JUNE 8, 2012

RULES COMMITTEE PRINT 112-24

TEXT OF H.R. 4480, THE STRATEGIC ENERGY PRODUCTION ACT OF 2012

[Showing of the text of H.R. 4480 and H.R. 4471 as ordered reported by the Committee on Energy and Commerce and H.R. 4381, H.R. 4382, H.R. 4383, H.R. 2150 and H.R. 2752 as ordered reported by the Committee on Natural Resources.]

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

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Sec. 101. Short title.
Sec. 102. Plan for increasing domestic oil and gas exploration, development, and production from Federal lands in response to Strategic Petroleum Reserve drawdown.

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

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TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Strategic Energy Production Act of 2012''.

SEC. 102. PLAN FOR INCREASING DOMESTIC OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION FROM FEDERAL LANDS IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWN.

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

''(k) PLAN.—

''(1) CONTENTS.—

''(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary executes, in accordance with the provisions of this section, the first sale after the date of enactment of this subsection of petroleum products in the Reserve the Secretary shall develop a plan to increase the percentage of Federal lands (including submerged lands of the Outer Conti-

nental Shelf) under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense leased for oil and gas exploration, development, and production. The percentage of the total amount of the Federal lands described in the preceding sentence by which the plan developed under this paragraph will increase leasing for oil and gas exploration, development, and production shall be the same as the percentage of petroleum in the Strategic Petroleum Reserve that was drawn down.

"(B) REQUIREMENTS.—The plan developed under this paragraph shall—

"(i) be consistent with a national energy policy to meet the present and future energy needs of the Nation consistent with economic goals; and

"(ii) promote the interests of consumers through the provision of an adequate and reliable supply of domestic transportation fuels at the lowest reasonable cost.

"(C) ENERGY INFORMATION.—The Secretary shall base the determination of the

present and future energy needs of the Nation, for purposes of subparagraph (B)(i), on information from the Energy Information Administration.

"(2) LIMITATION.—The plan developed under paragraph (1) shall not provide for oil and gas exploration, development, and production leasing of a total of more than 10 percent of the Federal lands described in paragraph (1)(A).

"(3) CONSULTATION.—The Secretary shall develop the plan required by paragraph (1) in consultation with the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense. Additionally, in developing the plan, the Secretary shall consult with the American Association of Petroleum Geologists and other State, environmentalist, and oil and gas industry stakeholders to determine the most geologically promising lands for production of oil and natural gas liquids.

"(4) COMPLIANCE WITH REQUIREMENTS.—Each Federal agency described in paragraph (1)(A) shall comply with any requirements established by the Secretary pursuant to the plan, except that no action shall be taken pursuant to the plan if in the view of the Secretary of Defense such action will ad-

versely affect national security or military activities, including preparedness and training.

"(5) EXCLUSIONS.—The lands referred to in paragraph (1)(A) shall not include lands managed under the National Park System or the National Wilderness Preservation System.

"(6) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to limit or affect the application of existing restrictions on offshore drilling or requirements for land management under Federal, State, or local law.".

TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES

SEC. 201. SHORT TITLE.

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

SEC. 202. TRANSPORTATION FUELS REGULATORY COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Transportation Fuels Regulatory Committee (in this title referred to 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 203 and 204.

(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) TERMINATION.—The Committee shall terminate 60 days after submitting its final report pursuant to section 204(c).

SEC. 203. ANALYSES.

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

(b) CONTENTS.—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with regard 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; and

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

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

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

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

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health; and

(G) local and industry-specific labor markets,

as well as key uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) 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.

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

(e) COVERED RULES.—In this section, the term ''covered rule'' means the following rules (and includes any successor or substantially similar rules):

(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.

(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 proposed after March 15, 2012, for implementation of the Renewable Fuel Program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(4) ''National Ambient Air Quality Standards for Ozone'', published at 73 Federal Register 16436 (March 27, 2008); ''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; and any subsequent 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).

(f) COVERED ACTIONS.—In this section, the term ''covered action'' means any action, to the extent such 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'' published at 74 Federal Register 66496 (December 15, 2009).

SEC. 204. 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 203.

(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 such submission.

(c) FINAL REPORT.—Not later than 60 days after the close of the public comment period under subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 203, including any revisions to such analyses made as a result of public comments, and a response to such comments.

SEC. 205. 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 6 months after the day on which the Committee submits the final report under section 204(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 such subsection.

SEC. 206. 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.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Planning for American Energy Act of 2012''.

SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.

(a) IN GENERAL.—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

''SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.

''(a) IN GENERAL.—

"(1) The Secretary of the Interior (hereafter in this section referred to as 'Secretary'), in consultation with the Secretary of Agriculture with regard to lands administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy. This Strategy shall direct Federal land energy development and department resource allocation in order to promote the energy security of the United States.

"(2) In developing this Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on the projected energy demands of the United States for the next 30-year period, and how energy derived from Federal onshore lands can put the United States on a trajectory to meet that demand during the next 4-year period. The Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.

"(3) The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands. Such objective shall be—

"(A) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on lands held by the Bureau of Land Management and the Forest Service;

"(B) the best estimate, based upon commercial and scientific data, of the expected increase in domestic coal production from Federal lands;

"(C) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

"(D) the best estimate, based upon commercial and scientific data, of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands administered by the Bureau of Land Management and the Forest Service;

"(E) the best estimate, based upon commercial and scientific data, of the expected in-

crease in unconventional energy production, such as oil shale; and

"(F) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil, natural gas, coal, and other renewable sources from tribal lands for any federally recognized Indian tribe that elects to participate in facilitating energy production on its lands.

"(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.

"(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.

"(b) TRIBAL OBJECTIVES.—It is the sense of Congress that federally recognized Indian tribes may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving its own strategic energy objectives designated under this subsection.

1 "(c) EXECUTION OF THE STRATEGY.—The relevant
2 Secretary shall have all necessary authority to make deter-
3 minations regarding which additional lands will be made
4 available in order to meet the production objectives estab-
5 lished by strategies under this section. The Secretary shall
6 also take all necessary actions to achieve these production
7 objectives unless the President determines that it is not
8 in the national security and economic interests of the
9 United States to increase Federal domestic energy produc-
10 tion and to further decrease dependence upon foreign
11 sources of energy. In administering this section, the rel-
12 evant Secretary shall only consider leasing Federal lands
13 available for leasing at the time the lease sale occurs.

14 "(d) STATE, FEDERALLY RECOGNIZED INDIAN
15 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In
16 developing each strategy, the Secretary shall solicit the
17 input of affected States, federally recognized Indian tribes,
18 local governments, and the public.

19 "(e) REPORTING.—The Secretary shall report annu-
20 ally to the Committee on Natural Resources of the House
21 of Representatives and the Committee on Energy and
22 Natural Resources of the Senate on the progress of meet-
23 ing the production goals set forth in the strategy. The Sec-
24 retary shall identify in the report projections for produc-
25 tion and capacity installations and any problems with leas-

ing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.

"(f) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 12 months after the date of enactment of this section, 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. This programmatic environmental impact statement will be deemed sufficient to comply with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.

"(g) CONGRESSIONAL REVIEW.—At least 60 days prior to publishing a proposed strategy under this section, the Secretary shall submit it to the President and the Congress, together with any comments received from States, federally recognized Indian tribes, and local governments. Such submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.".

(b) FIRST QUADRENNIAL STRATEGY.—Not later than 18 months after the date of enactment of this Act,

the Secretary of the Interior shall submit to Congress the first Quadrennial Federal Onshore Energy Production Strategy under the amendment made by subsection (a).

SEC. 303. DEFINITIONS.

For purposes of this title, the term ''strategic and critical energy minerals'' means those that are necessary for the Nation's energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production and those that are necessary to support domestic manufacturing, including but not limited to, materials used in energy generation, production, and transportation.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Providing Leasing Certainty for American Energy Act of 2012''.

SEC. 402. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.

In conducting lease sales as required by section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)), each year the Secretary of the Interior shall perform the following:

(1) The Secretary shall offer for sale no less than 25 percent of the annual nominated acreage not previously made available for lease. Acreage of-

fered for lease pursuant to this paragraph shall not be subject to protest and shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15492), except that it shall not be subject to the test of extraordinary circumstances.

(2) In administering this section, the Secretary shall only consider leasing of Federal lands that are available for leasing at the time the lease sale occurs.

SEC. 403. LEASING CERTAINTY.

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended by inserting ''(1)'' before ''All lands'', and by adding at the end the following:

''(2)(A) The Secretary shall not withdraw any covered energy project issued under this Act without finding a violation of the terms of the lease by the lessee.

''(B) The Secretary shall not infringe upon 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 such a lease.

''(C) No later than 18 months after an area is designated as open under the current land use plan the Sec-

retary shall make available nominated areas for lease under the criteria in section 2.

''(D) Notwithstanding any other law, the Secretary shall issue all leases sold no later than 60 days after the last payment is made.

''(E) 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) Not later than 60 days after a lease sale held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.

''(G) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary deems such stipulations as emergency actions to conserve the resources of the United States.''.

SEC. 404. LEASING CONSISTENCY.

Federal land managers must 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. 405. REDUCE REDUNDANT POLICIES.

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

TITLE V—STREAMLINED ENERGY PERMITTING

SEC. 501. SHORT TITLE.

This title may be cited as the ''Streamlining Permitting of American Energy Act of 2012''.

Subtitle A—Application for Permits to Drill Process Reform

SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.

Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows:

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

''(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days after receiving an application for the permit. The Secretary may extend such period for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific

date a final decision on the application is expected.

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

"(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

"(ii) an opportunity to remedy any deficiencies.

"(C) APPLICATION DEEMED 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 is received by the Secretary, the application is deemed approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 or Endangered Species Act of 1973 are incomplete.

"(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), 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.

"(E) FEE.—

"(i) IN GENERAL.—Notwithstanding any other 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). This fee shall not apply to any resubmitted application.

"(ii) TREATMENT OF PERMIT PROCESSING FEE.—Of all fees collected under this paragraph, 50 percent shall be transferred to the field office where they are col-

lected and used to process protests, leases, and permits under this Act subject to appropriation.''.

SEC. 512. 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, by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development, and, at the discretion of the Secretary, by the U.S. 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 lands.

Subtitle B—Administrative Protest Documentation Reform

SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.

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

"(4) PROTEST FEE.—

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

"(B) TREATMENT OF FEES.—Of all fees collected under this paragraph, 50 percent shall remain in the field office where they are collected and used to process protests subject to appropriation.".

Subtitle C—Permit Streamlining

SEC. 531. IMPROVE FEDERAL ENERGY PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the "Secretary") shall establish a Federal Permit Streamlining Project (referred to in this section as the "Project") in every Bureau of Land

1 Management field office with responsibility for permitting
2 energy projects on Federal land.
3 (b) MEMORANDUM OF UNDERSTANDING.—
4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, the Secretary
6 shall enter into a memorandum of understanding for
7 purposes of this section with—
8 (A) the Secretary of Agriculture;
9 (B) the Administrator of the Environ-
10 mental Protection Agency; and
11 (C) the Chief of the Army Corps of Engi-
12 neers.
13 (2) STATE PARTICIPATION.—The Secretary
14 may request that the Governor of any State with en-
15 ergy projects on Federal lands to be a signatory to
16 the memorandum of understanding.
17 (c) DESIGNATION OF QUALIFIED STAFF.—
18 (1) IN GENERAL.—Not later than 30 days after
19 the date of the signing of the memorandum of un-
20 derstanding under subsection (b), all Federal signa-
21 tory parties shall, if appropriate, assign to each of
22 the Bureau of Land Management field offices an
23 employee who has expertise in the regulatory issues
24 relating to the office in which the employee is em-

ployed, 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 employee's home agency; and

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

(d) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (a) 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 mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) FUNDING.—Funding for the additional personnel shall come from the Department of the Interior reforms identified in sections 511, 512, and 521.

(f) 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.

(g) DEFINITION.—For purposes of this section the term ''energy projects'' includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

SEC. 532. ADMINISTRATION OF CURRENT LAW.

Notwithstanding any other 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.

SEC. 533. POLICIES REGARDING BUYING, BUILDING, AND WORKING FOR AMERICA.

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) this title will support a healthy and growing United States domestic energy sector that, in turn, helps to reinvigorate American manufacturing, transportation, and service sectors by employing the vast talents of United States workers to assist in the development of energy from domestic sources; and

(2) Congress will monitor the deployment of personnel and material onshore under this title to encourage the development of American technology and manufacturing to enable United States workers to benefit from this title through good jobs and careers, as well as the establishment of important in-

dustrial facilities to support expanded access to American energy resources.

(b) REQUIREMENT.—The Secretary of the Interior shall, when possible and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.

Subtitle D—Judicial Review

SEC. 541. DEFINITIONS.

In this title—

(1) 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 lands of the United States; and

(2) the term ''covered energy project'' means the leasing of Federal lands 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, except that the term does not include any disputes between the parties to a lease regarding the obligations under such lease, including regarding any alleged breach of the lease.

SEC. 542. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

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

SEC. 543. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action must be filed no later than the end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 545. STANDARD OF REVIEW.

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than

1 necessary to correct the violation of a legal requirement,
2 and is the least intrusive means necessary to correct that
3 violation. In addition, courts shall limit the duration of
4 preliminary injunctions to halt covered energy projects to
5 no more than 60 days, unless the court finds clear reasons
6 to extend the injunction. In such cases of extensions, such
7 extensions shall only be in 30-day increments and shall
8 require action by the court to renew the injunction.

9 **SEC. 547. LIMITATION ON ATTORNEYS' FEES.**

10 Sections 504 of title 5, United States Code, and 2412
11 of title 28, United States Code, (together commonly called
12 the Equal Access to Justice Act) do not apply to a covered
13 civil action, nor shall any party in such a covered civil ac-
14 tion receive payment from the Federal Government for
15 their attorneys' fees, expenses, and other court costs.

16 **SEC. 548. LEGAL STANDING.**

17 Challengers filing appeals with the Department of the
18 Interior Board of Land Appeals shall meet the same
19 standing requirements as challengers before a United
20 States district court.

TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

SEC. 601. SHORT TITLE.

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

SEC. 602. 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. 603. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.

Section 107(a) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(a)) is amended to read as follows:

''(a) IN GENERAL.—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the reserve in accordance with this Act. Such program shall include at least one lease sale annually in those areas of the reserve most likely to produce commercial quantities of oil and natural gas each year in the period 2011 through 2021.''.

SEC. 604. 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 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 to—

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

(2) transport oil and gas from and through the National Petroleum Reserve in Alaska 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 such construction 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 within 60 days after the date of enactment of this Act.

(2) Permits for such construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved within 6 months after the submission to the Secretary of a request for a permit to drill.

(c) PLAN.—To ensure timely future development of the Reserve, within 270 days after the date of the 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 leasable 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. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) IN GENERAL.—The Secretary of the Interior shall issue regulations within 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve in Alaska.

(b) DEADLINES.—At a minimum, the regulations shall—

(1) require the Department to respond within 5 business days acknowledging receipt of any permit application for such development; and

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

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

(B) provide that the period for issuing each permit after submission of such an application shall not exceed 60 days without the concurrence of the applicant.

(c) ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.—If the Department fails to comply with any deadline under subsection (b) with respect to a permit application, the Secretary shall notify the applicant every 5 days with specific information regarding the rea-

sons for the permit delay, the name of the specific Department office or offices responsible for issuing the permit and for monitoring the permit delay, and an estimate of the time that the permit will be issued.

SEC. 606. 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 resource 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 resource assessment required by subsection (a) shall be completed within 24 months after the date of the enactment of this Act.

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

TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

SEC. 701. SHORT TITLE.

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

SEC. 702. 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) In order to diversify and expand the Nation's onshore leasing program 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. Each individual Internet-based lease sale shall conclude within 7 days.''.

(b) REPORT.—Not later than 90 days after the tenth Internet-based lease sale conducted under the amendment made by subsection (a), the Secretary of the Interior shall analyze the first 10 such lease sales and report to Con-

gress the findings of the analysis. The report shall include—

(1) estimates on increases or decreases in such 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 such 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 maximize bidder participation, ensure the highest return to the Federal taxpayers, minimize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.