDING.**

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

**SEC. 5002. DEFINITIONS.**

In this subtitle:

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

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

(A) by individuals chosen by the National Academy of Sciences with no contractual relationship with, or those who have no application for a grant or other funding pending with, the 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.

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

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

(a) IN GENERAL.—The Secretary shall—

(1) establish and implement, in accordance with this subtitle and acting through the Director of the Bureau of Land Management in

consultation with the Director of the United States Fish and Wildlife Service, 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) administer the provisions of this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain do not result in any significant adverse effect on fish and wildlife, the habitat of fish and wildlife, subsistence resources, or the environment, including, in furtherance of this goal, by requiring 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 OF EXISTING RESTRICTION.—

(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.

(c) 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.), the oil and gas leasing program and activities authorized by this section on the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The document of the Department of the Interior entitled "Final Legislative Environmental Impact Statement" and dated April 1987 relating to the Coastal Plain 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)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities under this subtitle, including actions authorized to be taken by the Secretary to develop and promulgate regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

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

(B) NONLEASING ALTERNATIVES NOT REQUIRED.—Notwithstanding any other provision of law, in preparing the environmental impact statement under subparagraph (A), the Secretary—

(i) shall—

(I) only identify a preferred action for leasing and a single leasing alternative; and

(II) analyze the environmental effects and potential mitigation measures for those 2 alternatives; and

(ii) is not required—

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

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

(C) DEADLINE.—The identification under subparagraph (B)(i)(I) for the first lease sale conducted under this subtitle shall be completed not later than 18 months after the date of enactment of this Act.

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

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

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

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

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

(e) SPECIAL AREAS.—

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

(2) SADLEROCHIT SPRING AREA.—The Secretary shall designate the Sadlerochit Spring area, consisting of approximately 4,000 acres, as a Special Area.

(3) MANAGEMENT.—Each Special Area shall be managed to protect and preserve the unique and diverse character of the area, including the fish, wildlife, and subsistence resource values of the area.

(4) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any Special Area from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases a Special Area, or any part of a Special Area, for oil and gas exploration, development, production, or related activities, there shall be no surface occupancy of the land comprising the Special Area.

(5) DIRECTIONAL DRILLING.—Notwithstanding the other provisions 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 tracts located outside the Special Area.

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

(g) REGULATIONS.—

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

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

**SEC. 5004. LEASE SALES.**

(a) IN GENERAL.—In accordance with the requirements of this subtitle, the Secretary

may lease land under 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 and not later than 180 days after the date of enactment of this Act, establish procedures for—

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

(2) the holding of lease sales after the 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 subtitle may be conducted through an Internet leasing program, if the Secretary determines that the Internet leasing program will result in savings to the taxpayer, an increase in the number of bidders participating, and higher returns than oral bidding or a sealed bidding system.

(d) **SALE ACREAGES AND SCHEDULE.**—The Secretary shall—

(1) offer for lease under this subtitle—

(A) those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received under subsection (b)(1); and

(B)(i) not fewer than 50,000 acres by not later than 22 months after the date of the enactment of this Act; and

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

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

(3) evaluate the bids in each lease sale under this subsection and issue leases resulting from the sales not later than 90 days after the date on which the sale is completed.

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

(a) **IN GENERAL.**—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted under section 5004 any land to be leased on the Coastal Plain upon payment by the bidder of any bonus as may be accepted by the Secretary.

(b) **SUBSEQUENT TRANSFERS.**—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary after the Secretary consults with, and gives due consideration to the views of, the Attorney General.

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

An oil or gas lease issued under this subtitle shall—

(1) provide for the payment of a royalty of not less than 12.5 percent in amount or value of the production removed or sold under the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures;

(3) require that the lessee of land on the Coastal Plain shall be fully responsible and liable for the reclamation of land on the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and on the 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 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, as nearly as practicable, a condition capable of supporting the uses which the land was capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as certified by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, the habitat of fish and wildlife, subsistence resources, and the environment as required under section 5003(a)(2);

(7) provide that the lessee, agents of the lessee, and contractors of the lessee use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native corporations from throughout the State; and

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

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

(a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—The Secretary shall, consistent with the requirements of section 5003, administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain shall not result in any significant adverse effect on fish and wildlife, the habitat of fish and wildlife, or 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 amount of surface acreage covered 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.**—With respect to any proposed drilling and related activities, the Secretary shall require 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, the habitat of fish and wildlife, subsistence resources, and the environment;

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

(3) the development of the plan shall occur after consultation with the agency or agen-

cies having jurisdiction over matters mitigated by the plan.

(c) **REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.**—Prior to implementing the leasing program authorized by this subtitle, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken 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 compliance with all applicable provisions of Federal and State environmental law and compliance with the following:

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

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration based on a preponderance of the best available scientific evidence that has been peer reviewed and obtained by following appropriate, documented scientific procedures, the results of which can be repeated using those same procedures.

(3) That exploration activities, except for surface geological studies—

(A) be limited to the period between approximately November 1 and May 1 each year; and

(B) be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that exploration activities may occur at other times if the Secretary finds that the exploration will have no significant adverse effect on the fish and wildlife, the habitat of fish and wildlife, and the environment of the Coastal Plain.

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

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

(B) the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

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

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this subtitle, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

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

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

(9) Consolidation of facility siting.

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

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

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law (including regulations).

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

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

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

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

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

(21) All other protective environmental stipulations, restrictions, terms, and conditions determined necessary by the Secretary.

(e) CONSIDERATIONS.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider—

(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 to 37.33 of title 50, Code of Federal Regulations; and

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

(f) FACILITY CONSOLIDATION PLANNING.—

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

(2) OBJECTIVES.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, the habitat of fish and wildlife, and the environment.

(D) Using existing facilities wherever practicable.

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

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

(1) manage public land in the Coastal Plain subject to 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. 5008. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

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

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

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

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

(ii) in the case of a complaint based solely on grounds arising after the period described in clause (i), not later than 90 days after the date on which the complainant knew or reasonably should have known of the grounds for the complaint.

(2) VENUE.—Any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle may be filed only in the United States Court of Appeals for the District of Columbia.

(3) LIMITATION ON SCOPE OF CERTAIN REVIEW.—

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

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

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

(B) PRESUMPTION.—The identification by the Secretary of a preferred course of action to enable leasing to proceed and the analysis by the Secretary of environmental effects under this subtitle is presumed to be correct unless shown otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Actions of the Secretary with respect to which review could have been obtained 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.—

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

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

#### SEC. 5009. TREATMENT OF REVENUES.

Notwithstanding any other provision of law, 90 percent of the amount of bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this subtitle shall be deposited in the Treasury.

#### SEC. 5010. 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 produced under leases under this subtitle—

(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 (30 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, the habitat of fish and wildlife, subsistence resources, or 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 promulgated under section 5003(g) provisions granting rights-of-way and easements described in subsection (a).

#### SEC. 5011. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on titles to land and clarifying land ownership patterns on the Coastal Plain, and notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), the Secretary shall convey—

(1) to the Kaktovik Inupiat Corporation, the surface estate of the land described in paragraph 1 of Public Land Order 6959, 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) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation dated January 22, 1993; and

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

#### Subtitle B—Native American Energy

#### SEC. 5021. FINDINGS.

Congress finds that—

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

(2) Indian tribes should have the opportunity to gain the benefits of the jobs, investment, and economic development to be gained from energy development.

#### SEC. 5022. APPRAISALS.

(a) AMENDMENT.—Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by adding at the end the following: "**SEC. 2607. APPRAISAL REFORMS.**

"(a) OPTIONS TO INDIAN TRIBES.—With respect to a transaction involving Indian land or the trust assets of an Indian tribe that requires the approval of the Secretary, any appraisal or other estimates of value relating to fair market value required to be conducted under applicable law, regulation, or policy may be completed by—

"(1) the Secretary;

"(2) the affected Indian tribe; or

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

"(b) TIME LIMIT ON SECRETARIAL REVIEW AND ACTION.—Not later than 30 days after the date on which the Secretary receives an appraisal conducted by or for an Indian tribe pursuant to paragraphs (2) or (3) of subsection (a), the Secretary shall—

"(1) review the appraisal; and

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

"(c) FAILURE OF SECRETARY TO APPROVE OR DISAPPROVE.—If the Secretary has failed to approve or disapprove any appraisal by the date that is 60 days after the date on which

the appraisal is received, the appraisal shall be deemed approved.

“(d) OPTION OF INDIAN TRIBES TO WAIVE APPRAISAL.—An Indian tribe may waive the requirements of subsection (a) if the Indian tribe provides to the Secretary a written resolution, statement, or other unambiguous indication of tribal intent to waive the requirements that—

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

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

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

(b) CONFORMING AMENDMENT.—The table of contents of the Energy Policy Act of 1992 (42 U.S.C. 13201 note) is amended by adding at the end of the items relating to title XXVI the following:

“Sec. 2607. Appraisal reforms.”.

#### SEC. 5023. STANDARDIZATION.

As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall implement procedures to ensure that each agency within the Department of the Interior that is involved in the review, approval, and oversight of oil and gas activities on Indian land shall use a uniform system of reference numbers and tracking systems for oil and gas wells.

#### SEC. 5024. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.

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

(1) in the matter preceding paragraph (1) by inserting “(a) IN GENERAL.—” before “The Congress authorizes”; and

(2) by adding at the end the following:

“(b) REVIEW OF MAJOR FEDERAL ACTIONS ON INDIAN LAND.—

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

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

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

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

“(3) REGULATIONS.—The Chairman of the Council on Environmental Quality, in consultation with Indian tribes, shall develop regulations to implement this section, including descriptions of affected areas for specific major Federal actions.”.

#### SEC. 5025. JUDICIAL REVIEW.

(a) DEFINITIONS.—In this section:

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

(2) ENERGY RELATED ACTION.—The term “energy-related action” means a civil action that—

(A) is filed on or after the date of enactment of this Act; and

(B) seeks judicial review of a final agency action relating to the issuance of a permit, license, or other form of agency permission allowing—

(i) any person or entity to conduct on Indian Land activities involving the exploration, development, production, or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity; or

(ii) any Indian Tribe, or any organization of 2 or more entities, not less than 1 of which is an Indian tribe, to conduct activities involving the exploration, development, production, or transportation of oil, gas, coal, shale gas, oil shale, geothermal resources, wind or solar resources, underground coal gasification, biomass, or the generation of electricity, regardless of where such activities are undertaken.

(3) INDIAN LAND.—

(A) IN GENERAL.—The term “Indian land” has the meaning given the term in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501).

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

(4) ULTIMATELY PREVAIL.—

(A) IN GENERAL.—The term “ultimately prevail” means, in a final enforceable judgment that the court rules in the party’s favor on at least 1 civil claim that is an underlying rationale for the preliminary injunction, administrative stay, or other relief requested by the party.

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

(b) TIME FOR FILING COMPLAINT.—

(1) IN GENERAL.—Any energy related action shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

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

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

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

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after the energy related action is filed.

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

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

(2) if the court described in paragraph (1) undertakes the review, the court shall resolve the review as expeditiously as possible, and in any event by not later than 180 days after the interlocutory order or final judgment, decree or order of the district court was issued.

(e) LIMITATION ON CERTAIN PAYMENTS.—Notwithstanding section 1304 of title 31, United States Code, no award may be made under section 504 of title 5, United States Code, or under section 2412 of title 28, United States Code, and no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay any fees or other expenses under such sections, to any person or party in an energy related action.

(f) LIMITATION ON ATTORNEYS’ FEES AND COURT COSTS.—

(1) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code (commonly known as the “Equal Access to Justice Act”), shall not apply to an energy related action.

(2) COURT COSTS.—A party to a covered civil action shall not receive payment from

the Federal Government for the attorneys’ fees, expenses, or other court costs incurred by the party.

#### SEC. 5026. TRIBAL RESOURCE MANAGEMENT PLANS.

Unless otherwise explicitly exempted by Federal law enacted after the date of enactment of this Act, any activity conducted or resources harvested or produced pursuant to a tribal resource management plan or an integrated resource management plan approved by the Secretary of the Interior under the National Indian Forest Resources Management Act (25 U.S.C. 3101 et seq.) or the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.), shall be considered a sustainable management practice for purposes of any Federal standard, benefit, or requirement that requires a demonstration of such sustainability.

#### SEC. 5027. LEASES OF RESTRICTED LANDS FOR THE NAVAJO NATION.

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

(1) by striking “, except a lease for” and inserting “, including leases for”; and

(2) in subparagraph (A), by striking “25 years, except” and all that follows through “; and” and inserting “99 years;”; and

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

(4) by adding at the end the following:

“(C) in the case of a lease for the exploration, development, or extraction of mineral resources, including geothermal resources, 25 years, except that the lease may include an option to renew for 1 additional term not to exceed 25 years.”.

#### SEC. 5028. NONAPPLICABILITY OF CERTAIN RULES.

No rule promulgated by the Secretary of the Interior regarding hydraulic fracturing used in the development or production of oil or gas resources shall affect any land held in trust or restricted status for the benefit of Indians except with the express consent of the beneficiary on behalf of which the land is held in trust or restricted status.

#### Subtitle C—Additional Regulatory Provisions

##### PART I—STATE AUTHORITY OVER HYDRAULIC FRACTURING

#### SEC. 5031. FINDING.

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

#### SEC. 5032. STATE AUTHORITY.

(a) DEFINITION OF FEDERAL LAND.—In this section, 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; and

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

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State shall have the sole authority to promulgate or enforce any regulation, guidance, or permit requirement regarding the treatment of a well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on or under any land within the boundaries of the State.

(2) FEDERAL LAND.—Notwithstanding any other provision of law, the treatment of a

well by the application of fluids under pressure to which propping agents may be added for the expressly designed purpose of initiating or propagating fractures in a target geologic formation in order to enhance production of oil, natural gas, or geothermal production activities on Federal land shall be subject to the law of the State in which the land is located.

## PART II—MISCELLANEOUS PROVISIONS

### SEC. 5041. ENVIRONMENTAL LEGAL FEES.

Section 504 of title 5, United States Code, is amended by adding at the end the following:

“(g) ENVIRONMENTAL LEGAL FEES.—Notwithstanding section 1304 of title 31, no award may be made under this section and no amounts may be obligated or expended from the Claims and Judgment Fund of the Treasury to pay any legal fees of a non-governmental organization related to an action that (with respect to the United States)—

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

- “(A) energy;
- “(B) a mineral resource;
- “(C) water by agricultural producers;
- “(D) a resource by commercial or recreational fishermen; or
- “(E) grazing or timber production on Federal land;

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

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

### SEC. 5042. MASTER LEASING PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Bureau of Land Management, shall not establish a master leasing plan as part of any guidance issued by the Secretary.

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

## TITLE VI—IMPROVING AMERICA'S DOMESTIC REFINING CAPACITY

### Subtitle A—Refinery Permitting Reform

#### SEC. 6001. FINDING.

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

#### SEC. 6002. DEFINITIONS.

In this subtitle:

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

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

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

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

- (A) under any Federal law; or
- (B) from a State or tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

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

- (A) owns or operates a refinery; or
- (B) seeks to become an owner or operator of a refinery.

(6) REFINERY.—

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

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSION.—The term “refinery” includes an expansion of a refinery.

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

(8) STATE.—The term “State” means—

- (A) a State; and
- (B) the District of Columbia.

### SEC. 6003. STREAMLINING OF REFINERY PERMITTING PROCESS.

(a) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic, interdisciplinary multimedia approach, as provided in this section.

(b) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement, the Administrator shall have the authority, as applicable and necessary—

(1) to accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

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

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

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

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

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

(1) the Administrator shall have each of the authorities described in subsection (b); and

(2) the State or tribal government agency shall—

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

(B) comply, to the maximum extent practicable, with the applicable schedule established under subsection (b)(2).

(d) DEADLINES.—

(1) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

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

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline described in subparagraph (A).

(2) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an

Indian tribe shall approve or disapprove the consolidated permit not later than—

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

(B) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline described in subparagraph (A).

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

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

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

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

(i) CONSULTATION WITH LOCAL GOVERNMENTS.—The Administrator, States, and tribal governments shall consult, to the maximum extent practicable, with local governments in carrying out this section.

(j) EFFECT OF SECTION.—Nothing in this section affects—

(1) the operation or implementation of any otherwise applicable law regarding permits necessary for the construction and operation of a refinery;

(2) the authority of any unit of local government with respect to the issuance of permits; or

(3) any requirement or ordinance of a local government (such as a zoning regulation).

### Subtitle B—Repeal of Renewable Fuel Standard

#### SEC. 6011. FINDINGS.

Congress finds that the mandates under the renewable fuel standard contained in section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))—

(1) impose significant costs on American citizens and the American economy, without offering any benefit; and

(2) should be repealed.

#### SEC. 6012. PHASE OUT OF RENEWABLE FUEL STANDARD.

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

- (1) in paragraph (2)—
  - (A) in subparagraph (A)—
    - (i) by striking clause (ii); and
    - (ii) by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and
  - (B) in subparagraph (B), by striking clauses (ii) through (v) and inserting the following:
    - “(ii) CALENDAR YEARS 2014 THROUGH 2018.—Notwithstanding clause (i), for purposes of subparagraph (A), the applicable volumes of renewable fuel for each of calendar years 2014 through 2018 shall be determined as follows:
      - “(I) For calendar year 2014, in accordance with the table entitled ‘I-2—Proposed 2014 Volume Requirements’ of the proposed rule published at pages 71732 through 71784 of volume 78 of the Federal Register (November 29, 2013).



“(II) For calendar year 2015, the applicable volumes established under subclause (I), reduced by 20 percent.

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

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

“(V) For calendar year 2018, the applicable volumes established under subclause (I), reduced by 80 percent.”;

(2) in paragraph (3)—

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

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

(3) by adding at the end the following:

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

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

#### TITLE VII—STOPPING EPA OVERREACH

##### SEC. 7001. FINDINGS.

Congress finds that—

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

(2) no Federal agency has the authority to regulate greenhouse gases under current law; and

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

##### SEC. 7002. CLARIFICATION OF FEDERAL REGULATORY AUTHORITY TO EXCLUDE GREENHOUSE GASES FROM REGULATION UNDER THE CLEAN AIR ACT.

(a) REPEAL OF FEDERAL CLIMATE CHANGE REGULATION.—

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

(A) by striking “(g) The term” and inserting the following:

“(g) AIR POLLUTANT.—

“(1) IN GENERAL.—The term”;

“(b) by adding at the end the following:

“(2) EXCLUSION.—The term ‘air pollutant’ does not include carbon dioxide, water vapor, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.”.

(2) NO REGULATION OF CLIMATE CHANGE.—Notwithstanding any other provision of law, nothing in any of the following Acts or any other law authorizes or requires the regulation of climate change or global warming:

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

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

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

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

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

(b) EFFECT ON PROPOSED RULES OF THE EPA.—In accordance with this section, the following proposed or contemplated rules (or any similar or successor rules) of the Environmental Protection Agency shall be void and have no force or effect:

(1) The proposed rule entitled “Standards of Performance for Greenhouse Gas Emis-

sions From New Stationary Sources: Electric Utility Generating Units” (published at 79 Fed. Reg. 1430 (January 8, 2014)).

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

(3) Any other contemplated or proposed rules proposed to be issued pursuant to the purported authority described in subsection (a)(2).

##### SEC. 7003. JOBS ANALYSIS FOR ALL EPA REGULATIONS.

(a) IN GENERAL.—Before proposing or finalizing any regulation, rule, or policy, the Administrator of the Environmental Protection Agency shall provide an analysis of the regulation, rule, or policy and describe the direct and indirect net and gross impact of the regulation, rule, or policy on employment in the United States.

(b) LIMITATION.—No regulation, rule, or policy described in subsection (a) shall take effect if the regulation, rule, or policy has a negative impact on employment in the United States unless the regulation, rule, or policy is approved by Congress and signed by the President.

#### TITLE VIII—DEBT FREEDOM FUND

##### SEC. 8001. FINDINGS.

Congress finds that—

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

(A) threatens the current and future prosperity of the United States;

(B) undermines the national security interests of the United States; and

(C) imposes a burden on future generations of United States citizens; and

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

##### SEC. 8002. DEBT FREEDOM FUND.

Notwithstanding any other provision of law, in accordance with all revenue sharing arrangement with States in effect on the date of enactment of this Act, an amount equal to the additional amount of Federal funds generated by the programs and activities under this division (and the amendments made by this division)—

(1) shall be deposited in a special trust fund account in the Treasury, to be known as the “Debt Freedom Fund”; and

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

**SA 2977.** Mr. INHOFE (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, after line 25, add the following:

#### Subtitle F—Energy Tax Prevention

##### SEC. 451. SHORT TITLE.

This subtitle may be cited as the “Energy Tax Prevention Act of 2014”.

##### SEC. 452. 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) LIMITATIONS ON AGENCY ACTION.—

“(1) LIMITATIONS.—

“(A) IN GENERAL.—The Administrator may not—

“(i) promulgate any regulation under this Act concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change, ocean acidification, sea level rise, or any other effect alleged to be caused by climate change; or

“(ii) regulate the emission of methane from oil and gas industry at any point along the production, distribution, processing, refining, or transport value chain; or

“(II) take any regulatory, enforcement, or official action to carry out the Climate Action Plan Strategy to Reduce Methane Emissions of the President (March 2014).

“(B) AIR POLLUTANT DEFINITION.—The definition of the term ‘air pollutant’ in section 302(g) does not include a greenhouse gas. Notwithstanding 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) and all other rules or guidance regarding the greenhouse gas reporting program of the Administrator.

“(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) 'Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas's Prevention of Significant Deterioration Program', published at 76 Fed. Reg. 25178 (May 3, 2011).

"(M) Proposed rule on 'Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units', published at 77 Fed. Reg. 22392 (Apr. 13, 2012).

"(N) 'Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits', published at 77 Fed. Reg. 41051 (July 12, 2012).

"(O) Proposed rule on 'Standards of Performance for Greenhouse Gas Emissions From New Stationary Sources: Electric Utility Generating Units', published at 79 Fed. Reg. 1430 (Jan. 8, 2014).

"(P) 'Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order No. 12866' of the Interagency Working Group on Social Cost of Carbon.

"(Q) 'Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions' of the Council on Environmental Quality.

"(R) 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. 453. PRESERVING 1 NATIONAL STANDARD FOR AUTOMOBILES.

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

"(4) GREENHOUSE GASES.—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 2978.** Mr. INHOFE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

#### SEC. 601. SHORT TITLE.

This title may be cited as the "Alternative Fuel Vehicle Development Act".

#### SEC. 602. ALTERNATIVE FUEL VEHICLES.

(a) MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32906(a) of title 49, United States Code, is amended by striking "(except an electric automobile)" and inserting "(except an electric automobile or, beginning with model year 2016, an alternative fueled automobile that does not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1))".

(b) MINIMUM DRIVING RANGES FOR DUAL FUELED PASSENGER AUTOMOBILES.—Section 32901(c)(2) of title 49, United States Code, is amended—

(1) in subparagraph (B), by inserting ", except that beginning with model year 2016, alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1) shall have a min-

imum driving range of 150 miles" after "at least 200 miles"; and

(2) in subparagraph (C), by adding at the end the following: "Beginning with model year 2016, if the Secretary prescribes a minimum driving range of 150 miles for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of subsection (a)(1), subparagraph (A) shall not apply to dual fueled automobiles (except electric automobiles)."

(c) MANUFACTURING PROVISION FOR ALTERNATIVE FUEL AUTOMOBILES.—Section 32905(d) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking "For any model" and inserting the following:

"(1) MODEL YEARS 1993 THROUGH 2015.—For any model";

(3) in paragraph (1), as redesignated, by striking "2019" and inserting "2015"; and

(4) by adding at the end the following:

"(2) MODEL YEARS AFTER 2015.—For any model of gaseous fuel dual fueled automobile manufactured by a manufacturer after model year 2015, the Administrator shall calculate fuel economy as a weighted harmonic average of the fuel economy on gaseous fuel as measured under subsection (c) and the fuel economy on gasoline or diesel fuel as measured under section 32904(c). The Administrator shall apply the utility factors set forth in the table under section 600.510-12(c)(2)(vii)(A) of title 40, Code of Federal Regulations.

"(3) MODEL YEARS AFTER 2016.—Beginning with model year 2017, the manufacturer may elect to utilize the utility factors set forth under subsection (e)(1) for the purposes of calculating fuel economy under paragraph (2)."

(d) ELECTRIC DUAL FUELED AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) ELECTRIC DUAL FUELED AUTOMOBILES.—

"(1) IN GENERAL.—At the request of the manufacturer, the Administrator may measure the fuel economy for any model of dual fueled automobile manufactured after model year 2015 that is capable of operating on electricity in addition to gasoline or diesel fuel, obtains its electricity from a source external to the vehicle, and meets the minimum driving range requirements established by the Secretary for dual fueled electric automobiles, by dividing 1.0 by the sum of—

"(A) the percentage utilization of the model on gasoline or diesel fuel, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(c); and

"(B) the percentage utilization of the model on electricity, as determined by a formula based on the model's alternative fuel range, divided by the fuel economy measured under section 32904(a)(2).

"(2) ALTERNATIVE UTILIZATION.—The Administrator may adapt the utility factor established under paragraph (1) for alternative fueled automobiles that do not use a fuel described in subparagraph (A), (B), (C), or (D) of section 32901(a)(1)".

"(3) ALTERNATIVE CALCULATION.—If the manufacturer does not request that the Administrator calculate the manufacturing incentive for its electric dual fueled automobiles in accordance with paragraph (1), the Administrator shall calculate such incentive for such automobiles manufactured by such manufacturer after model year 2015 in accordance with subsection (b)."

(e) CONFORMING AMENDMENT.—Section 32906(b) of title 49, United States Code, is amended by striking “section 32905(e)” and inserting “section 32905(f)”.

**SEC. 603. HIGH OCCUPANCY VEHICLE FACILITIES.**

Section 166 of title 23, United States Code, is amended—

(1) in subparagraph (b)(5), by striking subparagraph (A) and inserting the following:

“(A) INHERENTLY LOW-EMISSION VEHICLES.—If a State agency establishes procedures for enforcing the restrictions on the use of a HOV facility by vehicles listed in clauses (i) and (ii), the State agency may allow the use of the HOV facility by—

“(i) alternative fuel vehicles; and  
“(ii) new qualified plug-in electric drive motor vehicles (as defined in section 30D(d)(1) of the Internal Revenue Code of 1986).”;

(2) in subparagraph (f)(1), by inserting “solely” before “operating”.

**SEC. 604. STUDY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy, after consultation with the Secretary of Transportation, shall submit a report to Congress that—

(1) describes options to incentivize the development of public compressed natural gas fueling stations; and

(2) analyzes a variety of possible financing tools, which could include—

- (A) Federal grants and credit assistance;
- (B) public-private partnerships; and
- (C) membership-based cooperatives.

**SA 2979.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. . ANALYSIS OF EMPLOYMENT EFFECTS UNDER THE CLEAN AIR ACT.**

(a) FINDINGS.—Congress finds that—

(1) the Environmental Protection Agency has systematically distorted the true impact of regulations promulgated by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.) on job creation by using incomplete analyses to assess effects on employment, primarily as a result of the Environmental Protection Agency failing to take into account the cascading effects of a regulatory change across interconnected industries and markets nationwide;

(2) despite the Environmental Protection Agency finding that the impact of certain air pollution regulations will result in net job creation, implementation of the air pollution regulations will actually require billions of dollars in compliance costs, resulting in reduced business profits and millions of actual job losses;

(3)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled “National Emission Standards for Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units” (77 Fed. Reg. 9304 (Feb. 16, 2012)) estimated that implementation of the final rule would result in the creation of 46,000 temporary construction jobs and 8,000 net new permanent jobs; but

(B) a private study conducted by NERA Economic Consulting, using a “whole econ-

omy” model, estimated that implementation of the final rule described in subparagraph (A) would result in a negative impact on the income of workers in an amount equivalent to 180,000 to 215,000 lost jobs in 2015 and 50,000 to 85,000 lost jobs each year thereafter;

(4)(A) the analysis of the Environmental Protection Agency of the final rule of the Agency entitled “Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals” (76 Fed. Reg. 48208 (Aug. 8, 2011)) estimated that implementation of the final rule would result in the creation of 700 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rule described in subparagraph (A) would result in the elimination of a total of 34,000 jobs during the period beginning in calendar year 2013 and ending in calendar year 2037;

(5)(A) the analysis of the Environmental Protection Agency of the final rules of the Agency entitled “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters” (76 Fed. Reg. 1.5608 (March 21, 2011)) and “National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers” (76 Fed. Reg. 15554 (March 21, 2011)) estimated that implementation of the final rules would result in the creation of 2,200 jobs per year; but

(B) a private study conducted by NERA Economic Consulting estimated that implementation of the final rules described in subparagraph (A) would result in the elimination of 28,000 jobs per year during the period beginning in calendar year 2013 and ending in calendar year 2037;

(6) implementation of certain air pollution rules of the Environmental Protection Agency that have not been reviewed, updated, or finalized as of the date of enactment of this Act, such as regulations on greenhouse gas emissions and the update or review of national ambient air quality standards, are predicted to result in significant and negative employment impacts, but the Agency has not yet fully studied or disclosed the full impacts of existing Agency regulations;

(7) in reviewing, developing, or updating any regulations promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.) after the date of enactment of this Act, the Environmental Protection Agency must be required to accurately disclose the adverse impact the existing regulations of the Agency will have on jobs and employment levels across the economy in the United States and disclose those impacts to the American people before issuing a final rule; and

(8) although since 1977, section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)) has required the Administrator of the Environmental Protection Agency to “conduct continuing evaluations of potential loss or shifts of employment which may result from the administration or enforcement of the provision of [the Clean Air Act] and applicable implementation plans, including where appropriate, investigating threatened plant closures or reductions in employment allegedly resulting from such administration or enforcement”, the Environmental Protection Agency has failed to undertake that analysis or conduct a comprehensive study that considers the impact of programs carried out under the Clean Air Act (42 U.S.C. 7491, et seq.) on jobs and changes in employment.

(b) PROHIBITION.—The Administrator of the Environmental Protection Agency shall not propose or finalize any major rule (as defined in section 804 of title 5, United States Code) under the Clean Air Act (42 U.S.C. 7401 et

seq.) until after the date on which the Administrator—

(1) completes an economy-wide analysis capturing the costs and cascading effects across industry sectors and markets in the United States of the implementation of major rules promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and

(2) establishes a process to update that analysis not less frequently than semiannually, so as to provide for the continuing evaluation of potential loss or shifts in employment, pursuant to section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), that may result from the implementation of major rules under the Clean Air Act (42 U.S.C. 7401 et seq.).

**SA 2980.** Mr. INHOFE (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

**SEC. 30 . FEDERAL PURCHASE REQUIREMENT.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) RENEWABLE ENERGY.—The term ‘renewable energy’ means electric or thermal energy generated from, or avoided by, solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or an addition of new capacity at an existing hydroelectric project.”; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) in the matter preceding subparagraph (A) (as so redesignated), by striking “For purposes” and inserting the following:

“(1) IN GENERAL.—For purposes”; and

(C) by adding at the end the following:

“(2) SEPARATE CALCULATION.—For purposes of determining compliance with the requirements of this section, any energy consumption that is avoided through the use of renewable energy shall be considered to be renewable energy produced.”.

**SA 2981.** Mr. BARRASSO (for himself, Mr. CORNYN, Mr. HOEVEN, Mr. INHOFE, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . NATURAL GAS EXPORTS.**

(a) IN GENERAL.—Section 3(c) of the Natural Gas Act (15 U.S.C. 717b(c)) is amended—

(1) by striking “(c) For purposes” and inserting the following:

“(c) EXPEDITED APPLICATION AND APPROVAL PROCESS.—

“(1) DEFINITION OF WORLD TRADE ORGANIZATION MEMBER COUNTRY.—In this subsection, the term ‘World Trade Organization member country’ has the meaning given the term ‘WTO member country’ in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

“(2) EXPEDITED APPLICATION AND APPROVAL PROCESS.—For purposes”;

(2) in paragraph (2) (as so designated), by striking “nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas” and inserting “World Trade Organization member country”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for the authorization to export natural gas under section 3 of the Natural Gas Act (15 U.S.C. 717b) that are pending on, or filed on or after, the date of enactment of this Act.

**SA 2982.** Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At end of the bill, add the following:

#### DIVISION B—SAVING COAL JOBS

##### SEC. 2001. SHORT TITLE.

This division may be cited as the “Saving Coal Jobs Act of 2014”.

##### TITLE XXI—PROHIBITION ON ENERGY TAX

##### SEC. 2101. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, “The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.”;

(F) according to the National Center for Health Statistics, “children in poor families were four times as likely to be in fair or poor health as children that were not poor”;

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

#### TITLE XXII—PERMITS

##### SEC. 2201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) APPLICABILITY OF GUIDANCE.—

“(1) DEFINITIONS.—In this subsection:

“(A) GUIDANCE.—

“(i) IN GENERAL.—The term ‘guidance’ means draft, interim, or final guidance issued by the Administrator.

“(ii) INCLUSIONS.—The term ‘guidance’ includes—

“(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

“(II) the proposed guidance entitled ‘Draft Guidance on Identifying Waters Protected by the Clean Water Act’ and dated April 28, 2011;

“(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

“(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rule-making process.

“(B) NEW PERMIT.—The term ‘new permit’ means a permit covering discharges from a structure—

“(i) that is issued under this section by a permitting authority; and

“(ii) for which an application is—

“(I) pending as of the date of enactment of this subsection; or

“(II) filed on or after the date of enactment of this subsection.

“(C) PERMITTING AUTHORITY.—The term ‘permitting authority’ means—

“(i) the Administrator; or

“(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

“(2) PERMITS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

“(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

“(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

“(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the applica-

tion for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

“(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.”.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

“(b) STATE PERMIT PROGRAMS.—

“(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

“(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

“(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

“(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

“(A) to issue permits that—

“(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

“(ii) are for fixed terms not exceeding 5 years;

“(iii) can be terminated or modified for cause, including—

“(I) a violation of any condition of the permit;

“(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

“(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

“(iv) control the disposal of pollutants into wells;

“(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

“(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

“(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

“(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

“(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of

the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

“(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

“(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

“(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

“(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

“(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

“(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

“(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

“(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

“(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

“(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking “402(b)(8)” and inserting “402(b)(2)(H)”; and

(II) in paragraph (2)(A), by striking “402(b)(8)” and inserting “402(b)(2)(H)”; and

(ii) in subsection (d), in the first sentence, by striking “402(b)(8)” and inserting “402(b)(2)(H)”.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking “subsection (b)(8) of this section” and inserting “subsection (b)(2)(H)”.

(C) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

“(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Ad-

ministrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

“(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

“(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking “(2)” and all that follows through the end of the first sentence and inserting the following:

“(2) OBJECTION BY ADMINISTRATOR.—

“(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

“(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

“(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.”;

(2) in the second sentence, by striking “Whenever the Administrator” and inserting the following:

“(B) REQUIREMENTS.—If the Administrator”; and

(3) by adding at the end the following:

“(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

“(i) Guidance, as that term is defined in subsection (s)(1).

“(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).”.

**SEC. 2202. PERMITS FOR DREDGED OR FILL MATERIAL.**

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through “SEC. 404. (a) The Secretary may issue” and inserting the following:

“**SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.**

“(a) PERMITS.—

“(1) IN GENERAL.—The Secretary may issue”; and

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

“(2) DEADLINE FOR APPROVAL.—

“(A) PERMIT APPLICATIONS.—

“(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

“(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

“(II) approve or deny an application for a permit under this subsection not later than the latter of—

“(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

“(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

“(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

“(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

“(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

“(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

“(i) the application, and the permit requested in the application, shall be considered to be approved;

“(ii) the Secretary shall issue a permit to the applicant; and

“(iii) the permit shall not be subject to judicial review.”.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

“(c) AUTHORITY OF ADMINISTRATOR.—

“(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

“(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

“(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

“(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).”.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking “for the discharge” and inserting “for all or part of the discharges”.

**SEC. 2203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.**

(a) DEFINITIONS.—In this section:

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

(2) COVERED ACTION.—The term “covered action” means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term “more than a de minimis negative impact” means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than \$1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

**SEC. 2204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.**

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled “EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act” (EPA-HQ-OW-2011-0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

**SEC. 2205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.**

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking “(4) The” and inserting the following:

“(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

“(A) IN GENERAL.—The”;

(3) by striking “The Administrator shall promulgate” and inserting the following:

“(B) DEADLINE.—The Administrator shall promulgate;” and

(4) by adding at the end the following:

“(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.”.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

“(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.”.

**SEC. 2206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.**

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

“(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

“(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

“(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

“(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

“(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load

into the current plan of the State under subsection (e).

“(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection, the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

“(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

“(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

“(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

“(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State’s identification and load and incorporate the State’s identification and load as amended into the current plan of the State under subsection (e).

“(D) NONCOMPLIANCE BY ADMINISTRATOR.—

“(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

“(I) the identification and load of the State shall be considered approved; and

“(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

“(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

“(I) the identification and load of the State shall be considered approved; and

“(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

“(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.”.

**SA 2983.** Ms. WARREN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 305. STUDY AND REPORT ON ENERGY SAVINGS BENEFITS OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.**

(a) DEFINITION OF OPERATIONAL EFFICIENCY PROGRAMS AND SERVICES.—In this section, the term “operational efficiency programs and services” means programs and services that use information and communications technologies (including computer hardware,



energy efficiency software, and power management tools) to operate buildings and equipment in the optimum manner at the optimum times.

(b) **STUDY AND REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study and issue a report that quantifies the energy savings benefits of operational efficiency programs and services for commercial, institutional, industrial, and governmental entities, including Federal agencies.

(c) **MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS.**—The report required under this section shall recommend methodologies or protocols for utilities, utility regulators, and Federal agencies to evaluate, measure, and verify energy savings from operational efficiency programs and services.

**SA 2984.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 2262, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 117, strike line 23 and all that follows through page 123, line 25, and insert the following:

(8) **APPLICABILITY AND IMPLEMENTATION DATE.**—Not later than 4 years after the date of enactment of this Act, and before December 31, 2017, the enhanced loan eligibility requirements required under this subsection shall be implemented by each covered agency to—

(A) apply to any covered loan for the sale, or refinancing of any loan for the sale, of any home;

(B) be available on any residential real property (including individual units of condominiums and cooperatives) that qualifies for a covered loan; and

(C) provide prospective mortgagees with sufficient guidance and applicable tools to implement the required underwriting methods.

(d) **ENHANCED ENERGY EFFICIENCY UNDERWRITING VALUATION GUIDELINES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) in consultation with the Federal Financial Institutions Examination Council and the advisory group established in subsection (f)(2), develop and issue guidelines for a covered agency to determine the maximum permitted loan amount based on the value of the property for all covered loans made on properties with an energy efficiency report that meets the requirements of subsection (c)(3)(B); and

(B) in consultation with the Secretary of Energy, issue guidelines for a covered agency to determine the estimated energy savings under paragraph (3) for properties with an energy efficiency report.

(2) **REQUIREMENTS.**—The enhanced energy efficiency underwriting valuation guidelines required under paragraph (1) shall include—

(A) a requirement that if an energy efficiency report that meets the requirements of subsection (c)(3)(B) is voluntarily provided to the mortgagee, such report shall be used by the mortgagee or covered agency to determine the estimated energy savings of the subject property; and

(B) a requirement that the estimated energy savings of the subject property be added to the appraised value of the subject property by a mortgagee or covered agency for the purpose of determining the loan-to-value ratio of the subject property, unless the appraisal includes the value of the overall energy efficiency of the subject property, using methods to be established under the guidelines issued under paragraph (1).

(3) **DETERMINATION OF ESTIMATED ENERGY SAVINGS.**—

(A) **AMOUNT OF ENERGY SAVINGS.**—The amount of estimated energy savings shall be determined by calculating the difference between the estimated energy costs for the average comparable houses, as determined in guidelines to be issued under paragraph (1), and the estimated energy costs for the subject property based upon the energy efficiency report.

(B) **DURATION OF ENERGY SAVINGS.**—The duration of the estimated energy savings shall be based upon the estimated life of the applicable equipment, consistent with the rating system used to produce the energy efficiency report.

(C) **PRESENT VALUE OF ENERGY SAVINGS.**—The present value of the future savings shall be discounted using the average interest rate on conventional 30-year mortgages, in the manner directed by guidelines issued under paragraph (1).

(4) **ENSURING CONSIDERATION OF ENERGY EFFICIENT FEATURES.**—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (2), by striking “; and” and inserting a semicolon; and

(B) in paragraph (3), by striking the period at the end and inserting “; and” and inserting after paragraph (3) the following:

“(4) that State certified and licensed appraisers have timely access, whenever practicable, to information from the property owner and the lender that may be relevant in developing an opinion of value regarding the energy- and water-saving improvements or features of a property, such as—

“(A) labels or ratings of buildings;

“(B) installed appliances, measures, systems or technologies;

“(C) blueprints;

“(D) construction costs;

“(E) financial or other incentives regarding energy- and water-efficient components and systems installed in a property;

“(F) utility bills;

“(G) energy consumption and benchmarking data; and

“(H) third-party verifications or representations of energy and water efficiency performance of a property, observing all financial privacy requirements adhered to by certified and licensed appraisers, including section 501 of the Gramm-Leach-Bliley Act (15 U.S.C. 6801).

Unless a property owner consents to a lender, an appraiser, in carrying out the requirements of paragraph (4), shall not have access to the commercial or financial information of the owner that is privileged or confidential.”

(5) **TRANSACTIONS REQUIRING STATE CERTIFIED APPRAISERS.**—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—

(A) in paragraph (1), by inserting before the semicolon the following: “, or any real property on which the appraiser makes adjustments using an energy efficiency report”; and

(B) in paragraph (2), by inserting after “atypical” the following: “, or an appraisal on which the appraiser makes adjustments using an energy efficiency report.”

(6) **PROTECTIONS.**—

(A) **AUTHORITY TO IMPOSE LIMITATIONS.**—The guidelines to be issued under paragraph (1) shall include such limitations and conditions as determined by the Secretary to be necessary to protect against meaningful under or over valuation of energy cost savings or duplicative counting of energy efficiency features or energy cost savings in the

valuation of any subject property that is used to determine a loan amount.

(B) **ADDITIONAL AUTHORITY.**—At the end of the 7-year period following the implementation of enhanced eligibility and underwriting valuation requirements under this section, the Secretary may modify or apply additional exceptions to the approach described in paragraph (2), where the Secretary finds that the unadjusted appraisal will reflect an accurate market value of the efficiency of the subject property or that a modified approach will better reflect an accurate market value.

(7) **APPLICABILITY AND IMPLEMENTATION DATE.**—Not later than 4 years after the date of enactment of this Act, and before December 31, 2017,

#### NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to consideration of H.R. 4120, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

The bill (H.R. 4120) to amend the National Law Enforcement Museum Act to extend the termination date.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. Mr. President, I ask unanimous consent the bill be read three times and passed and the motion to reconsider be considered made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4120) was ordered to a third reading, was read the third time, and passed.

#### RECOGNIZING CINCO DE MAYO

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 437.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 437) recognizing the historic significance of the Mexican holiday of Cinco de Mayo.

There being no objection, the Senate proceeded to the resolution.

#### CINCO DE MAYO

Mr. REID. Mr. President, today I wish everyone, especially Mexican Americans across the country and in Nevada, a happy Cinco de Mayo. All Americans, regardless of background, join with the Mexican-American community in commemorating the causes of freedom, liberty, and Hispanic heritage represented by this holiday.

There are celebrations all over America today. Driving to work this morning, I saw a couple of people with great big sombreros wanting to come to one of the celebrations in and around