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113TH CONGRESS
1ST SESSION

H. R. 2081

To secure unrestricted reliable energy for American consumption and transmission.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2013

Mr. THORNBERRY introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Ways and Means and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To secure unrestricted reliable energy for American consumption and transmission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''No More Excuses Energy Act of 2013''.

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

Sec. 1. Short title; table of contents.

TITLE I—REFINERIES

Sec. 101. Tax-exempt financing of domestic use oil refinery facilities.
Sec. 102. Designation and availability of Federal lands for oil and natural gas refineries.

TITLE II—ALTERNATIVE ENERGY

Sec. 201. Phaseout of credit for electricity produced from certain renewable resources.
Sec. 202. Equalization of excise tax on liquefied natural gas and per energy equivalent of diesel.
Sec. 203. Extension of alternative fuel credit.

TITLE III—NUCLEAR ENERGY

Sec. 301. Waste confidence.
Sec. 302. ASME Nuclear Certification credit.

TITLE IV—DRILLING

Subtitle A—Tax Provisions

Sec. 401. Credit for producing fuel from nonconventional sources to apply to gas produced onshore from formations more than 15,000 feet deep.
Sec. 402. Repeal of minimum capture requirement for carbon dioxide sequestration credit.

Subtitle B—Oil and Gas Development on the Coastal Plain of Alaska

Sec. 411. Short title.
Sec. 412. Definitions.
Sec. 413. Leasing program for lands within the Coastal Plain.
Sec. 414. Lease sales.
Sec. 415. Grant of leases by the Secretary.
Sec. 416. Lease terms and conditions.
Sec. 417. Coastal plain environmental protection.
Sec. 418. Expedited judicial review.
Sec. 419. Federal and State distribution of revenues.
Sec. 420. Rights-of-way across the Coastal Plain.
Sec. 421. Conveyance.
Sec. 422. Local government impact aid and community service assistance.

Subtitle C—Offshore Oil and Gas Development

Sec. 431. Repeal of moratorium on oil and gas leasing in the Gulf of Mexico.
Sec. 432. Inclusion of areas in 2012–2017 outer Continental Shelf oil and gas leasing program.

TITLE V—GREENHOUSE GAS REGULATION

Sec. 501. No regulation of emissions of greenhouse gases under Clean Air Act.

TITLE I—REFINERIES

SEC. 101. TAX-EXEMPT FINANCING OF DOMESTIC USE OIL REFINERY FACILITIES.

(a) IN GENERAL.—

(1) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking ''or'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', or'', and by inserting at the end the following new paragraph:

''(16) domestic use oil refinery facilities.''.

(2) DOMESTIC USE OIL REFINERY FACILITIES.—Section 142 of such Code is amended by adding at the end the following new subsection:

''(n) DOMESTIC USE OIL REFINERY FACILITIES.—

''(1) IN GENERAL.—For purposes of subsection (a)(16), the term 'domestic use oil refinery facility' means any facility in the United States—

''(A) which processes liquid fuel from crude oil, and

''(B) all of the output of which it is reasonably certain ultimate consumption will occur in the United States.

"(2) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING BY CERTAIN REFINERIES.—In the case of a facility financed with bonds which would cease to be tax-exempt by reason of the failure to meet the domestic use requirement of this subsection, rules similar to the rules of subsection (f)(4) shall apply for purposes of this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 102. DESIGNATION AND AVAILABILITY OF FEDERAL LANDS FOR OIL AND NATURAL GAS REFINERIES.

(a) DESIGNATION.—Within 18 months after the date of enactment of this Act, the President shall designate at least 10 sites on Federal lands that are suitable for the siting of an oil refinery or natural gas refinery (or both).

(b) AVAILABILITY OF LANDS.—Within 24 months after the date of enactment of this Act, the President shall make each site designated under subsection (a) available to the private sector for construction of an oil refinery or natural gas refinery (or both), as appropriate.

TITLE II—ALTERNATIVE ENERGY

SEC. 201. PHASEOUT OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) 5-YEAR EXTENSION.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2014'' in paragraph (1) and inserting ''January 1, 2019''.

(b) PHASEOUT OF CREDIT.—Subsection (e) of section 45 of such Code is amended by adding at the end the following new paragraph:

''(12) PHASEOUT OF CREDIT FOR WIND ENERGY.—

''(A) IN GENERAL.—In the case of facilities to which subsection (d)(1) applies and the construction of which begins after December 31, 2013, the number of cents taken into account under subsection (a) for taxable years ending after such date shall be only the applicable percentage of such number (determined without regard to this paragraph) for such year. If any amount determined under the preceding sentence is not a multiple of 0.01 cent,

such amount shall be rounded to the nearest multiple of 0.01 cent.

"(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)—

"In the case of facilities the construction of which begins in:	The applicable percentage is:
2014	90
2015	80
2016	70
2017 or 2018	60".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property originally placed in service on or after January 1, 2013.

SEC. 202. EQUALIZATION OF EXCISE TAX ON LIQUEFIED NATURAL GAS AND PER ENERGY EQUIVALENT OF DIESEL.

(a) IN GENERAL.—Subparagraph (B) of section 4041(a)(2) of the Internal Revenue Code of 1986 is amended by striking the period at the end of clause (ii) and inserting ", and", and by inserting after clause (ii) the following new clause:

"(iii) in the case of liquefied natural gas, 24.3 cents per energy equivalent of a gallon of diesel.".

(b) ENERGY EQUIVALENT OF A GALLON OF DIESEL AND ADMINISTRATIVE PROVISION.—Paragraph (2) of sec-

tion 4041(a) of such Code is amended by adding at the end the following:

"(C) ENERGY EQUIVALENT OF A GALLON OF DIESEL.—For purposes of this paragraph, the term 'energy equivalent of a gallon of diesel' means, with respect to a liquefied natural gas fuel, the amount of such fuel having a Btu content of 128,700 (lower heating value).

"(D) ADMINISTRATIVE PROVISIONS.—For purposes of applying this title with respect to the taxes imposed by this subsection, references to any liquid subject to tax under this subsection shall be treated as including references to liquefied natural gas subject to tax under this paragraph.".

(c) CONFORMING AMENDMENTS.—Section 4041(a)(2)(B)(ii) of such Code is amended—

(1) by striking "liquefied natural gas,", and

(2) by striking "peat), and" and inserting "peat) and".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale or use of liquefied natural gas after 14 days after the date of the enactment of this Act.

SEC. 203. EXTENSION OF ALTERNATIVE FUEL CREDIT.

(a) IN GENERAL.—Paragraph (5) of section 6426(d) of the Internal Revenue Code of 1986 (relating to alternative fuel credit) is amended by striking ''December 31, 2013'' and all that follows and inserting ''December 31, 2014.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2013.

TITLE III—NUCLEAR ENERGY

SEC. 301. WASTE CONFIDENCE.

The Nuclear Regulatory Commission may not deny an application for a license, permit, or other authorization under the Atomic Energy Act of 1954 on the grounds that sufficient capacity does not exist, or will not become available on a timely basis, for disposal of spent nuclear fuel or high-level radioactive waste from the facility for which the license, permit, or other authorization is sought.

SEC. 302. ASME NUCLEAR CERTIFICATION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45S. ASME NUCLEAR CERTIFICATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the ASME Nuclear Certification credit determined under this

section for any taxable year is an amount equal to 15 percent of the qualified nuclear expenditures paid or incurred by the taxpayer.

"(b) QUALIFIED NUCLEAR EXPENDITURES.—For purposes of this section, the term 'qualified nuclear expenditures' means any expenditure related to—

"(1) obtaining a certification under the American Society of Mechanical Engineers Nuclear Component Certification program, or

"(2) increasing the taxpayer's capacity to construct, fabricate, assemble, or install components—

"(A) for any facility which uses nuclear energy to produce electricity, and

"(B) with respect to the construction, fabrication, assembly, or installation of which the taxpayer is certified under such program.

"(c) TIMING OF CREDIT.—The credit allowed under subsection (a) for any expenditures shall be allowed—

"(1) in the case of a qualified nuclear expenditure described in subsection (b)(1), for the taxable year of such certification, and

"(2) in the case of any other qualified nuclear expenditure, for the taxable year in which such expenditure is paid or incurred.

"(d) SPECIAL RULES.—

"(1) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for an expenditure, the increase in basis which would result (but for this subsection) for such expenditure shall be reduced by the amount of the credit allowed under this section.

"(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.

"(e) TERMINATION.—This section shall not apply to any expenditures paid or incurred in taxable years beginning after December 31, 2019.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 of such Code is amended by striking "plus" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", plus", and by adding at the end the following new paragraph:

"(37) the ASME Nuclear Certification credit determined under section 45S(a).".

(2) Subsection (a) of section 1016 (relating to adjustments to basis) of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and

inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 45S(d)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2012.

TITLE IV—DRILLING

Subtitle A—Tax Provisions

SEC. 401. CREDIT FOR PRODUCING FUEL FROM NONCONVENTIONAL SOURCES TO APPLY TO GAS PRODUCED ONSHORE FROM FORMATIONS MORE THAN 15,000 FEET DEEP.

(a) IN GENERAL.—Subparagraph (B) of section 45K(c)(1) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of clause (i), by striking "and" at the end of clause (ii) and inserting "or", and by inserting after clause (ii) the following new clause:

"(iii) an onshore well from a formation more than 15,000 feet deep, and".

(b) ELIGIBLE DEEP GAS WELLS.—Section 45K of such Code is amended by adding at the end the following new subsection:

"(h) ELIGIBLE DEEP GAS WELLS.—In the case of a well producing qualified fuel described in subsection (c)(1)(B)(iii)—

"(1) for purposes of subsection (e)(1)(A), such well shall be treated as drilled before January 1, 1993, if such well is drilled after the date of the enactment of this subsection, and

"(2) subsection (e)(2) shall not apply.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 402. REPEAL OF MINIMUM CAPTURE REQUIREMENT FOR CARBON DIOXIDE SEQUESTRATION CREDIT.

(a) IN GENERAL.—Subsection (c) of section 45Q of the Internal Revenue Code of 1986 is amended by inserting "and" at the end of paragraph (1), by striking ", and" at the end of paragraph (2) and inserting a period, and by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

Subtitle B—Oil and Gas Development on the Coastal Plain of Alaska

SEC. 411. SHORT TITLE.

This subtitle may be cited as the ''American-Made Energy and Good Jobs Act''.

SEC. 412. DEFINITIONS.

In this subtitle:

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

(2) SECRETARY.—The term ''Secretary'', except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 413. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

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

(1) to establish and implement, in accordance with this subtitle 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 an environmentally sound program for the exploration, development, and pro-

duction of the oil and gas resources of the Coastal Plain; and

(2) to 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 will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and 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.—

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

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act 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 in 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 ''Final Legislative Environmental Impact Statement'' (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (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 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program au-

thorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this subtitle that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this subtitle shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all require-

ments 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 shall be considered to expand or limit State and 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, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) MANAGEMENT.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil

and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) 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 located outside the Special Area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, envi-

ronmental, or engineering data that come to the Secretary's attention.

SEC. 414. LEASE SALES.

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

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

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

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

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

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

(d) ACREAGE MINIMUM IN FIRST SALE.—In the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, tak-

ing into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

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

(1) conduct the first lease sale under this subtitle within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 415. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 414 any lands to be leased on the Coastal Plain upon payment by the lessee of such 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. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 416. LEASE TERMS AND CONDITIONS.

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

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

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

(3) 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;

(4) provide that the standard of reclamation for lands required to be reclaimed under this subtitle shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the

lessee, to a higher or better use as approved by the Secretary;

(5) include requirements and restrictions to provide for reasonable protection of fish and wildlife, their habitat, subsistence resources, and the environment as determined by the Secretary;

(6) prohibit the export of oil produced under the lease; and

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

SEC. 417. 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 413, administer the provisions of 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 will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas explo-

ration, 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 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall also require, with respect to any proposed drilling and related activities, 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, their habitat, 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 agencies having jurisdiction over matters mitigated by the plan.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leas-

ing 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 shall also require 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 ''Final Legislative Environmental Impact Statement'' (April 1987) on 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.

(3) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(4) Prohibitions on general public access and use on all pipeline access and service roads.

(5) 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.

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

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

(8) Consolidation of facility siting.

(9) Appropriate prohibitions or restrictions on use of explosives.

(10) Avoidance, to the extent practicable, of springs, streams, and river system; 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.

(11) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(12) 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.

(13) Fuel storage and oil spill contingency planning.

(14) Research, monitoring, and reporting requirements.

(15) Field crew environmental briefings.

(16) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(17) Compliance with applicable air and water quality standards.

(18) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(19) Reasonable stipulations for protection of cultural and archeological resources.

(20) All other protective environmental stipulations, restrictions, terms, and conditions deemed 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 the following:

(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 explo-

ration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands 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, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

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

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

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

SEC. 418. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINT.—

(1) DEADLINE.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this subtitle or any action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after 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.—Judicial review of a Secretarial decision to conduct a lease sale under this subtitle, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this subtitle and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this subtitle shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(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.

SEC. 419. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

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

(1) 25 percent shall be paid to the State of Alaska; and

(2) except as provided in section 422(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

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

SEC. 420. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

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

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 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 and 3171).

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

(c) REGULATIONS.—The Secretary shall include in regulations under section 413(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 421. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settle-

ment Act (43 U.S.C. 1611 and 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 effective January 22, 1993; and

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

SEC. 422. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this subtitle.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other com-

1 munity in the State of Alaska that is directly im-
2 pacted by exploration for, or the production of, oil
3 or gas on the Coastal Plain under this subtitle, as
4 determined by the Secretary, shall be eligible for fi-
5 nancial assistance under this section.

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

8 (1) planning for mitigation of the potential ef-
9 fects of oil and gas exploration and development on
10 environmental, social, cultural, recreational, and sub-
11 sistence values;

12 (2) implementing mitigation plans and main-
13 taining mitigation projects;

14 (3) developing, carrying out, and maintaining
15 projects and programs that provide new or expanded
16 public facilities and services to address needs and
17 problems associated with such effects, including fire-
18 fighting, police, water, waste treatment, medivac,
19 and medical services; and

20 (4) establishment of a coordination office, by
21 the North Slope borough, in the City of Kaktovik,
22 which shall—

23 (A) coordinate with and advise developers
24 on local conditions, impact, and history of the
25 areas utilized for development; and

(B) provide 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 on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

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

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

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

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

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

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

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

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

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

Subtitle C—Offshore Oil and Gas Development

SEC. 431. REPEAL OF MORATORIUM ON OIL AND GAS LEASING IN THE GULF OF MEXICO.

(a) REPEAL.—Section 104 of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432; 43 U.S.C. 1331 note) is amended by striking ''June 30, 2022'' and inserting ''January 1, 2012''.

(b) INCLUSION OF OPENED AREAS IN 2012–2017 OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM.—Within 90 days after the date of enactment of this Act, the Secretary of the Interior shall include the area removed from moratorium by subsection (a) in the areas available for leasing under the 2012–2017 outer Continental Shelf oil and gas leasing program prepared under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

SEC. 432. INCLUSION OF AREAS IN 2012–2017 OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM.

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary of the Interior shall include the areas described in subsection (b) in the areas available for leasing under the 2012–2017 outer Continental Shelf oil and gas leasing program prepared under

section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

(b) AREAS DESCRIBED.—The areas referred to in subsection (a) are all areas of the outer Continental Shelf (as that term is defined in that Act) in the Arctic Ocean, Atlantic Ocean, Pacific Ocean, and Eastern Gulf of Mexico.

TITLE V—GREENHOUSE GAS REGULATION

SEC. 501. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES UNDER CLEAN AIR ACT.

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 EMISSION OF GREENHOUSE GASES.

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

''(1) Water vapor.

''(2) Carbon dioxide.

''(3) Methane.

''(4) Nitrous oxide.

''(5) Sulfur hexafluoride.

''(6) Hydrofluorocarbons.

''(7) Perfluorocarbons.

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

"(b) LIMITATION ON AGENCY ACTION.—

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

"(2) 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.".

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