

113TH CONGRESS
2^D SESSION

H. R. 2

To remove Federal Government obstacles to the production of more domestic energy; to ensure transport of that energy reliably to businesses, consumers, and other end users; to lower the cost of energy to consumers; to enable manufacturers and other businesses to access domestically produced energy affordably and reliably in order to create and sustain more secure and well-paying American jobs; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2014

Mr. TERRY (for himself, Mr. HASTINGS of Washington, Mr. UPTON, Mr. GOODLATTE, Mr. SHUSTER, Mr. WHITFIELD, Mr. POMPEO, Mr. CASSIDY, Mr. GARDNER, Mr. KINZINGER of Illinois, Mr. FLORES, Mr. LAMBORN, Mr. JOHNSON of Ohio, Mr. MARINO, Mrs. CAPITO, and Mr. MCKINLEY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To remove Federal Government obstacles to the production of more domestic energy; to ensure transport of that energy reliably to businesses, consumers, and other end users; to lower the cost of energy to consumers; to enable manufacturers and other businesses to access domestically produced energy affordably and reliably in order to create and sustain more secure and well-paying American jobs; and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “American Energy Solutions for Lower Costs and More
 6 American Jobs Act”.

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

Sec. 1. Short title; table of contents.

DIVISION A—ENERGY AND COMMERCE

TITLE I—MODERNIZING INFRASTRUCTURE

Subtitle A—Northern Route Approval

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Keystone XL permit approval.
- Sec. 104. Judicial review.
- Sec. 105. American burying beetle.
- Sec. 106. Right-of-way and temporary use permit.
- Sec. 107. Permits for activities in navigable waters.
- Sec. 108. Migratory Bird Treaty Act permit.
- Sec. 109. Oil spill response plan disclosure.

Subtitle B—Natural Gas Pipeline Permitting Reform

- Sec. 121. Short title.
- Sec. 122. Regulatory approval of natural gas pipeline projects.

Subtitle C—North American Energy Infrastructure

- Sec. 131. Short title.
- Sec. 132. Finding.
- Sec. 133. Authorization of certain energy infrastructure projects at the national
 boundary of the United States.
- Sec. 134. Importation or exportation of natural gas to Canada and Mexico.
- Sec. 135. Transmission of electric energy to Canada and Mexico.
- Sec. 136. No Presidential permit required.
- Sec. 137. Modifications to existing projects.
- Sec. 138. Effective date; rulemaking deadlines.
- Sec. 139. Definitions.

TITLE II—MAINTAINING DIVERSE ELECTRICITY GENERATION
 AND AFFORDABILITY

Subtitle A—Energy Consumers Relief

- Sec. 201. Short title.
- Sec. 202. Prohibition against finalizing certain energy-related rules that will cause significant adverse effects to the economy.
- Sec. 203. Reports and determinations prior to promulgating as final certain energy-related rules.
- Sec. 204. Definitions.
- Sec. 205. Prohibition on use of social cost of carbon in analysis.

Subtitle B—Electricity Security and Affordability

- Sec. 211. Short title.
- Sec. 212. Standards of performance for new fossil fuel-fired electric utility generating units.
- Sec. 213. Congress To set effective date for standards of performance for existing, modified, and reconstructed fossil fuel-fired electric utility generating units.
- Sec. 214. Repeal of earlier rules and guidelines.
- Sec. 215. Definitions.

Subtitle C—Report on Energy and Water Savings Potential From Thermal Insulation

- Sec. 221. Report on energy and water savings potential from thermal insulation.

TITLE III—UNLEASHING ENERGY DIPLOMACY

- Sec. 301. Short title.
- Sec. 302. Action on applications.
- Sec. 303. Public disclosure of export destinations.

DIVISION B—NATURAL RESOURCES COMMITTEE

- Sec. 201. References.

SUBDIVISION A—LOWERING GASOLINE PRICES TO FUEL AN AMERICA THAT WORKS ACT OF 2014

- Sec. 1. Short title.

TITLE I—OFFSHORE ENERGY AND JOBS

Subtitle A—Outer Continental Shelf Leasing Program Reforms

- Sec. 10101. Outer Continental Shelf leasing program reforms.
- Sec. 10102. Domestic oil and natural gas production goal.
- Sec. 10103. Development and submittal of new 5-year oil and gas leasing program.
- Sec. 10104. Rule of construction.
- Sec. 10105. Addition of lease sales after finalization of 5-year plan.

Subtitle B—Directing the President To Conduct New OCS Sales

- Sec. 10201. Requirement to conduct proposed oil and gas Lease Sale 220 on the Outer Continental Shelf offshore Virginia.
- Sec. 10202. South Carolina lease sale.
- Sec. 10203. Southern California existing infrastructure lease sale.
- Sec. 10204. Environmental impact statement requirement.
- Sec. 10205. National defense.

Sec. 10206. Eastern Gulf of Mexico not included.

Subtitle C—Equitable Sharing of Outer Continental Shelf Revenues

Sec. 10301. Disposition of Outer Continental Shelf revenues to coastal States.

Subtitle D—Reorganization of Minerals Management Agencies of the
Department of the Interior

Sec. 10401. Establishment of Under Secretary for Energy, Lands, and Minerals and Assistant Secretary of Ocean Energy and Safety.

Sec. 10402. Bureau of Ocean Energy.

Sec. 10403. Ocean Energy Safety Service.

Sec. 10404. Office of Natural Resources revenue.

Sec. 10405. Ethics and drug testing.

Sec. 10406. Abolishment of Minerals Management Service.

Sec. 10407. Conforming amendments to Executive Schedule pay rates.

Sec. 10408. Outer Continental Shelf Energy Safety Advisory Board.

Sec. 10409. Outer Continental Shelf inspection fees.

Sec. 10410. Prohibition on action based on National Ocean Policy developed under Executive Order No. 13547.

Subtitle E—United States Territories

Sec. 10501. Application of Outer Continental Shelf Lands Act with respect to territories of the United States.

Subtitle F—Miscellaneous Provisions

Sec. 10601. Rules regarding distribution of revenues under Gulf of Mexico Energy Security Act of 2006.

Sec. 10602. Amount of distributed qualified outer Continental Shelf revenues.

Sec. 10603. South Atlantic Outer Continental Shelf Planning Area defined.

Sec. 10604. Enhancing geological and geophysical information for America's energy future.

Subtitle G—Judicial Review

Sec. 10701. Time for filing complaint.

Sec. 10702. District court deadline.

Sec. 10703. Ability to seek appellate review.

Sec. 10704. Limitation on scope of review and relief.

Sec. 10705. Legal fees.

Sec. 10706. Exclusion.

Sec. 10707. Definitions.

TITLE II—ONSHORE FEDERAL LANDS AND ENERGY SECURITY

Subtitle A—Federal Lands Jobs and Energy Security

Sec. 21001. Short title.

Sec. 21002. Policies regarding buying, building, and working for America.

CHAPTER 1—ONSHORE OIL AND GAS PERMIT STREAMLINING

Sec. 21101. Short title.

SUBCHAPTER A—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

Sec. 21111. Permit to drill application timeline.

SUBCHAPTER B—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM

Sec. 21121. Administrative protest documentation reform.

SUBCHAPTER C—PERMIT STREAMLINING

Sec. 21131. Making pilot offices permanent to improve energy permitting on Federal lands.

Sec. 21132. Administration of current law.

SUBCHAPTER D—JUDICIAL REVIEW

Sec. 21141. Definitions.

Sec. 21142. Exclusive venue for certain civil actions relating to covered energy projects.

Sec. 21143. Timely filing.

Sec. 21144. Expedition in hearing and determining the action.

Sec. 21145. Standard of review.

Sec. 21146. Limitation on injunction and prospective relief.

Sec. 21147. Limitation on attorneys' fees.

Sec. 21148. Legal standing.

SUBCHAPTER E—KNOWING AMERICA'S OIL AND GAS RESOURCES

Sec. 21151. Funding oil and gas resource assessments.

CHAPTER 2—OIL AND GAS LEASING CERTAINTY

Sec. 21201. Short title.

Sec. 21202. Minimum acreage requirement for onshore lease sales.

Sec. 21203. Leasing certainty.

Sec. 21204. Leasing consistency.

Sec. 21205. Reduce redundant policies.

Sec. 21206. Streamlined congressional notification.

CHAPTER 3—OIL SHALE

Sec. 21301. Short title.

Sec. 21302. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.

Sec. 21303. Oil shale leasing.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 21401. Rule of construction.

Subtitle B—Planning for American Energy

Sec. 22001. Short title.

Sec. 22002. Onshore domestic energy production strategic plan.

Subtitle C—National Petroleum Reserve in Alaska Access

Sec. 23001. Short title.

Sec. 23002. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.

Sec. 23003. National Petroleum Reserve in Alaska: lease sales.

- Sec. 23004. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 23005. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 23006. Departmental accountability for development.
- Sec. 23007. Deadlines under new proposed integrated activity plan.
- Sec. 23008. Updated resource assessment.

Subtitle D—BLM Live Internet Auctions

- Sec. 24001. Short title.
- Sec. 24002. Internet-based onshore oil and gas lease sales.

Subtitle E—Native American Energy

- Sec. 25001. Short title.
- Sec. 25002. Appraisals.
- Sec. 25003. Standardization.
- Sec. 25004. Environmental reviews of major Federal actions on Indian lands.
- Sec. 25005. Judicial review.
- Sec. 25006. Tribal biomass demonstration project.
- Sec. 25007. Tribal resource management plans.
- Sec. 25008. Leases of restricted lands for the Navajo Nation.
- Sec. 25009. Nonapplicability of certain rules.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 30101. Establishment of Office of Energy Employment and Training.

SUBDIVISION B—BUREAU OF RECLAMATION CONDUIT HYDROPOWER DEVELOPMENT EQUITY AND JOBS ACT

- Sec. 1. Short title.
- Sec. 2. Amendment.

SUBDIVISION C—CENTRAL OREGON JOBS AND WATER SECURITY ACT

- Sec. 1. Short title.
- Sec. 2. Wild and Scenic River; Crooked, Oregon.
- Sec. 3. City of Prineville Water Supply.
- Sec. 4. First fill protection.
- Sec. 5. Oehoco Irrigation District.

SUBDIVISION D—STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION; EPA HYDRAULIC FRACTURING RESEARCH

TITLE I—STATE AUTHORITY FOR HYDRAULIC FRACTURING REGULATION

- Sec. 101. Short title.
- Sec. 102. State authority for hydraulic fracturing regulation.
- Sec. 103. Government Accountability Office study.
- Sec. 104. Tribal authority on trust land.

TITLE II—EPA HYDRAULIC FRACTURING RESEARCH

- Sec. 201. Short title.
- Sec. 202. Epa hydraulic fracturing research.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Review of State activities.

SUBDIVISION E—PREVENTING GOVERNMENT WASTE AND PROTECTING COAL
MINING JOBS IN AMERICA

Sec. 1. Short title.

Sec. 2. Incorporation of surface mining stream buffer zone rule into State programs.

DIVISION C—JUDICIARY

Sec. 1. Short title.

Sec. 2. Coordination of agency administrative operations for efficient decision-making.

1 **DIVISION A—ENERGY AND**
 2 **COMMERCE**
 3 **TITLE I—MODERNIZING**
 4 **INFRASTRUCTURE**
 5 **Subtitle A—Northern Route**
 6 **Approval**

7 **SEC. 101. SHORT TITLE.**

8 This subtitle may be cited as the “Northern Route
 9 Approval Act”.

10 **SEC. 102. FINDINGS.**

11 The Congress finds the following:

12 (1) To maintain our Nation’s competitive edge
 13 and ensure an economy built to last, the United
 14 States must have fast, reliable, resilient, and envi-
 15 ronmentally sound means of moving energy. In a
 16 global economy, we will compete for the world’s in-
 17 vestments based in significant part on the quality of
 18 our infrastructure. Investing in the Nation’s infra-

1 structure provides immediate and long-term eco-
2 nomic benefits for local communities and the Nation
3 as a whole.

4 (2) The delivery of oil from Canada, a close ally
5 not only in proximity but in shared values and
6 ideals, to domestic markets is in the national inter-
7 est because of the need to lessen dependence upon
8 insecure foreign sources.

9 (3) The Keystone XL pipeline would provide
10 both short-term and long-term employment opportu-
11 nities and related labor income benefits, such as gov-
12 ernment revenues associated with taxes.

13 (4) The State of Nebraska has thoroughly re-
14 viewed and approved the proposed Keystone XL
15 pipeline reroute, concluding that the concerns of Ne-
16 braskans have had a major influence on the pipeline
17 reroute and that the reroute will have minimal envi-
18 ronmental impacts.

19 (5) The Keystone XL is in much the same posi-
20 tion today as the Alaska Pipeline in 1973 prior to
21 congressional action. Once again, the Federal regu-
22 latory process remains an insurmountable obstacle
23 to a project that is likely to reduce oil imports from
24 insecure foreign sources.

1 **SEC. 103. KEYSTONE XL PERMIT APPROVAL.**

2 Notwithstanding Executive Order No. 13337 (3
3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C.
4 301 note), section 301 of title 3, United States Code, and
5 any other Executive order or provision of law, no Presi-
6 dential permit shall be required for the pipeline described
7 in the application filed on May 4, 2012, by TransCanada
8 Keystone Pipeline, L.P. to the Department of State for
9 the Keystone XL pipeline, as supplemented to include the
10 Nebraska reroute evaluated in the Final Evaluation Re-
11 port issued by the Nebraska Department of Environ-
12 mental Quality in January 2013 and approved by the Ne-
13 braska governor. The final environmental impact state-
14 ment issued by the Secretary of State on January 31,
15 2014, coupled with the Final Evaluation Report described
16 in the previous sentence, shall be considered to satisfy all
17 requirements of the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.) and of the National His-
19 toric Preservation Act (16 U.S.C. 470 et seq.).

20 **SEC. 104. JUDICIAL REVIEW.**

21 (a) **EXCLUSIVE JURISDICTION.**—Except for review by
22 the Supreme Court on writ of certiorari, the United States
23 Court of Appeals for the District of Columbia Circuit shall
24 have original and exclusive jurisdiction to determine—

25 (1) the validity of any final order or action (in-
26 cluding a failure to act) of any Federal agency or of-

1 ficer with respect to issuance of a permit relating to
2 the construction or maintenance of the Keystone XL
3 pipeline, including any final order or action deemed
4 to be taken, made, granted, or issued;

5 (2) the constitutionality of any provision of this
6 subtitle, or any decision or action taken, made,
7 granted, or issued, or deemed to be taken, made,
8 granted, or issued under this subtitle; or

9 (3) the adequacy of any environmental impact
10 statement prepared under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),
12 or of any analysis under any other Act, with respect
13 to any action taken, made, granted, or issued, or
14 deemed to be taken, made, granted, or issued under
15 this subtitle.

16 (b) DEADLINE FOR FILING CLAIM.—A claim arising
17 under this subtitle may be brought not later than 60 days
18 after the date of the decision or action giving rise to the
19 claim.

20 (c) EXPEDITED CONSIDERATION.—The United
21 States Court of Appeals for the District of Columbia Cir-
22 cuit shall set any action brought under subsection (a) for
23 expedited consideration, taking into account the national
24 interest of enhancing national energy security by providing

1 access to the significant oil reserves in Canada that are
2 needed to meet the demand for oil.

3 **SEC. 105. AMERICAN BURYING BEETLE.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) environmental reviews performed for the
6 Keystone XL pipeline project satisfy the require-
7 ments of section 7 of the Endangered Species Act of
8 1973 (16 U.S.C. 1536(a)(2)) in its entirety; and

9 (2) for purposes of that Act, the Keystone XL
10 pipeline project will not jeopardize the continued ex-
11 istence of the American burying beetle or destroy or
12 adversely modify American burying beetle critical
13 habitat.

14 (b) BIOLOGICAL OPINION.—The Secretary of the In-
15 terior is deemed to have issued a written statement setting
16 forth the Secretary’s opinion containing such findings
17 under section 7(b)(1)(A) of the Endangered Species Act
18 of 1973 (16 U.S.C. 1536(b)(1)(A)) and any taking of the
19 American burying beetle that is incidental to the construc-
20 tion or operation and maintenance of the Keystone XL
21 pipeline as it may be ultimately defined in its entirety,
22 shall not be considered a prohibited taking of such species
23 under such Act.

1 **SEC. 106. RIGHT-OF-WAY AND TEMPORARY USE PERMIT.**

2 The Secretary of the Interior is deemed to have
3 granted or issued a grant of right-of-way and temporary
4 use permit under section 28 of the Mineral Leasing Act
5 (30 U.S.C. 185) and the Federal Land Policy and Man-
6 agement Act of 1976 (43 U.S.C. 1701 et seq.), as set forth
7 in the application tendered to the Bureau of Land Man-
8 agement for the Keystone XL pipeline.

9 **SEC. 107. PERMITS FOR ACTIVITIES IN NAVIGABLE**
10 **WATERS.**

11 (a) **ISSUANCE OF PERMITS.**—The Secretary of the
12 Army, not later than 90 days after receipt of an applica-
13 tion therefor, shall issue all permits under section 404 of
14 the Federal Water Pollution Control Act (33 U.S.C. 1344)
15 and section 10 of the Act of March 3, 1899 (33 U.S.C.
16 403; commonly known as the Rivers and Harbors Appro-
17 priations Act of 1899), necessary for the construction, op-
18 eration, and maintenance of the pipeline described in the
19 May 4, 2012, application referred to in section 103, as
20 supplemented by the Nebraska reroute. The application
21 shall be based on the administrative record for the pipeline
22 as of the date of enactment of this Act, which shall be
23 considered complete.

24 (b) **WAIVER OF PROCEDURAL REQUIREMENTS.**—The
25 Secretary may waive any procedural requirement of law

1 or regulation that the Secretary considers desirable to
2 waive in order to accomplish the purposes of this section.

3 (c) ISSUANCE IN ABSENCE OF ACTION BY THE SEC-
4 RETARY.—If the Secretary has not issued a permit de-
5 scribed in subsection (a) on or before the last day of the
6 90-day period referred to in subsection (a), the permit
7 shall be deemed issued under section 404 of the Federal
8 Water Pollution Control Act (33 U.S.C. 1344) or section
9 10 of the Act of March 3, 1899 (33 U.S.C. 403), as appro-
10 priate, on the day following such last day.

11 (d) LIMITATION.—The Administrator of the Environ-
12 mental Protection Agency may not prohibit or restrict an
13 activity or use of an area that is authorized under this
14 section.

15 **SEC. 108. MIGRATORY BIRD TREATY ACT PERMIT.**

16 The Secretary of the Interior is deemed to have
17 issued a special purpose permit under the Migratory Bird
18 Treaty Act (16 U.S.C. 703 et seq.), as described in the
19 application filed with the United States Fish and Wildlife
20 Service for the Keystone XL pipeline on January 11,
21 2013.

22 **SEC. 109. OIL SPILL RESPONSE PLAN DISCLOSURE.**

23 (a) IN GENERAL.—Any pipeline owner or operator
24 required under Federal law to develop an oil spill response
25 plan for the Keystone XL pipeline shall make such plan

1 available to the Governor of each State in which such pipe-
 2 line operates to assist with emergency response prepared-
 3 ness.

4 (b) UPDATES.—A pipeline owner or operator required
 5 to make available to a Governor a plan under subsection
 6 (a) shall make available to such Governor any update of
 7 such plan not later than 7 days after the date on which
 8 such update is made.

9 **Subtitle B—Natural Gas Pipeline** 10 **Permitting Reform**

11 **SEC. 121. SHORT TITLE.**

12 This subtitle may be cited as the “Natural Gas Pipe-
 13 line Permitting Reform Act”.

14 **SEC. 122. REGULATORY APPROVAL OF NATURAL GAS PIPE-** 15 **LINE PROJECTS.**

16 Section 7 of the Natural Gas Act (15 U.S.C. 717f)
 17 is amended by adding at the end the following new sub-
 18 section:

19 “(i)(1) The Commission shall approve or deny an ap-
 20 plication for a certificate of public convenience and neces-
 21 sity for a prefled project not later than 12 months after
 22 receiving a complete application that is ready to be proc-
 23 essed, as defined by the Commission by regulation.

24 “(2) The agency responsible for issuing any license,
 25 permit, or approval required under Federal law in connec-

1 tion with a prefiled project for which a certificate of public
2 convenience and necessity is sought under this Act shall
3 approve or deny the issuance of the license, permit, or ap-
4 proval not later than 90 days after the Commission issues
5 its final environmental document relating to the project.

6 “(3) The Commission may extend the time period
7 under paragraph (2) by 30 days if an agency demonstrates
8 that it cannot otherwise complete the process required to
9 approve or deny the license, permit, or approval, and
10 therefor will be compelled to deny the license, permit, or
11 approval. In granting an extension under this paragraph,
12 the Commission may offer technical assistance to the
13 agency as necessary to address conditions preventing the
14 completion of the review of the application for the license,
15 permit, or approval.

16 “(4) If an agency described in paragraph (2) does
17 not approve or deny the issuance of the license, permit,
18 or approval within the time period specified under para-
19 graph (2) or (3), as applicable, such license, permit, or
20 approval shall take effect upon the expiration of 30 days
21 after the end of such period. The Commission shall incor-
22 porate into the terms of such license, permit, or approval
23 any conditions proffered by the agency described in para-
24 graph (2) that the Commission does not find are incon-
25 sistent with the final environmental document.

1 “(5) For purposes of this subsection, the term
2 ‘prefiled project’ means a project for the siting, construc-
3 tion, expansion, or operation of a natural gas pipeline with
4 respect to which a prefiling docket number has been as-
5 signed by the Commission pursuant to a prefiling process
6 established by the Commission for the purpose of facili-
7 tating the formal application process for obtaining a cer-
8 tificate of public convenience and necessity.”.

9 **Subtitle C—North American**
10 **Energy Infrastructure**

11 **SEC. 131. SHORT TITLE.**

12 This subtitle may be cited as the “North American
13 Energy Infrastructure Act”.

14 **SEC. 132. FINDING.**

15 Congress finds that the United States should estab-
16 lish a more uniform, transparent, and modern process for
17 the construction, connection, operation, and maintenance
18 of oil and natural gas pipelines and electric transmission
19 facilities for the import and export of oil and natural gas
20 and the transmission of electricity to and from Canada
21 and Mexico, in pursuit of a more secure and efficient
22 North American energy market.

1 **SEC. 133. AUTHORIZATION OF CERTAIN ENERGY INFRA-**
2 **STRUCTURE PROJECTS AT THE NATIONAL**
3 **BOUNDARY OF THE UNITED STATES.**

4 (a) AUTHORIZATION.—Except as provided in sub-
5 section (c) and section 137, no person may construct, con-
6 nect, operate, or maintain a cross-border segment of an
7 oil pipeline or electric transmission facility for the import
8 or export of oil or the transmission of electricity to or from
9 Canada or Mexico without obtaining a certificate of cross-
10 ing for the construction, connection, operation, or mainte-
11 nance of the cross-border segment under this section.

12 (b) CERTIFICATE OF CROSSING.—

13 (1) REQUIREMENT.—Not later than 120 days
14 after final action is taken under the National Envi-
15 ronmental Policy Act of 1969 (42 U.S.C. 4321 et
16 seq.) with respect to a cross-border segment for
17 which a request is received under this section, the
18 relevant official identified under paragraph (2), in
19 consultation with appropriate Federal agencies, shall
20 issue a certificate of crossing for the cross-border
21 segment unless the relevant official finds that the
22 construction, connection, operation, or maintenance
23 of the cross-border segment is not in the public in-
24 terest of the United States.

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

1 (A) the Secretary of State with respect to
2 oil pipelines; and

3 (B) the Secretary of Energy with respect
4 to electric transmission facilities.

5 (3) ADDITIONAL REQUIREMENT FOR ELECTRIC
6 TRANSMISSION FACILITIES.—In the case of a request
7 for a certificate of crossing for the construction, con-
8 nection, operation, or maintenance of a cross-border
9 segment of an electric transmission facility, the Sec-
10 retary of Energy shall require, as a condition of
11 issuing the certificate of crossing for the request
12 under paragraph (1), that the cross-border segment
13 of the electric transmission facility be constructed,
14 connected, operated, or maintained consistent with
15 all applicable policies and standards of—

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

18 (B) any Regional Transmission Organiza-
19 tion or Independent System Operator with
20 operational or functional control over the cross-
21 border segment of the electric transmission fa-
22 cility.

23 (c) EXCLUSIONS.—This section shall not apply to any
24 construction, connection, operation, or maintenance of a
25 cross-border segment of an oil pipeline or electric trans-

1 mission facility for the import or export of oil or the trans-
2 mission of electricity to or from Canada or Mexico—

3 (1) if the cross-border segment is operating for
4 such import, export, or transmission as of the date
5 of enactment of this Act;

6 (2) if a permit described in section 136 for such
7 construction, connection, operation, or maintenance
8 has been issued;

9 (3) if a certificate of crossing for such construc-
10 tion, connection, operation, or maintenance has pre-
11 viously been issued under this section; or

12 (4) if an application for a permit described in
13 section 136 for such construction, connection, oper-
14 ation, or maintenance is pending on the date of en-
15 actment of this Act, until the earlier of—

16 (A) the date on which such application is
17 denied; or

18 (B) July 1, 2016.

19 (d) EFFECT OF OTHER LAWS.—

20 (1) APPLICATION TO PROJECTS.—Nothing in
21 this section or section 137 shall affect the applica-
22 tion of any other Federal statute to a project for
23 which a certificate of crossing for the construction,
24 connection, operation, or maintenance of a cross-bor-
25 der segment is sought under this section.

1 (2) NATURAL GAS ACT.—Nothing in this sec-
2 tion or section 137 shall affect the requirement to
3 obtain approval or authorization under sections 3
4 and 7 of the Natural Gas Act for the siting, con-
5 struction, or operation of any facility to import or
6 export natural gas.

7 (3) ENERGY POLICY AND CONSERVATION
8 ACT.—Nothing in this section or section 137 shall
9 affect the authority of the President under section
10 103(a) of the Energy Policy and Conservation Act.

11 **SEC. 134. IMPORTATION OR EXPORTATION OF NATURAL**
12 **GAS TO CANADA AND MEXICO.**

13 Section 3(c) of the Natural Gas Act (15 U.S.C.
14 717b(c)) is amended by adding at the end the following:
15 “No order is required under subsection (a) to authorize
16 the export or import of any natural gas to or from Canada
17 or Mexico.”.

18 **SEC. 135. TRANSMISSION OF ELECTRIC ENERGY TO CAN-**
19 **ADA AND MEXICO.**

20 (a) REPEAL OF REQUIREMENT TO SECURE
21 ORDER.—Section 202(e) of the Federal Power Act (16
22 U.S.C. 824a(e)) is repealed.

23 (b) CONFORMING AMENDMENTS.—

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

1 amended by striking “insofar as such State regula-
2 tion does not conflict with the exercise of the Com-
3 mission’s powers under or relating to subsection
4 202(e)”.

5 (2) SEASONAL DIVERSITY ELECTRICITY EX-
6 CHANGE.—Section 602(b) of the Public Utility Reg-
7 ulatory Policies Act of 1978 (16 U.S.C. 824a–4(b))
8 is amended by striking “the Commission has con-
9 ducted hearings and made the findings required
10 under section 202(e) of the Federal Power Act” and
11 all that follows through the period at the end and
12 inserting “the Secretary has conducted hearings and
13 finds that the proposed transmission facilities would
14 not impair the sufficiency of electric supply within
15 the United States or would not impede or tend to
16 impede the coordination in the public interest of fa-
17 cilities subject to the jurisdiction of the Secretary.”.

18 **SEC. 136. NO PRESIDENTIAL PERMIT REQUIRED.**

19 No Presidential permit (or similar permit) required
20 under Executive Order No. 13337 (3 U.S.C. 301 note),
21 Executive Order No. 11423 (3 U.S.C. 301 note), section
22 301 of title 3, United States Code, Executive Order No.
23 12038, Executive Order No. 10485, or any other Execu-
24 tive order shall be necessary for the construction, connec-
25 tion, operation, or maintenance of an oil or natural gas

1 pipeline or electric transmission facility, or any cross-border
2 der segment thereof.

3 **SEC. 137. MODIFICATIONS TO EXISTING PROJECTS.**

4 No certificate of crossing under section 133, or permit
5 described in section 136, shall be required for a modification
6 to the construction, connection, operation, or
7 maintenance of an oil or natural gas pipeline or electric
8 transmission facility—

9 (1) that is operating for the import or export
10 of oil or natural gas or the transmission of electricity
11 to or from Canada or Mexico as of the date
12 of enactment of the Act;

13 (2) for which a permit described in section 136
14 for such construction, connection, operation, or
15 maintenance has been issued; or

16 (3) for which a certificate of crossing for the
17 cross-border segment of the pipeline or facility has
18 previously been issued under section 133.

19 **SEC. 138. EFFECTIVE DATE; RULEMAKING DEADLINES.**

20 (a) **EFFECTIVE DATE.**—Sections 133 through 137,
21 and the amendments made by such sections, shall take effect
22 on July 1, 2015.

23 (b) **RULEMAKING DEADLINES.**—Each relevant official
24 described in section 133(b)(2) shall—

1 (1) not later than 180 days after the date of
2 enactment of this Act, publish in the Federal Reg-
3 ister notice of a proposed rulemaking to carry out
4 the applicable requirements of section 133; and

5 (2) not later than 1 year after the date of en-
6 actment of this Act, publish in the Federal Register
7 a final rule to carry out the applicable requirements
8 of section 133.

9 **SEC. 139. DEFINITIONS.**

10 In this subtitle—

11 (1) the term “cross-border segment” means the
12 portion of an oil or natural gas pipeline or electric
13 transmission facility that is located at the national
14 boundary of the United States with either Canada or
15 Mexico;

16 (2) the term “modification” includes a reversal
17 of flow direction, change in ownership, volume ex-
18 pansion, downstream or upstream interconnection,
19 or adjustment to maintain flow (such as a reduction
20 or increase in the number of pump or compressor
21 stations);

22 (3) the term “natural gas” has the meaning
23 given that term in section 2 of the Natural Gas Act
24 (15 U.S.C. 717a);

1 (4) the term “oil” means petroleum or a petro-
2 leum product;

3 (5) the terms “Electric Reliability Organiza-
4 tion” and “regional entity” have the meanings given
5 those terms in section 215 of the Federal Power Act
6 (16 U.S.C. 824o); and

7 (6) the terms “Independent System Operator”
8 and “Regional Transmission Organization” have the
9 meanings given those terms in section 3 of the Fed-
10 eral Power Act (16 U.S.C. 796).

11 **TITLE II—MAINTAINING DI-**
12 **VERSE ELECTRICITY GEN-**
13 **ERATION AND AFFORD-**
14 **ABILITY**

15 **Subtitle A—Energy Consumers**
16 **Relief**

17 **SEC. 201. SHORT TITLE.**

18 This subtitle may be cited as the “Energy Consumers
19 Relief Act of 2014”.

20 **SEC. 202. PROHIBITION AGAINST FINALIZING CERTAIN EN-**
21 **ERGY-RELATED RULES THAT WILL CAUSE**
22 **SIGNIFICANT ADVERSE EFFECTS TO THE**
23 **ECONOMY.**

24 Notwithstanding any other provision of law, the Ad-
25 ministrator of the Environmental Protection Agency may

1 not promulgate as final an energy-related rule that is esti-
2 mated to cost more than \$1 billion if the Secretary of En-
3 ergy determines under section 203(3) that the rule will
4 cause significant adverse effects to the economy.

5 **SEC. 203. REPORTS AND DETERMINATIONS PRIOR TO PRO-**
6 **MULGATING AS FINAL CERTAIN ENERGY-RE-**
7 **LATED RULES.**

8 Before promulgating as final any energy-related rule
9 that is estimated to cost more than \$1 billion:

10 (1) REPORT TO CONGRESS.—The Administrator
11 of the Environmental Protection Agency shall sub-
12 mit to Congress a report (and transmit a copy to the
13 Secretary of Energy) containing—

14 (A) a copy of the rule;

15 (B) a concise general statement relating to
16 the rule;

17 (C) an estimate of the total costs of the
18 rule, including the direct costs and indirect
19 costs of the rule;

20 (D)(i) an estimate of the total benefits of
21 the rule and when such benefits are expected to
22 be realized;

23 (ii) a description of the modeling, the cal-
24 culations, the assumptions, and the limitations
25 due to uncertainty, speculation, or lack of infor-

1 mation associated with the estimates under this
2 subparagraph; and

3 (iii) a certification that all data and docu-
4 ments relied upon by the Agency in developing
5 such estimates—

6 (I) have been preserved; and

7 (II) are available for review by the
8 public on the Agency’s Web site, except to
9 the extent to which publication of such
10 data and documents would constitute dis-
11 closure of confidential information in viola-
12 tion of applicable Federal law;

13 (E) an estimate of the increases in energy
14 prices, including potential increases in gasoline
15 or electricity prices for consumers, that may re-
16 sult from implementation or enforcement of the
17 rule; and

18 (F) a detailed description of the employ-
19 ment effects, including potential job losses and
20 shifts in employment, that may result from im-
21 plementation or enforcement of the rule.

22 (2) INITIAL DETERMINATION ON INCREASES
23 AND IMPACTS.—The Secretary of Energy, in con-
24 sultation with the Federal Energy Regulatory Com-
25 mission and the Administrator of the Energy Infor-

1 mation Administration, shall prepare an independent
2 analysis to determine whether the rule will cause—

3 (A) any increase in energy prices for con-
4 sumers, including low-income households, small
5 businesses, and manufacturers;

6 (B) any impact on fuel diversity of the Na-
7 tion's electricity generation portfolio or on na-
8 tional, regional, or local electric reliability;

9 (C) any adverse effect on energy supply,
10 distribution, or use due to the economic or tech-
11 nical infeasibility of implementing the rule; or

12 (D) any other adverse effect on energy
13 supply, distribution, or use (including a short-
14 fall in supply and increased use of foreign sup-
15 plies).

16 (3) SUBSEQUENT DETERMINATION ON ADVERSE
17 EFFECTS TO THE ECONOMY.—If the Secretary of
18 Energy determines, under paragraph (2), that the
19 rule will cause an increase, impact, or effect de-
20 scribed in such paragraph, then the Secretary, in
21 consultation with the Administrator of the Environ-
22 mental Protection Agency, the Secretary of Com-
23 merce, the Secretary of Labor, and the Adminis-
24 trator of the Small Business Administration, shall—

1 (A) determine whether the rule will cause
2 significant adverse effects to the economy, tak-
3 ing into consideration—

4 (i) the costs and benefits of the rule
5 and limitations in calculating such costs
6 and benefits due to uncertainty, specula-
7 tion, or lack of information; and

8 (ii) the positive and negative impacts
9 of the rule on economic indicators, includ-
10 ing those related to gross domestic prod-
11 uct, unemployment, wages, consumer
12 prices, and business and manufacturing ac-
13 tivity; and

14 (B) publish the results of such determina-
15 tion in the Federal Register.

16 **SEC. 204. DEFINITIONS.**

17 In this subtitle:

18 (1) The terms “direct costs” and “indirect
19 costs” have the meanings given such terms in chap-
20 ter 8 of the Environmental Protection Agency’s
21 “Guidelines for Preparing Economic Analyses”
22 dated December 17, 2010.

23 (2) The term “energy-related rule that is esti-
24 mated to cost more than \$1 billion” means a rule of
25 the Environmental Protection Agency that—

1 (A) regulates any aspect of the production,
2 supply, distribution, or use of energy or pro-
3 vides for such regulation by States or other gov-
4 ernmental entities; and

5 (B) is estimated by the Administrator of
6 the Environmental Protection Agency or the
7 Director of the Office of Management and
8 Budget to impose direct costs and indirect
9 costs, in the aggregate, of more than
10 \$1,000,000,000.

11 (3) The term “rule” has the meaning given to
12 such term in section 551 of title 5, United States
13 Code.

14 **SEC. 205. PROHIBITION ON USE OF SOCIAL COST OF CAR-**
15 **BON IN ANALYSIS.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law or any executive order, the Administrator of
18 the Environmental Protection Agency may not use the so-
19 cial cost of carbon in order to incorporate social benefits
20 of reducing carbon dioxide emissions, or for any other rea-
21 son, in any cost-benefit analysis relating to an energy-re-
22 lated rule that is estimated to cost more than \$1 billion
23 unless and until a Federal law is enacted authorizing such
24 use.

1 (b) DEFINITION.—In this section, the term “social
2 cost of carbon” means the social cost of carbon as de-
3 scribed in the technical support document entitled “Tech-
4 nical Support Document: Technical Update of the Social
5 Cost of Carbon for Regulatory Impact Analysis Under Ex-
6 ecutive Order 12866”, published by the Interagency
7 Working Group on Social Cost of Carbon, United States
8 Government, in May 2013, or any successor or substan-
9 tially related document, or any other estimate of the mone-
10 tized damages associated with an incremental increase in
11 carbon dioxide emissions in a given year.

12 **Subtitle B—Electricity Security**
13 **and Affordability**

14 **SEC. 211. SHORT TITLE.**

15 This subtitle may be cited as the “Electricity Security
16 and Affordability Act”.

17 **SEC. 212. STANDARDS OF PERFORMANCE FOR NEW FOSSIL**

18 **FUEL-FIRED ELECTRIC UTILITY GENERATING**

19 **UNITS.**

20 (a) LIMITATION.—The Administrator of the Environ-
21 mental Protection Agency may not issue, implement, or
22 enforce any proposed or final rule under section 111 of
23 the Clean Air Act (42 U.S.C. 7411) that establishes a
24 standard of performance for emissions of any greenhouse
25 gas from any new source that is a fossil fuel-fired electric

1 utility generating unit unless such rule meets the require-
2 ments under subsections (b) and (c).

3 (b) REQUIREMENTS.—In issuing any rule under sec-
4 tion 111 of the Clean Air Act (42 U.S.C. 7411) estab-
5 lishing standards of performance for emissions of any
6 greenhouse gas from new sources that are fossil fuel-fired
7 electric utility generating units, the Administrator of the
8 Environmental Protection Agency (for purposes of estab-
9 lishing such standards)—

10 (1) shall separate sources fueled with coal and
11 natural gas into separate categories; and

12 (2) shall not set a standard based on the best
13 system of emission reduction for new sources within
14 a fossil-fuel category unless—

15 (A) such standard has been achieved on
16 average for at least one continuous 12-month
17 period (excluding planned outages) by each of
18 at least 6 units within such category—

19 (i) each of which is located at a dif-
20 ferent electric generating station in the
21 United States;

22 (ii) which, collectively, are representa-
23 tive of the operating characteristics of elec-
24 tric generation at different locations in the
25 United States; and

1 (iii) each of which is operated for the
2 entire 12-month period on a full commer-
3 cial basis; and

4 (B) no results obtained from any dem-
5 onstration project are used in setting such
6 standard.

7 (c) COAL HAVING A HEAT CONTENT OF 8300 OR
8 LESS BRITISH THERMAL UNITS PER POUND.—

9 (1) SEPARATE SUBCATEGORY.—In carrying out
10 subsection (b)(1), the Administrator of the Environ-
11 mental Protection Agency shall establish a separate
12 subcategory for new sources that are fossil fuel-fired
13 electric utility generating units using coal with an
14 average heat content of 8300 or less British Ther-
15 mal Units per pound.

16 (2) STANDARD.—Notwithstanding subsection
17 (b)(2), in issuing any rule under section 111 of the
18 Clean Air Act (42 U.S.C. 7411) establishing stand-
19 ards of performance for emissions of any greenhouse
20 gas from new sources in such subcategory, the Ad-
21 ministrator of the Environmental Protection Agency
22 shall not set a standard based on the best system of
23 emission reduction unless—

24 (A) such standard has been achieved on
25 average for at least one continuous 12-month

1 period (excluding planned outages) by each of
2 at least 3 units within such subcategory—

3 (i) each of which is located at a dif-
4 ferent electric generating station in the
5 United States;

6 (ii) which, collectively, are representa-
7 tive of the operating characteristics of elec-
8 tric generation at different locations in the
9 United States; and

10 (iii) each of which is operated for the
11 entire 12-month period on a full commer-
12 cial basis; and

13 (B) no results obtained from any dem-
14 onstration project are used in setting such
15 standard.

16 (d) TECHNOLOGIES.—Nothing in this section shall be
17 construed to preclude the issuance, implementation, or en-
18 forcement of a standard of performance that—

19 (1) is based on the use of one or more tech-
20 nologies that are developed in a foreign country, but
21 has been demonstrated to be achievable at fossil
22 fuel-fired electric utility generating units in the
23 United States; and

24 (2) meets the requirements of subsection (b)
25 and (c), as applicable.

1 **SEC. 213. CONGRESS TO SET EFFECTIVE DATE FOR STAND-**
2 **ARDS OF PERFORMANCE FOR EXISTING,**
3 **MODIFIED, AND RECONSTRUCTED FOSSIL**
4 **FUEL-FIRED ELECTRIC UTILITY GENERATING**
5 **UNITS.**

6 (a) **APPLICABILITY.**—This section applies with re-
7 spect to any rule or guidelines issued by the Administrator
8 of the Environmental Protection Agency under section
9 111 of the Clean Air Act (42 U.S.C. 7411) that—

10 (1) establish any standard of performance for
11 emissions of any greenhouse gas from any modified
12 or reconstructed source that is a fossil fuel-fired
13 electric utility generating unit; or

14 (2) apply to the emissions of any greenhouse
15 gas from an existing source that is a fossil fuel-fired
16 electric utility generating unit.

17 (b) **CONGRESS TO SET EFFECTIVE DATE.**—A rule
18 or guidelines described in subsection (a) shall not take ef-
19 fect unless a Federal law is enacted specifying such rule’s
20 or guidelines’ effective date.

21 (c) **REPORTING.**—A rule or guidelines described in
22 subsection (a) shall not take effect unless the Adminis-
23 trator of the Environmental Protection Agency has sub-
24 mitted to Congress a report containing each of the fol-
25 lowing:

26 (1) The text of such rule or guidelines.

1 (2) The economic impacts of such rule or guide-
2 lines, including the potential effects on—

3 (A) economic growth, competitiveness, and
4 jobs in the United States;

5 (B) electricity ratepayers, including low-in-
6 come ratepayers in affected States;

7 (C) required capital investments and pro-
8 jected costs for operation and maintenance of
9 new equipment required to be installed; and

10 (D) the global economic competitiveness of
11 the United States.

12 (3) The amount of greenhouse gas emissions
13 that such rule or guidelines are projected to reduce
14 as compared to overall global greenhouse gas emis-
15 sions.

16 (d) CONSULTATION.—In carrying out subsection (c),
17 the Administrator of the Environmental Protection Agen-
18 cy shall consult with the Administrator of the Energy In-
19 formation Administration, the Comptroller General of the
20 United States, the Director of the National Energy Tech-
21 nology Laboratory, and the Under Secretary of Commerce
22 for Standards and Technology.

1 **SEC. 214. REPEAL OF EARLIER RULES AND GUIDELINES.**

2 The following rules and guidelines shall be of no force
3 or effect, and shall be treated as though such rules and
4 guidelines had never been issued:

5 (1) The proposed rule—

6 (A) entitled “Standards of Performance
7 for Greenhouse Gas Emissions for New Sta-
8 tionary Sources: Electric Utility Generating
9 Units”, published at 77 Fed. Reg. 22392 (April
10 13, 2012); and

11 (B) withdrawn pursuant to the notice enti-
12 tled “Withdrawal of Proposed Standards of
13 Performance for Greenhouse Gas Emissions
14 From New Stationary Sources: Electric Utility
15 Generating Units”, published at 79 Fed. Reg.
16 1352 (January 8, 2014).

17 (2) The proposed rule entitled “Standards of
18 Performance for Greenhouse Gas Emissions From
19 New Stationary Sources: Electric Utility Generating
20 Units”, published at 79 Fed. Reg. 1430 (January 8,
21 2014).

22 (3) With respect to the proposed rules described
23 in paragraphs (1) and (2), any successor or substan-
24 tially similar proposed or final rule that—

25 (A) is issued prior to the date of the enact-
26 ment of this Act;

1 (B) is applicable to any new source that is
2 a fossil fuel-fired electric utility generating unit;
3 and

4 (C) does not meet the requirements under
5 subsections (b) and (c) of section 212.

6 (4) The proposed rule entitled “Carbon Pollu-
7 tion Emission Guidelines for Existing Stationary
8 Sources: Electric Utility Generating Units”, pub-
9 lished at 79 Fed. Reg. 34830 (June 18, 2014).

10 (5) The proposed rule entitled “Carbon Pollu-
11 tion Standards for Modified and Reconstructed Sta-
12 tionary Sources: Electric Utility Generating Units”,
13 published at 79 Fed. Reg. 34960 (June 18, 2014).

14 (6) With respect to the proposed rules described
15 in paragraphs (4) and (5), any successor or substan-
16 tially similar proposed or final rule that—

17 (A) is issued prior to the date of the enact-
18 ment of this Act; and

19 (B) is applicable to any existing, modified,
20 or reconstructed source that is a fossil fuel-fired
21 electric utility generating unit.

22 **SEC. 215. DEFINITIONS.**

23 In this subtitle:

24 (1) **DEMONSTRATION PROJECT.**—The term
25 “demonstration project” means a project to test or

1 demonstrate the feasibility of carbon capture and
2 storage technologies that has received Federal Gov-
3 ernment funding or financial assistance.

4 (2) EXISTING SOURCE.—The term “existing
5 source” has the meaning given such term in section
6 111(a) of the Clean Air Act (42 U.S.C. 7411(a)),
7 except such term shall not include any modified
8 source.

9 (3) GREENHOUSE GAS.—The term “greenhouse
10 gas” means any of the following:

11 (A) Carbon dioxide.

12 (B) Methane.

13 (C) Nitrous oxide.

14 (D) Sulfur hexafluoride.

15 (E) Hydrofluorocarbons.

16 (F) Perfluorocarbons.

17 (4) MODIFICATION.—The term “modification”
18 has the meaning given such term in section 111(a)
19 of the Clean Air Act (42 U.S.C. 7411(a)).

20 (5) MODIFIED SOURCE.—The term “modified
21 source” means any stationary source, the modifica-
22 tion of which is commenced after the date of the en-
23 actment of this Act.

24 (6) NEW SOURCE.—The term “new source” has
25 the meaning given such term in section 111(a) of

1 the Clean Air Act (42 U.S.C. 7411(a)), except that
2 such term shall not include any modified source.

3 **Subtitle C—Report on Energy and**
4 **Water Savings Potential From**
5 **Thermal Insulation**

6 **SEC. 221. REPORT ON ENERGY AND WATER SAVINGS PO-**
7 **TENTIAL FROM THERMAL INSULATION.**

8 (a) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Secretary of Energy, in con-
10 sultation with appropriate Federal agencies and relevant
11 stakeholders, shall submit to the Committee on Energy
12 and Natural Resources of the Senate and the Committee
13 on Energy and Commerce of the House of Representatives
14 a report on the impact of thermal insulation on both en-
15 ergy and water use systems for potable hot and chilled
16 water in Federal buildings, and the return on investment
17 of installing such insulation.

18 (b) CONTENTS.—The report shall include—

19 (1) an analysis based on the cost of municipal
20 or regional water for delivered water and the avoided
21 cost of new water; and

22 (2) a summary of energy and water savings, in-
23 cluding short term and long term (20 years) projec-
24 tions of such savings.

1 **TITLE III—UNLEASHING ENERGY**
2 **DIPLOMACY**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Domestic Prosperity
5 and Global Freedom Act”.

6 **SEC. 302. ACTION ON APPLICATIONS.**

7 (a) **DECISION DEADLINE.**—For proposals that must
8 also obtain authorization from the Federal Energy Regu-
9 latory Commission or the United States Maritime Admin-
10 istration to site, construct, expand, or operate LNG export
11 facilities, the Department of Energy shall issue a final de-
12 cision on any application for the authorization to export
13 natural gas under section 3 of the Natural Gas Act (15
14 U.S.C. 717b) not later than 30 days after the later of—

15 (1) the conclusion of the review to site, con-
16 struct, expand, or operate the LNG facilities re-
17 quired by the National Environmental Policy Act of
18 1969 (42 U.S. C. 4321 et seq.); or

19 (2) the date of enactment of this Act.

20 (b) **CONCLUSION OF REVIEW.**—For purposes of sub-
21 section (a), review required by the National Environ-
22 mental Policy Act of 1969 shall be considered concluded—

23 (1) for a project requiring an Environmental
24 Impact Statement, 30 days after publication of a
25 Final Environmental Impact Statement;

1 (2) for a project for which an Environmental
2 Assessment has been prepared, 30 days after publi-
3 cation by the Department of Energy of a Finding of
4 No Significant Impact; and

5 (3) upon a determination by the lead agency
6 that an application is eligible for a categorical exclu-
7 sion pursuant National Environmental Policy Act of
8 1969 implementing regulations.

9 (c) JUDICIAL ACTION.—(1) The United States Court
10 of Appeals for the circuit in which the export facility will
11 be located pursuant to an application described in sub-
12 section (a) shall have original and exclusive jurisdiction
13 over any civil action for the review of—

14 (A) an order issued by the Department of En-
15 ergy with respect to such application; or

16 (B) the Department of Energy’s failure to issue
17 a final decision on such application.

18 (2) If the Court in a civil action described in para-
19 graph (1) finds that the Department of Energy has failed
20 to issue a final decision on the application as required
21 under subsection (a), the Court shall order the Depart-
22 ment of Energy to issue such final decision not later than
23 30 days after the Court’s order.

24 (3) The Court shall set any civil action brought under
25 this subsection for expedited consideration and shall set

1 the matter on the docket as soon as practical after the
2 filing date of the initial pleading.

3 **SEC. 303. PUBLIC DISCLOSURE OF EXPORT DESTINATIONS.**

4 Section 3 of the Natural Gas Act (15 U.S.C. 717b)
5 is amended by adding at the end the following:

6 “(g) PUBLIC DISCLOSURE OF LNG EXPORT DES-
7 TINATIONS.—As a condition for approval of any authoriza-
8 tion to export LNG, the Secretary of Energy shall require
9 the applicant to publicly disclose the specific destination
10 or destinations of any such authorized LNG exports.”.

11 **DIVISION B—NATURAL**
12 **RESOURCES COMMITTEE**

13 **SEC. 201. REFERENCES.**

14 Except as expressly provided otherwise, any reference
15 to “this Act” in any subdivision of this division shall be
16 treated as referring only to the provisions of that subdivi-
17 sion.

18 **SUBDIVISION A—LOWERING**
19 **GASOLINE PRICES TO FUEL**
20 **AN AMERICA THAT WORKS**
21 **ACT OF 2014**

22 **SEC. 1. SHORT TITLE.**

23 This subdivision may be cited as the “Lowering Gaso-
24 line Prices to Fuel an America That Works Act of 2014”.

1 **TITLE I—OFFSHORE ENERGY**
2 **AND JOBS**

3 **Subtitle A—Outer Continental**
4 **Shelf Leasing Program Reforms**

5 **SEC. 10101. OUTER CONTINENTAL SHELF LEASING PRO-**
6 **GRAM REFORMS.**

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

10 “(5)(A) In each oil and gas leasing program
11 under this section, the Secretary shall make avail-
12 able for leasing and conduct lease sales including at
13 least 50 percent of the available unleased acreage
14 within each outer Continental Shelf planning area
15 considered to have the largest undiscovered, tech-
16 nically recoverable oil and gas resources (on a total
17 btu basis) based upon the most recent national geo-
18 logic assessment of the outer Continental Shelf, with
19 an emphasis on offering the most geologically pro-
20 spective parts of the planning area.

21 “(B) The Secretary shall include in each pro-
22 posed oil and gas leasing program under this section
23 any State subdivision of an outer Continental Shelf
24 planning area that the Governor of the State that
25 represents that subdivision requests be made avail-

1 able for leasing. The Secretary may not remove such
2 a subdivision from the program until publication of
3 the final program, and shall include and consider all
4 such subdivisions in any environmental review con-
5 ducted and statement prepared for such program
6 under section 102(2) of the National Environmental
7 Policy Act of 1969 (42 U.S.C. 4332(2)).

8 “(C) In this paragraph the term ‘available un-
9 leased acreage’ means that portion of the outer Con-
10 tinental Shelf that is not under lease at the time of
11 a proposed lease sale, and that has not otherwise
12 been made unavailable for leasing by law.

13 “(6)(A) In the 5-year oil and gas leasing pro-
14 gram, the Secretary shall make available for leasing
15 any outer Continental Shelf planning areas that—

16 “(i) are estimated to contain more than
17 2,500,000,000 barrels of oil; or

18 “(ii) are estimated to contain more than
19 7,500,000,000,000 cubic feet of natural gas.

20 “(B) To determine the planning areas described
21 in subparagraph (A), the Secretary shall use the
22 document entitled ‘Minerals Management Service
23 Assessment of Undiscovered Technically Recoverable
24 Oil and Gas Resources of the Nation’s Outer Conti-
25 nental Shelf, 2006’.”.

1 **SEC. 10102. DOMESTIC OIL AND NATURAL GAS PRODUC-**
2 **TION GOAL.**

3 Section 18(b) of the Outer Continental Shelf Lands
4 Act (43 U.S.C. 1344(b)) is amended to read as follows:

5 “(b) DOMESTIC OIL AND NATURAL GAS PRODUC-
6 TION GOAL.—

7 “(1) IN GENERAL.—In developing a 5-year oil
8 and gas leasing program, and subject to paragraph
9 (2), the Secretary shall determine a domestic stra-
10 tegic production goal for the development of oil and
11 natural gas as a result of that program. Such goal
12 shall be—

13 “(A) the best estimate of the possible in-
14 crease in domestic production of oil and natural
15 gas from the outer Continental Shelf;

16 “(B) focused on meeting domestic demand
17 for oil and natural gas and reducing the de-
18 pendence of the United States on foreign en-
19 ergy; and

20 “(C) focused on the production increases
21 achieved by the leasing program at the end of
22 the 15-year period beginning on the effective
23 date of the program.

24 “(2) PROGRAM GOAL.—For purposes of the 5-
25 year oil and gas leasing program, the production

1 goal referred to in paragraph (1) shall be an in-
2 crease by 2032 of—

3 “(A) no less than 3,000,000 barrels in the
4 amount of oil produced per day; and

5 “(B) no less than 10,000,000,000 cubic
6 feet in the amount of natural gas produced per
7 day.

8 “(3) REPORTING.—The Secretary shall report
9 annually, beginning at the end of the 5-year period
10 for which the program applies, to the Committee on
11 Natural Resources of the House of Representatives
12 and the Committee on Energy and Natural Re-
13 sources of the Senate on the progress of the pro-
14 gram in meeting the production goal. The Secretary
15 shall identify in the report projections for production
16 and any problems with leasing, permitting, or pro-
17 duction that will prevent meeting the goal.”.

18 **SEC. 10103. DEVELOPMENT AND SUBMITTAL OF NEW 5-**

19 **YEAR OIL AND GAS LEASING PROGRAM.**

20 (a) IN GENERAL.—The Secretary of the Interior
21 shall—

22 (1) by not later than July 15, 2015, publish
23 and submit to Congress a new proposed oil and gas
24 leasing program under section 18 of the Outer Con-
25 tinental Shelf Lands Act (43 U.S.C. 1344) for the

1 5-year period beginning on such date and ending
2 July 15, 2021; and

3 (2) by not later than July 15, 2016, approve a
4 final oil and gas leasing program under such section
5 for such period.

6 (b) CONSIDERATION OF ALL AREAS.—In preparing
7 such program the Secretary shall include consideration of
8 areas of the Continental Shelf off the coasts of all States
9 (as such term is defined in section 2 of that Act, as
10 amended by this title), that are subject to leasing under
11 this title.

12 (c) TECHNICAL CORRECTION.—Section 18(d)(3) of
13 the Outer Continental Shelf Lands Act (43 U.S.C.
14 1344(d)(3)) is amended by striking “or after eighteen
15 months following the date of enactment of this section,
16 whichever first occurs,”.

17 **SEC. 10104. RULE OF CONSTRUCTION.**

18 Nothing in this title shall be construed to authorize
19 the issuance of a lease under the Outer Continental Shelf
20 Lands Act (43 U.S.C. 1331 et seq.) to any person des-
21 ignated for the imposition of sanctions pursuant to—

22 (1) the Iran Sanctions Act of 1996 (50 U.S.C.
23 1701 note), the Comprehensive Iran Sanctions, Ac-
24 countability and Divestiture Act of 2010 (22 U.S.C.
25 8501 et seq.), the Iran Threat Reduction and Syria

1 Human Rights Act of 2012 (22 U.S.C. 8701 et
2 seq.), section 1245 of the National Defense Author-
3 ization Act for Fiscal Year 2012 (22 U.S.C. 8513a),
4 or the Iran Freedom and Counter-Proliferation Act
5 of 2012 (22 U.S.C. 8801 et seq.);

6 (2) Executive Order No. 13622 (July 30,
7 2012), Executive Order No. 13628 (October 9,
8 2012), or Executive Order No. 13645 (June 3,
9 2013);

10 (3) Executive Order No. 13224 (September 23,
11 2001) or Executive Order No. 13338 (May 11,
12 2004); or

13 (4) the Syria Accountability and Lebanese Sov-
14 ereignty Restoration Act of 2003 (22 U.S.C. 2151
15 note).

16 **SEC. 10105. ADDITION OF LEASE SALES AFTER FINALIZA-**
17 **TION OF 5-YEAR PLAN.**

18 Section 18(d) of the Outer Continental Shelf Lands
19 Act (43 U.S.C.1344(d)) is amended—

20 (1) in paragraph (3), by striking “After” and
21 inserting “Except as provided in paragraph (4),
22 after”; and

23 (2) by adding at the end the following:

24 “(4) The Secretary may add to the areas included
25 in an approved leasing program additional areas to be

1 made available for leasing under the program, if all review
2 and documents required under section 102 of the National
3 Environmental Policy Act of 1969 (42 U.S.C. 4332) have
4 been completed with respect to leasing of each such addi-
5 tional area within the 5-year period preceding such addi-
6 tion.”.

7 **Subtitle B—Directing the President** 8 **To Conduct New OCS Sales**

9 **SEC. 10201. REQUIREMENT TO CONDUCT PROPOSED OIL** 10 **AND GAS LEASE SALE 220 ON THE OUTER** 11 **CONTINENTAL SHELF OFFSHORE VIRGINIA.**

12 (a) IN GENERAL.—Notwithstanding the exclusion of
13 Lease Sale 220 in the Final Outer Continental Shelf Oil
14 & Gas Leasing Program 2012–2017, the Secretary of the
15 Interior shall conduct offshore oil and gas Lease Sale 220
16 under section 8 of the Outer Continental Shelf Lands Act
17 (43 U.S.C. 1337) as soon as practicable, but not later
18 than one year after the date of enactment of this Act.

19 (b) REQUIREMENT TO MAKE REPLACEMENT LEASE
20 BLOCKS AVAILABLE.—For each lease block in a proposed
21 lease sale under this section for which the Secretary of
22 Defense, in consultation with the Secretary of the Interior,
23 under the Memorandum of Agreement referred to in sec-
24 tion 10205(b), issues a statement proposing deferral from
25 a lease offering due to defense-related activities that are

1 irreconcilable with mineral exploration and development,
2 the Secretary of the Interior, in consultation with the Sec-
3 retary of Defense, shall make available in the same lease
4 sale one other lease block in the Virginia lease sale plan-
5 ning area that is acceptable for oil and gas exploration
6 and production in order to mitigate conflict.

7 (c) BALANCING MILITARY AND ENERGY PRODUC-
8 TION GOALS.—In recognition that the Outer Continental
9 Shelf oil and gas leasing program and the domestic energy
10 resources produced therefrom are integral to national se-
11 curity, the Secretary of the Interior and the Secretary of
12 Defense shall work jointly in implementing this section in
13 order to ensure achievement of the following common
14 goals:

15 (1) Preserving the ability of the Armed Forces
16 of the United States to maintain an optimum state
17 of readiness through their continued use of the
18 Outer Continental Shelf.

19 (2) Allowing effective exploration, development,
20 and production of our Nation’s oil, gas, and renew-
21 able energy resources.

22 (d) DEFINITIONS.—In this section:

23 (1) LEASE SALE 220.—The term “Lease Sale
24 220” means such lease sale referred to in the Re-
25 quest for Comments on the Draft Proposed 5-Year

1 Outer Continental Shelf (OCS) Oil and Gas Leasing
2 Program for 2010–2015 and Notice of Intent To
3 Prepare an Environmental Impact Statement (EIS)
4 for the Proposed 5-Year Program published January
5 21, 2009 (74 Fed. Reg. 3631).

6 (2) VIRGINIA LEASE SALE PLANNING AREA.—
7 The term “Virginia lease sale planning area” means
8 the area of the outer Continental Shelf (as that term
9 is defined in the Outer Continental Shelf Lands Act
10 (33 U.S.C. 1331 et seq.)) that is bounded by—

11 (A) a northern boundary consisting of a
12 straight line extending from the northernmost
13 point of Virginia’s seaward boundary to the
14 point on the seaward boundary of the United
15 States exclusive economic zone located at 37 de-
16 grees 17 minutes 1 second North latitude, 71
17 degrees 5 minutes 16 seconds West longitude;
18 and

19 (B) a southern boundary consisting of a
20 straight line extending from the southernmost
21 point of Virginia’s seaward boundary to the
22 point on the seaward boundary of the United
23 States exclusive economic zone located at 36 de-
24 grees 31 minutes 58 seconds North latitude, 71
25 degrees 30 minutes 1 second West longitude.

1 **SEC. 10202. SOUTH CAROLINA LEASE SALE.**

2 Notwithstanding exclusion of the South Atlantic
3 Outer Continental Shelf Planning Area from the Final
4 Outer Continental Shelf Oil & Gas Leasing Program
5 2012–2017, the Secretary of the Interior shall conduct a
6 lease sale not later than 2 years after the date of the en-
7 actment of this Act for areas off the coast of South Caro-
8 lina determined by the Secretary to have the most geologi-
9 cally promising hydrocarbon resources and constituting
10 not less than 25 percent of the leasable area within the
11 South Carolina offshore administrative boundaries de-
12 picted in the notice entitled “Federal Outer Continental
13 Shelf (OCS) Administrative Boundaries Extending from
14 the Submerged Lands Act Boundary seaward to the Limit
15 of the United States Outer Continental Shelf”, published
16 January 3, 2006 (71 Fed. Reg. 127).

17 **SEC. 10203. SOUTHERN CALIFORNIA EXISTING INFRA-**
18 **STRUCTURE LEASE SALE.**

19 (a) IN GENERAL.—The Secretary of the Interior shall
20 offer for sale leases of tracts in the Santa Maria and
21 Santa Barbara/Ventura Basins of the Southern California
22 OCS Planning Area as soon as practicable, but not later
23 than December 31, 2015.

24 (b) USE OF EXISTING STRUCTURES OR ONSHORE-
25 BASED DRILLING.—The Secretary of the Interior shall in-
26 clude in leases offered for sale under this lease sale such

1 terms and conditions as are necessary to require that de-
2 velopment and production may occur only from offshore
3 infrastructure in existence on the date of the enactment
4 of this Act or from onshore-based, extended-reach drilling.

5 **SEC. 10204. ENVIRONMENTAL IMPACT STATEMENT RE-**
6 **QUIREMENT.**

7 (a) IN GENERAL.—For the purposes of this title, the
8 Secretary of the Interior shall prepare a multisale environ-
9 mental impact statement under section 102 of the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C. 4332)
11 for all lease sales required under this subtitle.

12 (b) ACTIONS TO BE CONSIDERED.—Notwithstanding
13 section 102 of the National Environmental Policy Act of
14 1969 (42 U.S.C. 4332), in such statement—

15 (1) the Secretary is not required to identify
16 nonleasing alternative courses of action or to analyze
17 the environmental effects of such alternative courses
18 of action; and

19 (2) the Secretary shall only—

20 (A) identify a preferred action for leasing
21 and not more than one alternative leasing pro-
22 posal; and

23 (B) analyze the environmental effects and
24 potential mitigation measures for such pre-

1 ferred action and such alternative leasing pro-
2 posal.

3 **SEC. 10205. NATIONAL DEFENSE.**

4 (a) NATIONAL DEFENSE AREAS.—This title does not
5 affect the existing authority of the Secretary of Defense,
6 with the approval of the President, to designate national
7 defense areas on the Outer Continental Shelf pursuant to
8 section 12(d) of the Outer Continental Shelf Lands Act
9 (43 U.S.C. 1341(d)).

10 (b) PROHIBITION ON CONFLICTS WITH MILITARY
11 OPERATIONS.—No person may engage in any exploration,
12 development, or production of oil or natural gas on the
13 Outer Continental Shelf under a lease issued under this
14 title that would conflict with any military operation, as
15 determined in accordance with the Memorandum of Agree-
16 ment between the Department of Defense and the Depart-
17 ment of the Interior on Mutual Concerns on the Outer
18 Continental Shelf signed July 20, 1983, and any revision
19 or replacement for that agreement that is agreed to by
20 the Secretary of Defense and the Secretary of the Interior
21 after that date but before the date of issuance of the lease
22 under which such exploration, development, or production
23 is conducted.

1 **SEC. 10206. EASTERN GULF OF MEXICO NOT INCLUDED.**

2 Nothing in this title affects restrictions on oil and gas
3 leasing under the Gulf of Mexico Energy Security Act of
4 2006 (title I of division C of Public Law 109–432; 43
5 U.S.C. 1331 note).

6 **Subtitle C—Equitable Sharing of**
7 **Outer Continental Shelf Revenues**

8 **SEC. 10301. DISPOSITION OF OUTER CONTINENTAL SHELF**
9 **REVENUES TO COASTAL STATES.**

10 (a) IN GENERAL.—Section 9 of the Outer Conti-
11 nental Shelf Lands Act (43 U.S.C. 1338) is amended—

12 (1) in the existing text—

13 (A) in the first sentence, by striking “All
14 rentals,” and inserting the following:

15 “(c) DISPOSITION OF REVENUE UNDER OLD
16 LEASES.—All rentals,”; and

17 (B) in subsection (c) (as designated by the
18 amendment made by subparagraph (A) of this
19 paragraph), by striking “for the period from
20 June 5, 1950, to date, and thereafter” and in-
21 serting “in the period beginning June 5, 1950,
22 and ending on the date of enactment of the
23 Lowering Gasoline Prices to Fuel an America
24 That Works Act of 2014”;

25 (2) by adding after subsection (c) (as so des-
26 ignated) the following:

1 “(d) DEFINITIONS.—In this section:

2 “(1) COASTAL STATE.—The term ‘coastal
3 State’ includes a territory of the United States.

4 “(2) NEW LEASING REVENUES.—The term ‘new
5 leasing revenues’—

6 “(A) means amounts received by the
7 United States as bonuses, rents, and royalties
8 under leases for oil and gas, wind, tidal, or
9 other energy exploration, development, and pro-
10 duction on new areas of the outer Continental
11 Shelf that are authorized to be made available
12 for leasing as a result of enactment of the Low-
13 ering Gasoline Prices to Fuel an America That
14 Works Act of 2014 and leasing under that Act;
15 and

16 “(B) does not include amounts received by
17 the United States under any lease of an area lo-
18 cated in the boundaries of the Central Gulf of
19 Mexico and Western Gulf of Mexico Outer Con-
20 tinental Shelf Planning Areas on the date of en-
21 actment of the Lowering Gasoline Prices to
22 Fuel an America That Works Act of 2014, in-
23 cluding a lease issued before, on, or after such
24 date of enactment.”; and

1 (3) by inserting before subsection (c) (as so
2 designated) the following:

3 “(a) PAYMENT OF NEW LEASING REVENUES TO
4 COASTAL STATES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), of the amount of new leasing revenues re-
7 ceived by the United States each fiscal year, 37.5
8 percent shall be allocated and paid in accordance
9 with subsection (b) to coastal States that are af-
10 fected States with respect to the leases under which
11 those revenues are received by the United States.

12 “(2) PHASE-IN.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), paragraph (1) shall be ap-
15 plied—

16 “(i) with respect to new leasing reve-
17 nues under leases awarded under the first
18 leasing program under section 18(a) that
19 takes effect after the date of enactment of
20 the Lowering Gasoline Prices to Fuel an
21 America That Works Act of 2014, by sub-
22 stituting ‘12.5 percent’ for ‘37.5 percent’;
23 and

24 “(ii) with respect to new leasing reve-
25 nues under leases awarded under the sec-

1 ond leasing program under section 18(a)
2 that takes effect after the date of enact-
3 ment of the Lowering Gasoline Prices to
4 Fuel an America That Works Act of 2014,
5 by substituting ‘25 percent’ for ‘37.5 per-
6 cent’.

7 “(B) EXEMPTED LEASE SALES.—This
8 paragraph shall not apply with respect to any
9 lease issued under subtitle B of the Lowering
10 Gasoline Prices to Fuel an America That
11 Works Act of 2014.

12 “(b) ALLOCATION OF PAYMENTS.—

13 “(1) IN GENERAL.—The amount of new leasing
14 revenues received by the United States with respect
15 to a leased tract that are required to be paid to
16 coastal States in accordance with this subsection
17 each fiscal year shall be allocated among and paid
18 to coastal States that are within 200 miles of the
19 leased tract, in amounts that are inversely propor-
20 tional to the respective distances between the point
21 on the coastline of each such State that is closest to
22 the geographic center of the lease tract, as deter-
23 mined by the Secretary.

24 “(2) MINIMUM AND MAXIMUM ALLOCATION.—
25 The amount allocated to a coastal State under para-

1 graph (1) each fiscal year with respect to a leased
2 tract shall be—

3 “(A) in the case of a coastal State that is
4 the nearest State to the geographic center of
5 the leased tract, not less than 25 percent of the
6 total amounts allocated with respect to the
7 leased tract;

8 “(B) in the case of any other coastal State,
9 not less than 10 percent, and not more than 15
10 percent, of the total amounts allocated with re-
11 spect to the leased tract; and

12 “(C) in the case of a coastal State that is
13 the only coastal State within 200 miles of a
14 leased tract, 100 percent of the total amounts
15 allocated with respect to the leased tract.

16 “(3) ADMINISTRATION.—Amounts allocated to
17 a coastal State under this subsection—

18 “(A) shall be available to the coastal State
19 without further appropriation;

20 “(B) shall remain available until expended;

21 “(C) shall be in addition to any other
22 amounts available to the coastal State under
23 this Act; and

24 “(D) shall be distributed in the fiscal year
25 following receipt.

1 “(4) USE OF FUNDS.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), a coastal State may use
4 funds allocated and paid to it under this sub-
5 section for any purpose as determined by the
6 laws of that State.

7 “(B) RESTRICTION ON USE FOR MATCH-
8 ING.—Funds allocated and paid to a coastal
9 State under this subsection may not be used as
10 matching funds for any other Federal pro-
11 gram.”.

12 (b) LIMITATION ON APPLICATION.—This section and
13 the amendment made by this section shall not affect the
14 application of section 105 of the Gulf of Mexico Energy
15 Security Act of 2006 (title I of division C of Public Law
16 109–432; (43 U.S.C. 1331 note)), as in effect before the
17 enactment of this Act, with respect to revenues received
18 by the United States under oil and gas leases issued for
19 tracts located in the Western and Central Gulf of Mexico
20 Outer Continental Shelf Planning Areas, including such
21 leases issued on or after the date of the enactment of this
22 Act.

1 **Subtitle D—Reorganization of Min-**
2 **erals Management Agencies of**
3 **the Department of the Interior**

4 **SEC. 10401. ESTABLISHMENT OF UNDER SECRETARY FOR**
5 **ENERGY, LANDS, AND MINERALS AND ASSIST-**
6 **ANT SECRETARY OF OCEAN ENERGY AND**
7 **SAFETY.**

8 There shall be in the Department of the Interior—

9 (1) an Under Secretary for Energy, Lands, and
10 Minerals, who shall—

11 (A) be appointed by the President, by and
12 with the advise and consent of the Senate;

13 (B) report to the Secretary of the Interior
14 or, if directed by the Secretary, to the Deputy
15 Secretary of the Interior;

16 (C) be paid at the rate payable for level III
17 of the Executive Schedule; and

18 (D) be responsible for—

19 (i) the safe and responsible develop-
20 ment of our energy and mineral resources
21 on Federal lands in appropriate accordance
22 with United States energy demands; and

23 (ii) ensuring multiple-use missions of
24 the Department of the Interior that pro-
25 mote the safe and sustained development

1 of energy and minerals resources on public
2 lands (as that term is defined in the Fed-
3 eral Land Policy and Management Act of
4 1976 (43 U.S.C. 1701 et seq.));

5 (2) an Assistant Secretary of Ocean Energy
6 and Safety, who shall—

7 (A) be appointed by the President, by and
8 with the advise and consent of the Senate;

9 (B) report to the Under Secretary for En-
10 ergy, Lands, and Minerals;

11 (C) be paid at the rate payable for level IV
12 of the Executive Schedule; and

13 (D) be responsible for ensuring safe and
14 efficient development of energy and minerals on
15 the Outer Continental Shelf of the United
16 States; and

17 (3) an Assistant Secretary of Land and Min-
18 erals Management, who shall—

19 (A) be appointed by the President, by and
20 with the advise and consent of the Senate;

21 (B) report to the Under Secretary for En-
22 ergy, Lands, and Minerals;

23 (C) be paid at the rate payable for level IV
24 of the Executive Schedule; and

1 (D) be responsible for ensuring safe and
2 efficient development of energy and minerals on
3 public lands and other Federal onshore lands
4 under the jurisdiction of the Department of the
5 Interior, including implementation of the Min-
6 eral Leasing Act (30 U.S.C. 181 et seq.) and
7 the Surface Mining Control and Reclamation
8 Act (30 U.S.C. 1201 et seq.) and administra-
9 tion of the Office of Surface Mining.

10 **SEC. 10402. BUREAU OF OCEAN ENERGY.**

11 (a) ESTABLISHMENT.—There is established in the
12 Department of the Interior a Bureau of Ocean Energy (re-
13 ferred to in this section as the “Bureau”), which shall—

14 (1) be headed by a Director of Ocean Energy
15 (referred to in this section as the “Director”); and

16 (2) be administered under the direction of the
17 Assistant Secretary of Ocean Energy and Safety.

18 (b) DIRECTOR.—

19 (1) APPOINTMENT.—The Director shall be ap-
20 pointed by the Secretary of the Interior.

21 (2) COMPENSATION.—The Director shall be
22 compensated at the rate provided for level V of the
23 Executive Schedule under section 5316 of title 5,
24 United States Code.

25 (c) DUTIES.—

1 (1) IN GENERAL.—The Secretary of the Inte-
2 rior shall carry out through the Bureau all func-
3 tions, powers, and duties vested in the Secretary re-
4 lating to the administration of a comprehensive pro-
5 gram of offshore mineral and renewable energy re-
6 sources management.

7 (2) SPECIFIC AUTHORITIES.—The Director
8 shall promulgate and implement regulations—

9 (A) for the proper issuance of leases for
10 the exploration, development, and production of
11 nonrenewable and renewable energy and min-
12 eral resources on the Outer Continental Shelf;

13 (B) relating to resource identification, ac-
14 cess, evaluation, and utilization;

15 (C) for development of leasing plans, lease
16 sales, and issuance of leases for such resources;
17 and

18 (D) regarding issuance of environmental
19 impact statements related to leasing and post
20 leasing activities including exploration, develop-
21 ment, and production, and the use of third
22 party contracting for necessary environmental
23 analysis for the development of such resources.

1 (3) LIMITATION.—The Secretary shall not carry
2 out through the Bureau any function, power, or duty
3 that is—

4 (A) required by section 10403 to be car-
5 ried out through the Ocean Energy Safety Serv-
6 ice; or

7 (B) required by section 10404 to be car-
8 ried out through the Office of Natural Re-
9 sources Revenue.

10 (d) RESPONSIBILITIES OF LAND MANAGEMENT
11 AGENCIES.—Nothing in this section shall affect the au-
12 thorities of the Bureau of Land Management under the
13 Federal Land Policy and Management Act of 1976 (43
14 U.S.C. 1701 et seq.) or of the Forest Service under the
15 National Forest Management Act of 1976 (Public Law
16 94–588).

17 **SEC. 10403. OCEAN ENERGY SAFETY SERVICE.**

18 (a) ESTABLISHMENT.—There is established in the
19 Department of the Interior an Ocean Energy Safety Serv-
20 ice (referred to in this section as the “Service”), which
21 shall—

22 (1) be headed by a Director of Energy Safety
23 (referred to in this section as the “Director”); and

24 (2) be administered under the direction of the
25 Assistant Secretary of Ocean Energy and Safety.

1 (b) DIRECTOR.—

2 (1) APPOINTMENT.—The Director shall be ap-
3 pointed by the Secretary of the Interior.

4 (2) COMPENSATION.—The Director shall be
5 compensated at the rate provided for level V of the
6 Executive Schedule under section 5316 of title 5,
7 United States Code.

8 (c) DUTIES.—

9 (1) IN GENERAL.—The Secretary of the Inte-
10 rior shall carry out through the Service all functions,
11 powers, and duties vested in the Secretary relating
12 to the administration of safety and environmental
13 enforcement activities related to offshore mineral
14 and renewable energy resources on the Outer Conti-
15 nental Shelf pursuant to the Outer Continental Shelf
16 Lands Act (43 U.S.C. 1331 et seq.) including the
17 authority to develop, promulgate, and enforce regu-
18 lations to ensure the safe and sound exploration, de-
19 velopment, and production of mineral and renewable
20 energy resources on the Outer Continental Shelf in
21 a timely fashion.

22 (2) SPECIFIC AUTHORITIES.—The Director
23 shall be responsible for all safety activities related to
24 exploration and development of renewable and min-

1 eral resources on the Outer Continental Shelf, in-
2 cluding—

3 (A) exploration, development, production,
4 and ongoing inspections of infrastructure;

5 (B) the suspending or prohibiting, on a
6 temporary basis, any operation or activity, in-
7 cluding production under leases held on the
8 Outer Continental Shelf, in accordance with
9 section 5(a)(1) of the Outer Continental Shelf
10 Lands Act (43 U.S.C. 1334(a)(1));

11 (C) cancelling any lease, permit, or right-
12 of-way on the Outer Continental Shelf, in ac-
13 cordance with section 5(a)(2) of the Outer Con-
14 tinental Shelf Lands Act (43 U.S.C.
15 1334(a)(2));

16 (D) compelling compliance with applicable
17 Federal laws and regulations relating to worker
18 safety and other matters;

19 (E) requiring comprehensive safety and en-
20 vironmental management programs for persons
21 engaged in activities connected with the explo-
22 ration, development, and production of mineral
23 or renewable energy resources;

24 (F) developing and implementing regula-
25 tions for Federal employees to carry out any in-

1 specification or investigation to ascertain compli-
2 ance with applicable regulations, including
3 health, safety, or environmental regulations;

4 (G) implementing the Offshore Technology
5 Research and Risk Assessment Program under
6 section 21 of the Outer Continental Shelf
7 Lands Act (43 U.S.C. 1347);

8 (H) summoning witnesses and directing
9 the production of evidence;

10 (I) levying fines and penalties and disquali-
11 fying operators;

12 (J) carrying out any safety, response, and
13 removal preparedness functions; and

14 (K) the processing of permits, exploration
15 plans, development plans.

16 (d) EMPLOYEES.—

17 (1) IN GENERAL.—The Secretary shall ensure
18 that the inspection force of the Bureau consists of
19 qualified, trained employees who meet qualification
20 requirements and adhere to the highest professional
21 and ethical standards.

22 (2) QUALIFICATIONS.—The qualification re-
23 quirements referred to in paragraph (1)—

24 (A) shall be determined by the Secretary,
25 subject to subparagraph (B); and

1 (B) shall include—

2 (i) 3 years of practical experience in
3 oil and gas exploration, development, or
4 production; or

5 (ii) a degree in an appropriate field of
6 engineering from an accredited institution
7 of higher learning.

8 (3) ASSIGNMENT.—In assigning oil and gas in-
9 spectors to the inspection and investigation of indi-
10 vidual operations, the Secretary shall give due con-
11 sideration to the extent possible to their previous ex-
12 perience in the particular type of oil and gas oper-
13 ation in which such inspections are to be made.

14 (4) BACKGROUND CHECKS.—The Director shall
15 require that an individual to be hired as an inspec-
16 tion officer undergo an employment investigation
17 (including a criminal history record check).

18 (5) LANGUAGE REQUIREMENTS.—Individuals
19 hired as inspectors must be able to read, speak, and
20 write English well enough to—

21 (A) carry out written and oral instructions
22 regarding the proper performance of inspection
23 duties; and

24 (B) write inspection reports and state-
25 ments and log entries in the English language.

1 (6) VETERANS PREFERENCE.—The Director
2 shall provide a preference for the hiring of an indi-
3 vidual as a inspection officer if the individual is a
4 member or former member of the Armed Forces and
5 is entitled, under statute, to retired, retirement, or
6 retainer pay on account of service as a member of
7 the Armed Forces.

8 (7) ANNUAL PROFICIENCY REVIEW.—

9 (A) ANNUAL PROFICIENCY REVIEW.—The
10 Director shall provide that an annual evaluation
11 of each individual assigned inspection duties is
12 conducted and documented.

13 (B) CONTINUATION OF EMPLOYMENT.—An
14 individual employed as an inspector may not
15 continue to be employed in that capacity unless
16 the evaluation demonstrates that the indi-
17 vidual—

18 (i) continues to meet all qualifications
19 and standards;

20 (ii) has a satisfactory record of per-
21 formance and attention to duty based on
22 the standards and requirements in the in-
23 spection program; and

24 (iii) demonstrates the current knowl-
25 edge and skills necessary to courteously,

1 vigilantly, and effectively perform inspec-
2 tion functions.

3 (8) LIMITATION ON RIGHT TO STRIKE.—Any
4 individual that conducts permitting or inspections
5 under this section may not participate in a strike, or
6 assert the right to strike.

7 (9) PERSONNEL AUTHORITY.—Notwithstanding
8 any other provision of law, the Director may employ,
9 appoint, discipline and terminate for cause, and fix
10 the compensation, terms, and conditions of employ-
11 ment of Federal service for individuals as the em-
12 ployees of the Service in order to restore and main-
13 tain the trust of the people of the United States in
14 the accountability of the management of our Na-
15 tion’s energy safety program.

16 (10) TRAINING ACADEMY.—

17 (A) IN GENERAL.—The Secretary shall es-
18 tablish and maintain a National Offshore En-
19 ergy Safety Academy (referred to in this para-
20 graph as the “Academy”) as an agency of the
21 Ocean Energy Safety Service.

22 (B) FUNCTIONS OF ACADEMY.—The Sec-
23 retary, through the Academy, shall be respon-
24 sible for—

1 (i) the initial and continued training
2 of both newly hired and experienced off-
3 shore oil and gas inspectors in all aspects
4 of health, safety, environmental, and oper-
5 ational inspections;

6 (ii) the training of technical support
7 personnel of the Bureau;

8 (iii) any other training programs for
9 offshore oil and gas inspectors, Bureau
10 personnel, Department personnel, or other
11 persons as the Secretary shall designate;
12 and

13 (iv) certification of the successful
14 completion of training programs for newly
15 hired and experienced offshore oil and gas
16 inspectors.

17 (C) COOPERATIVE AGREEMENTS.—

18 (i) IN GENERAL.—In performing func-
19 tions under this paragraph, and subject to
20 clause (ii), the Secretary may enter into
21 cooperative educational and training agree-
22 ments with educational institutions, related
23 Federal academies, other Federal agencies,
24 State governments, safety training firms,

1 and oil and gas operators and related in-
2 dustries.

3 (ii) TRAINING REQUIREMENT.—Such
4 training shall be conducted by the Acad-
5 emy in accordance with curriculum needs
6 and assignment of instructional personnel
7 established by the Secretary.

8 (11) USE OF DEPARTMENT PERSONNEL.—In
9 performing functions under this subsection, the Sec-
10 retary shall use, to the extent practicable, the facili-
11 ties and personnel of the Department of the Interior.
12 The Secretary may appoint or assign to the Acad-
13 emy such officers and employees as the Secretary
14 considers necessary for the performance of the du-
15 ties and functions of the Academy.

16 (12) ADDITIONAL TRAINING PROGRAMS.—

17 (A) IN GENERAL.—The Secretary shall
18 work with appropriate educational institutions,
19 operators, and representatives of oil and gas
20 workers to develop and maintain adequate pro-
21 grams with educational institutions and oil and
22 gas operators that are designed—

23 (i) to enable persons to qualify for po-
24 sitions in the administration of this title;
25 and

1 (ii) to provide for the continuing edu-
2 cation of inspectors or other appropriate
3 Department of the Interior personnel.

4 (B) FINANCIAL AND TECHNICAL ASSIST-
5 ANCE.—The Secretary may provide financial
6 and technical assistance to educational institu-
7 tions in carrying out this paragraph.

8 (e) LIMITATION.—The Secretary shall not carry out
9 through the Service any function, power, or duty that is—

10 (1) required by section 10402 to be carried out
11 through Bureau of Ocean Energy; or

12 (2) required by section 10404 to be carried out
13 through the Office of Natural Resources Revenue.

14 **SEC. 10404. OFFICE OF NATURAL RESOURCES REVENUE.**

15 (a) ESTABLISHMENT.—There is established in the
16 Department of the Interior an Office of Natural Resources
17 Revenue (referred to in this section as the “Office”) to
18 be headed by a Director of Natural Resources Revenue
19 (referred to in this section as the “Director”).

20 (b) APPOINTMENT AND COMPENSATION.—

21 (1) IN GENERAL.—The Director shall be ap-
22 pointed by the Secretary of the Interior.

23 (2) COMPENSATION.—The Director shall be
24 compensated at the rate provided for Level V of the

1 Executive Schedule under section 5316 of title 5,
2 United States Code.

3 (c) DUTIES.—

4 (1) IN GENERAL.—The Secretary of the Inte-
5 rior shall carry out, through the Office, all functions,
6 powers, and duties vested in the Secretary and relat-
7 ing to the administration of offshore royalty and rev-
8 enue management functions.

9 (2) SPECIFIC AUTHORITIES.—The Secretary
10 shall carry out, through the Office, all functions,
11 powers, and duties previously assigned to the Min-
12 erals Management Service (including the authority
13 to develop, promulgate, and enforce regulations) re-
14 garding offshore royalty and revenue collection; roy-
15 alty and revenue distribution; auditing and compli-
16 ance; investigation and enforcement of royalty and
17 revenue regulations; and asset management for on-
18 shore and offshore activities.

19 (d) LIMITATION.—The Secretary shall not carry out
20 through the Office any function, power, or duty that is—

21 (1) required by section 10402 to be carried out
22 through Bureau of Ocean Energy; or

23 (2) required by section 10403 to be carried out
24 through the Ocean Energy Safety Service.

1 **SEC. 10405. ETHICS AND DRUG TESTING.**

2 (a) CERTIFICATION.—The Secretary of the Interior
3 shall certify annually that all Department of the Interior
4 officers and employees having regular, direct contact with
5 lessees, contractors, concessionaires, and other businesses
6 interested before the Government as a function of their
7 official duties, or conducting investigations, issuing per-
8 mits, or responsible for oversight of energy programs, are
9 in full compliance with all Federal employee ethics laws
10 and regulations under the Ethics in Government Act of
11 1978 (5 U.S.C. App.) and part 2635 of title 5, Code of
12 Federal Regulations, and all guidance issued under sub-
13 section (c).

14 (b) DRUG TESTING.—The Secretary shall conduct a
15 random drug testing program of all Department of the
16 Interior personnel referred to in subsection (a).

17 (c) GUIDANCE.—Not later than 90 days after the
18 date of enactment of this Act, the Secretary shall issue
19 supplementary ethics and drug testing guidance for the
20 employees for which certification is required under sub-
21 section (a). The Secretary shall update the supplementary
22 ethics guidance not less than once every 3 years there-
23 after.

1 **SEC. 10406. ABOLISHMENT OF MINERALS MANAGEMENT**

2 **SERVICE.**

3 (a) **ABOLISHMENT.**—The Minerals Management
4 Service is abolished.

5 (b) **COMPLETED ADMINISTRATIVE ACTIONS.**—

6 (1) **IN GENERAL.**—Completed administrative
7 actions of the Minerals Management Service shall
8 not be affected by the enactment of this Act, but
9 shall continue in effect according to their terms until
10 amended, modified, superseded, terminated, set
11 aside, or revoked in accordance with law by an offi-
12 cer of the United States or a court of competent ju-
13 risdiction, or by operation of law.

14 (2) **COMPLETED ADMINISTRATIVE ACTION DE-**
15 **FINED.**—For purposes of paragraph (1), the term
16 “completed administrative action” includes orders,
17 determinations, memoranda of understanding,
18 memoranda of agreements, rules, regulations, per-
19 sonnel actions, permits, agreements, grants, con-
20 tracts, certificates, licenses, registrations, and privi-
21 leges.

22 (c) **PENDING PROCEEDINGS.**—Subject to the author-
23 ity of the Secretary of the Interior and the officers of the
24 Department of the Interior under this title—

25 (1) pending proceedings in the Minerals Man-
26 agement Service, including notices of proposed rule-

1 making, and applications for licenses, permits, cer-
2 tificates, grants, and financial assistance, shall con-
3 tinue, notwithstanding the enactment of this Act or
4 the vesting of functions of the Service in another
5 agency, unless discontinued or modified under the
6 same terms and conditions and to the same extent
7 that such discontinuance or modification could have
8 occurred if this title had not been enacted; and

9 (2) orders issued in such proceedings, and ap-
10 peals therefrom, and payments made pursuant to
11 such orders, shall issue in the same manner and on
12 the same terms as if this title had not been enacted,
13 and any such orders shall continue in effect until
14 amended, modified, superseded, terminated, set
15 aside, or revoked by an officer of the United States
16 or a court of competent jurisdiction, or by operation
17 of law.

18 (d) PENDING CIVIL ACTIONS.—Subject to the au-
19 thority of the Secretary of the Interior or any officer of
20 the Department of the Interior under this title, pending
21 civil actions shall continue notwithstanding the enactment
22 of this Act, and in such civil actions, proceedings shall be
23 had, appeals taken, and judgments rendered and enforced
24 in the same manner and with the same effect as if such
25 enactment had not occurred.

1 (e) REFERENCES.—References relating to the Min-
2 erals Management Service in statutes, Executive orders,
3 rules, regulations, directives, or delegations of authority
4 that precede the effective date of this Act are deemed to
5 refer, as appropriate, to the Department, to its officers,
6 employees, or agents, or to its corresponding organiza-
7 tional units or functions. Statutory reporting requirements
8 that applied in relation to the Minerals Management Serv-
9 ice immediately before the effective date of this title shall
10 continue to apply.

11 **SEC. 10407. CONFORMING AMENDMENTS TO EXECUTIVE**
12 **SCHEDULE PAY RATES.**

13 (a) UNDER SECRETARY FOR ENERGY, LANDS, AND
14 MINERALS.—Section 5314 of title 5, United States Code,
15 is amended by inserting after the item relating to “Under
16 Secretaries of the Treasury (3).” the following:

17 “Under Secretary for Energy, Lands, and Min-
18 erals, Department of the Interior.”.

19 (b) ASSISTANT SECRETARIES.—Section 5315 of title
20 5, United States Code, is amended by striking “Assistant
21 Secretaries of the Interior (6).” and inserting the fol-
22 lowing:

23 “Assistant Secretaries, Department of the Inte-
24 rior (7).”.

1 (c) DIRECTORS.—Section 5316 of title 5, United
2 States Code, is amended by striking “Director, Bureau of
3 Mines, Department of the Interior.” and inserting the fol-
4 lowing new items:

5 “Director, Bureau of Ocean Energy, Depart-
6 ment of the Interior.

7 “Director, Ocean Energy Safety Service, De-
8 partment of the Interior.

9 “Director, Office of Natural Resources Rev-
10 enue, Department of the Interior.”.

11 **SEC. 10408. OUTER CONTINENTAL SHELF ENERGY SAFETY**

12 **ADVISORY BOARD.**

13 (a) ESTABLISHMENT.—The Secretary of the Interior
14 shall establish, under the Federal Advisory Committee
15 Act, an Outer Continental Shelf Energy Safety Advisory
16 Board (referred to in this section as the “Board”)—

17 (1) to provide the Secretary and the Directors
18 established by this title with independent scientific
19 and technical advice on safe, responsible, and timely
20 mineral and renewable energy exploration, develop-
21 ment, and production activities; and

22 (2) to review operations of the National Off-
23 shore Energy Health and Safety Academy estab-
24 lished under section 10403(d), including submitting
25 to the Secretary recommendations of curriculum to

1 ensure training scientific and technical advance-
2 ments.

3 (b) MEMBERSHIP.—

4 (1) SIZE.—The Board shall consist of not more
5 than 11 members, who—

6 (A) shall be appointed by the Secretary
7 based on their expertise in oil and gas drilling,
8 well design, operations, well containment and
9 oil spill response; and

10 (B) must have significant scientific, engi-
11 neering, management, and other credentials and
12 a history of working in the field related to safe
13 energy exploration, development, and produc-
14 tion activities.

15 (2) CONSULTATION AND NOMINATIONS.—The
16 Secretary shall consult with the National Academy
17 of Sciences and the National Academy of Engineer-
18 ing to identify potential candidates for the Board
19 and shall take nominations from the public.

20 (3) TERM.—The Secretary shall appoint Board
21 members to staggered terms of not more than 4
22 years, and shall not appoint a member for more
23 than 2 consecutive terms.

1 (4) BALANCE.—In appointing members to the
2 Board, the Secretary shall ensure a balanced rep-
3 resentation of industry and research interests.

4 (c) CHAIR.—The Secretary shall appoint the Chair
5 for the Board from among its members.

6 (d) MEETINGS.—The Board shall meet not less than
7 3 times per year and shall host, at least once per year,
8 a public forum to review and assess the overall energy
9 safety performance of Outer Continental Shelf mineral
10 and renewable energy resource activities.

11 (e) OFFSHORE DRILLING SAFETY ASSESSMENTS
12 AND RECOMMENDATIONS.—As part of its duties under
13 this section, the Board shall, by not later than 180 days
14 after the date of enactment of this section and every 5
15 years thereafter, submit to the Secretary a report that—

16 (1) assesses offshore oil and gas well control
17 technologies, practices, voluntary standards, and
18 regulations in the United States and elsewhere; and

19 (2) as appropriate, recommends modifications
20 to the regulations issued under this title to ensure
21 adequate protection of safety and the environment,
22 including recommendations on how to reduce regula-
23 tions and administrative actions that are duplicative
24 or unnecessary.

1 (f) REPORTS.—Reports of the Board shall be sub-
2 mitted by the Board to the Committee on Natural Re-
3 sources of the House or Representatives and the Com-
4 mittee on Energy and Natural Resources of the Senate
5 and made available to the public in electronically acces-
6 sible form.

7 (g) TRAVEL EXPENSES.—Members of the Board,
8 other than full-time employees of the Federal Government,
9 while attending meeting of the Board or while otherwise
10 serving at the request of the Secretary or the Director
11 while serving away from their homes or regular places of
12 business, may be allowed travel expenses, including per
13 diem in lieu of subsistence, as authorized by section 5703
14 of title 5, United States Code, for individuals in the Gov-
15 ernment serving without pay.

16 **SEC. 10409. OUTER CONTINENTAL SHELF INSPECTION**
17 **FEEES.**

18 Section 22 of the Outer Continental Shelf Lands Act
19 (43 U.S.C. 1348) is amended by adding at the end of the
20 section the following:

21 “(g) INSPECTION FEEES.—

22 “(1) ESTABLISHMENT.—The Secretary of the
23 Interior shall collect from the operators of facilities
24 subject to inspection under subsection (c) non-re-
25 fundable fees for such inspections—

1 “(A) at an aggregate level equal to the
2 amount necessary to offset the annual expenses
3 of inspections of outer Continental Shelf facili-
4 ties (including mobile offshore drilling units) by
5 the Department of the Interior; and

6 “(B) using a schedule that reflects the dif-
7 ferences in complexity among the classes of fa-
8 cilities to be inspected.

9 “(2) OCEAN ENERGY SAFETY FUND.—There is
10 established in the Treasury a fund, to be known as
11 the ‘Ocean Energy Enforcement Fund’ (referred to
12 in this subsection as the ‘Fund’), into which shall be
13 deposited all amounts collected as fees under para-
14 graph (1) and which shall be available as provided
15 under paragraph (3).

16 “(3) AVAILABILITY OF FEES.—

17 “(A) IN GENERAL.—Notwithstanding sec-
18 tion 3302 of title 31, United States Code, all
19 amounts deposited in the Fund—

20 “(i) shall be credited as offsetting col-
21 lections;

22 “(ii) shall be available for expenditure
23 for purposes of carrying out inspections of
24 outer Continental Shelf facilities (including
25 mobile offshore drilling units) and the ad-

1 ministration of the inspection program
2 under this section;

3 “(iii) shall be available only to the ex-
4 tent provided for in advance in an appro-
5 priations Act; and

6 “(iv) shall remain available until ex-
7 pended.

8 “(B) USE FOR FIELD OFFICES.—Not less
9 than 75 percent of amounts in the Fund may
10 be appropriated for use only for the respective
11 Department of the Interior field offices where
12 the amounts were originally assessed as fees.

13 “(4) INITIAL FEES.—Fees shall be established
14 under this subsection for the fiscal year in which
15 this subsection takes effect and the subsequent 10
16 years, and shall not be raised without advise and
17 consent of the Congress, except as determined by the
18 Secretary to be appropriate as an adjustment equal
19 to the percentage by which the Consumer Price
20 Index for the month of June of the calendar year
21 preceding the adjustment exceeds the Consumer
22 Price Index for the month of June of the calendar
23 year in which the claim was determined or last ad-
24 justed.

1 “(5) ANNUAL FEES.—Annual fees shall be col-
2 lected under this subsection for facilities that are
3 above the waterline, excluding drilling rigs, and are
4 in place at the start of the fiscal year. Fees for fiscal
5 year 2013 shall be—

6 “(A) \$10,500 for facilities with no wells,
7 but with processing equipment or gathering
8 lines;

9 “(B) \$17,000 for facilities with 1 to 10
10 wells, with any combination of active or inactive
11 wells; and

12 “(C) \$31,500 for facilities with more than
13 10 wells, with any combination of active or in-
14 active wells.

15 “(6) FEES FOR DRILLING RIGS.—Fees for drill-
16 ing rigs shall be assessed under this subsection for
17 all inspections completed in fiscal years 2015
18 through 2024. Fees for fiscal year 2015 shall be—

19 “(A) \$30,500 per inspection for rigs oper-
20 ating in water depths of 1,000 feet or more;
21 and

22 “(B) \$16,700 per inspection for rigs oper-
23 ating in water depths of less than 1,000 feet.

24 “(7) BILLING.—The Secretary shall bill des-
25 ignated operators under paragraph (5) within 60

1 days after the date of the inspection, with payment
2 required within 30 days of billing. The Secretary
3 shall bill designated operators under paragraph (6)
4 within 30 days of the end of the month in which the
5 inspection occurred, with payment required within
6 30 days after billing.

7 “(8) SUNSET.—No fee may be collected under
8 this subsection for any fiscal year after fiscal year
9 2024.

10 “(9) ANNUAL REPORTS.—

11 “(A) IN GENERAL.—Not later than 60
12 days after the end of each fiscal year beginning
13 with fiscal year 2015, the Secretary shall sub-
14 mit to the Committee on Energy and Natural
15 Resources of the Senate and the Committee on
16 Natural Resources of the House of Representa-
17 tives a report on the operation of the Fund dur-
18 ing the fiscal year.

19 “(B) CONTENTS.—Each report shall in-
20 clude, for the fiscal year covered by the report,
21 the following:

22 “(i) A statement of the amounts de-
23 posited into the Fund.

24 “(ii) A description of the expenditures
25 made from the Fund for the fiscal year, in-

1 cluding the purpose of the expenditures
2 and the additional hiring of personnel.

3 “(iii) A statement of the balance re-
4 maining in the Fund at the end of the fis-
5 cal year.

6 “(iv) An accounting of pace of permit
7 approvals.

8 “(v) If fee increases are proposed
9 after the initial 10-year period referred to
10 in paragraph (5), a proper accounting of
11 the potential adverse economic impacts
12 such fee increases will have on offshore
13 economic activity and overall production,
14 conducted by the Secretary.

15 “(vi) Recommendations to increase
16 the efficacy and efficiency of offshore in-
17 spections.

18 “(vii) Any corrective actions levied
19 upon offshore inspectors as a result of any
20 form of misconduct.”.

21 **SEC. 10410. PROHIBITION ON ACTION BASED ON NATIONAL**
22 **OCEAN POLICY DEVELOPED UNDER EXECU-**
23 **TIVE ORDER NO. 13547.**

24 (a) PROHIBITION.—The Bureau of Ocean Energy
25 and the Ocean Energy Safety Service may not develop,

1 propose, finalize, administer, or implement, any limitation
2 on activities under their jurisdiction as a result of the
3 coastal and marine spatial planning component of the Na-
4 tional Ocean Policy developed under Executive Order No.
5 13547.

6 (b) REPORT ON EXPENDITURES.—Not later than 60
7 days after the date of enactment of this Act, the President
8 shall submit a report to the Committee on Natural Re-
9 sources of the House of Representatives and the Com-
10 mittee on Energy and Natural Resources of the Senate
11 identifying all Federal expenditures in fiscal years 2011,
12 2012, 2013, and 2014 by the Bureau of Ocean Energy
13 and the Ocean Energy Safety Service and their prede-
14 cessor agencies, by agency, account, and any pertinent
15 subaccounts, for the development, administration, or im-
16 plementation of the coastal and marine spatial planning
17 component of the National Ocean Policy developed under
18 Executive Order No. 13547, including staff time, travel,
19 and other related expenses.

1 **Subtitle E—United States**
2 **Territories**

3 **SEC. 10501. APPLICATION OF OUTER CONTINENTAL SHELF**
4 **LANDS ACT WITH RESPECT TO TERRITORIES**
5 **OF THE UNITED STATES.**

6 Section 2 of the Outer Continental Shelf Lands Act
7 (43 U.S.C. 1331) is amended—

8 (1) in paragraph (a), by inserting after “con-
9 trol” the following: “or lying within the United
10 States exclusive economic zone and the Continental
11 Shelf adjacent to any territory of the United
12 States”;

13 (2) in paragraph (p), by striking “and” after
14 the semicolon at the end;

15 (3) in paragraph (q), by striking the period at
16 the end and inserting “; and”; and

17 (4) by adding at the end the following:

18 “(r) The term ‘State’ includes each territory of the
19 United States.”.

1 **Subtitle F—Miscellaneous**
2 **Provisions**

3 **SEC. 10601. RULES REGARDING DISTRIBUTION OF REVE-**
4 **NUES UNDER GULF OF MEXICO ENERGY SE-**
5 **CURITY ACT OF 2006.**

6 (a) IN GENERAL.—Not later than 60 days after the
7 date of enactment of this Act, the Secretary of the Interior
8 shall issue rules to provide more clarity, certainty, and sta-
9 bility to the revenue streams contemplated by the Gulf of
10 Mexico Energy Security Act of 2006 (43 U.S.C. 1331
11 note).

12 (b) CONTENTS.—The rules shall include clarification
13 of the timing and methods of disbursements of funds
14 under section 105(b)(2) of such Act.

15 **SEC. 10602. AMOUNT OF DISTRIBUTED QUALIFIED OUTER**
16 **CONTINENTAL SHELF REVENUES.**

17 Section 105(f)(1) of the Gulf of Mexico Energy Secu-
18 rity Act of 2006 (title I of division C of Public Law 109–
19 432; 43 U.S.C. 1331 note) shall be applied by substituting
20 “2024, and shall not exceed \$999,999,999 for each of fis-
21 cal years 2025 through 2055” for “2055”.

22 **SEC. 10603. SOUTH ATLANTIC OUTER CONTINENTAL SHELF**
23 **PLANNING AREA DEFINED.**

24 For the purposes of this Act, the Outer Continental
25 Shelf Lands Act (43 U.S.C. 1331 et seq.), and any regula-

1 tions or 5-year plan issued under that Act, the term
2 “South Atlantic Outer Continental Shelf Planning Area”
3 means the area of the outer Continental Shelf (as defined
4 in section 2 of that Act (43 U.S.C. 1331)) that is located
5 between the northern lateral seaward administrative
6 boundary of the State of Virginia and the southernmost
7 lateral seaward administrative boundary of the State of
8 Georgia.

9 **SEC. 10604. ENHANCING GEOLOGICAL AND GEOPHYSICAL**
10 **INFORMATION FOR AMERICA’S ENERGY FU-**
11 **TURE.**

12 Section 11 of the Outer Continental Shelf lands Act
13 (43 U.S.C. 1340) is amended by adding at the end the
14 following:

15 “(i) ENHANCING GEOLOGICAL AND GEOPHYSICAL
16 INFORMATION FOR AMERICA’S ENERGY FUTURE.—

17 “(1) The Secretary, acting through the Director
18 of the Bureau of Ocean Energy Management, shall
19 facilitate and support the practical study of geology
20 and geophysics to better understand the oil, gas, and
21 other hydrocarbon potential in the South Atlantic
22 Outer Continental Shelf Planning Area by entering
23 into partnerships to conduct geological and geo-
24 physical activities on the outer Continental Shelf.

1 “(2)(A) No later than 180 days after the date
2 of enactment of the Lowering Gasoline Prices to
3 Fuel an America That Works Act of 2014, the Gov-
4 ernors of the States of Georgia, South Carolina,
5 North Carolina, and Virginia may each nominate for
6 participation in the partnerships—

7 “(i) one institution of higher education lo-
8 cated within the Governor’s State; and

9 “(ii) one institution of higher education
10 within the Governor’s State that is a histori-
11 cally black college or university, as defined in
12 section 631(a) of the Higher Education Act of
13 1965 (20 U.S.C. 1132(a)).

14 “(B) In making nominations, the Governors
15 shall give preference to those institutions of higher
16 education that demonstrate a vigorous rate of ad-
17 mission of veterans of the Armed Forces of the
18 United States.

19 “(3) The Secretary shall only select as a part-
20 ner a nominee that the Secretary determines dem-
21 onstrates excellence in geophysical sciences cur-
22 riculum, engineering curriculum, or information
23 technology or other technical studies relating to seis-
24 mic research (including data processing).

1 “(4) Notwithstanding subsection (d), nominees
2 selected as partners by the Secretary may conduct
3 geological and geophysical activities under this sec-
4 tion after filing a notice with the Secretary 30-days
5 prior to commencement of the activity without any
6 further authorization by the Secretary except those
7 activities that use solid or liquid explosives shall re-
8 quire a permit. The Secretary may not charge any
9 fee for the provision of data or other information
10 collected under this authority, other than the cost of
11 duplicating any data or information provided. Nomi-
12 nees selected as partners under this section shall
13 provide to the Secretary any data or other informa-
14 tion collected under this subsection within 60 days
15 after completion of an initial analysis of the data or
16 other information collected, if so requested by the
17 Secretary.

18 “(5) Data or other information produced as a
19 result of activities conducted by nominees selected as
20 partners under this subsection shall not be used or
21 shared for commercial purposes by the nominee, may
22 not be produced for proprietary use or sale, and
23 shall be made available by the Secretary to the pub-
24 lic.

1 “(6) The Secretary shall submit to the Com-
2 mittee on Natural Resources of the House of Rep-
3 resentatives and the Committee on Energy and Nat-
4 ural Resources of the Senate reports on the data or
5 other information produced under the partnerships
6 under this section. Such reports shall be made no
7 less frequently than every 180 days following the
8 conduct of the first geological and geophysical activi-
9 ties under this section.

10 “(7) In this subsection the term ‘geological and
11 geophysical activities’ means any oil- or gas-related
12 investigation conducted on the outer Continental
13 Shelf, including geophysical surveys where magnetic,
14 gravity, seismic, or other systems are used to detect
15 or imply the presence of oil or gas.”.

16 **Subtitle G—Judicial Review**

17 **SEC. 10701. TIME FOR FILING COMPLAINT.**

18 (a) IN GENERAL.—Any cause of action that arises
19 from a covered energy decision must be filed not later than
20 the end of the 60-day period beginning on the date of the
21 covered energy decision. Any cause of action not filed with-
22 in this time period shall be barred.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 a cause of action brought by a party to a covered energy
25 lease.

1 **SEC. 10702. DISTRICT COURT DEADLINE.**

2 (a) IN GENERAL.—All proceedings that are subject
3 to section 10701—

4 (1) shall be brought in the United States dis-
5 trict court for the district in which the Federal prop-
6 erty for which a covered energy lease is issued is lo-
7 cated or the United States District Court of the Dis-
8 trict of Columbia;

9 (2) shall be resolved as expeditiously as pos-
10 sible, and in any event not more than 180 days after
11 such cause or claim is filed; and

12 (3) shall take precedence over all other pending
13 matters before the district court.

14 (b) FAILURE TO COMPLY WITH DEADLINE.—If an
15 interlocutory or final judgment, decree, or order has not
16 been issued by the district court by the deadline described
17 under this section, the cause or claim shall be dismissed
18 with prejudice and all rights relating to such cause or
19 claim shall be terminated.

20 **SEC. 10703. ABILITY TO SEEK APPELLATE REVIEW.**

21 An interlocutory or final judgment, decree, or order
22 of the district court in a proceeding that is subject to sec-
23 tion 10701 may be reviewed by the U.S. Court of Appeals
24 for the District of Columbia Circuit. The D.C. Circuit
25 shall resolve any such appeal as expeditiously as possible
26 and, in any event, not more than 180 days after such in-

1 terlocutory or final judgment, decree, or order of the dis-
2 trict court was issued.

3 **SEC. 10704. LIMITATION ON SCOPE OF REVIEW AND RE-**
4 **LIEF.**

5 (a) ADMINISTRATIVE FINDINGS AND CONCLU-
6 SIONS.—In any judicial review of any Federal action under
7 this subtitle, any administrative findings and conclusions
8 relating to the challenged Federal action shall be pre-
9 sumed to be correct unless shown otherwise by clear and
10 convincing evidence contained in the administrative
11 record.

12 (b) LIMITATION ON PROSPECTIVE RELIEF.—In any
13 judicial review of any action, or failure to act, under this
14 subtitle, the Court shall not grant or approve any prospec-
15 tive relief unless the Court finds that such relief is nar-
16 rowly drawn, extends no further than necessary to correct
17 the violation of a Federal law requirement, and is the least
18 intrusive means necessary to correct the violation con-
19 cerned.

20 **SEC. 10705. LEGAL FEES.**

21 Any person filing a petition seeking judicial review
22 of any action, or failure to act, under this subtitle who
23 is not a prevailing party shall pay to the prevailing parties
24 (including intervening parties), other than the United
25 States, fees and other expenses incurred by that party in

1 connection with the judicial review, unless the Court finds
 2 that the position of the person was substantially justified
 3 or that special circumstances make an award unjust.

4 **SEC. 10706. EXCLUSION.**

5 This subtitle shall not apply with respect to disputes
 6 between the parties to a lease issued pursuant to an au-
 7 thorizing leasing statute regarding the obligations of such
 8 lease or the alleged breach thereof.

9 **SEC. 10707. DEFINITIONS.**

10 In this subtitle, the following definitions apply:

11 (1) COVERED ENERGY DECISION.—The term
 12 “covered energy decision” means any action or deci-
 13 sion by a Federal official regarding the issuance of
 14 a covered energy lease.

15 (2) COVERED ENERGY LEASE.—The term “cov-
 16 ered energy lease” means any lease under this title
 17 or under an oil and gas leasing program under this
 18 title.

19 **TITLE II—ONSHORE FEDERAL**
 20 **LANDS AND ENERGY SECURITY**
 21 **Subtitle A—Federal Lands Jobs**
 22 **and Energy Security**

23 **SEC. 21001. SHORT TITLE.**

24 This subtitle may be cited as the “Federal Lands
 25 Jobs and Energy Security Act”.

1 **SEC. 21002. POLICIES REGARDING BUYING, BUILDING, AND**
2 **WORKING FOR AMERICA.**

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

5 (1) this subtitle will support a healthy and
6 growing United States domestic energy sector that,
7 in turn, helps to reinvigorate American manufac-
8 turing, transportation, and service sectors by em-
9 ploying the vast talents of United States workers to
10 assist in the development of energy from domestic
11 sources;

12 (2) to ensure a robust onshore energy produc-
13 tion industry and ensure that the benefits of devel-
14 opment support local communities, under this sub-
15 title, the Secretary shall make every effort to pro-
16 mote the development of onshore American energy,
17 and shall take into consideration the socioeconomic
18 impacts, infrastructure requirements, and fiscal sta-
19 bility for local communities located within areas con-
20 taining onshore energy resources; and

21 (3) the Congress will monitor the deployment of
22 personnel and material onshore to encourage the de-
23 velopment of American manufacturing to enable
24 United States workers to benefit from this subtitle
25 through good jobs and careers, as well as the estab-

1 lishment of important industrial facilities to support
2 expanded access to American resources.

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

8 **CHAPTER 1—ONSHORE OIL AND GAS**
9 **PERMIT STREAMLINING**

10 **SEC. 21101. SHORT TITLE.**

11 This chapter may be cited as the “Streamlining Per-
12 mitting of American Energy Act of 2014”.

13 **Subchapter A—Application for Permits to**
14 **Drill Process Reform**

15 **SEC. 21111. PERMIT TO DRILL APPLICATION TIMELINE.**

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

18 “(2) APPLICATIONS FOR PERMITS TO DRILL RE-
19 FORM AND PROCESS.—

20 “(A) TIMELINE.—The Secretary shall de-
21 cide whether to issue a permit to drill within 30
22 days after receiving an application for the per-
23 mit. The Secretary may extend such period for
24 up to 2 periods of 15 days each, if the Sec-
25 retary has given written notice of the delay to

1 the applicant. The notice shall be in the form
2 of a letter from the Secretary or a designee of
3 the Secretary, and shall include the names and
4 titles of the persons processing the application,
5 the specific reasons for the delay, and a specific
6 date a final decision on the application is ex-
7 pected.

8 “(B) NOTICE OF REASONS FOR DENIAL.—

9 If the application is denied, the Secretary shall
10 provide the applicant—

11 “(i) in writing, clear and comprehen-
12 sive reasons why the application was not
13 accepted and detailed information con-
14 cerning any deficiencies; and

15 “(ii) an opportunity to remedy any de-
16 ficiencies.

17 “(C) APPLICATION DEEMED APPROVED.—

18 If the Secretary has not made a decision on the
19 application by the end of the 60-day period be-
20 ginning on the date the application is received
21 by the Secretary, the application is deemed ap-
22 proved, except in cases in which existing reviews
23 under the National Environmental Policy Act of
24 1969 (42 U.S.C. 4321 et seq.) or Endangered

1 Species Act of 1973 (16 U.S.C. 1531 et seq.)
2 are incomplete.

3 “(D) DENIAL OF PERMIT.—If the Sec-
4 retary decides not to issue a permit to drill in
5 accordance with subparagraph (A), the Sec-
6 retary shall—

7 “(i) provide to the applicant a descrip-
8 tion of the reasons for the denial of the
9 permit;

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

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

19 “(E) FEE.—

20 “(i) IN GENERAL.—Notwithstanding
21 any other law, the Secretary shall collect a
22 single \$6,500 permit processing fee per ap-
23 plication from each applicant at the time
24 the final decision is made whether to issue
25 a permit under subparagraph (A). This fee

1 shall not apply to any resubmitted applica-
2 tion.

3 “(ii) TREATMENT OF PERMIT PROC-
4 ESSING FEE.—Of all fees collected under
5 this paragraph, 50 percent shall be trans-
6 ferred to the field office where they are col-
7 lected and used to process protests, leases,
8 and permits under this Act subject to ap-
9 propriation.”.

10 **Subchapter B—Administrative Protest**

11 **Documentation Reform**

12 **SEC. 21121. ADMINISTRATIVE PROTEST DOCUMENTATION** 13 **REFORM.**

14 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
15 226(p)) is further amended by adding at the end the fol-
16 lowing:

17 “(4) PROTEST FEE.—

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

22 “(B) TREATMENT OF FEES.—Of all fees
23 collected under this paragraph, 50 percent shall
24 remain in the field office where they are col-

1 lected and used to process protests subject to
2 appropriation.”.

3 **Subchapter C—Permit Streamlining**

4 **SEC. 21131. MAKING PILOT OFFICES PERMANENT TO IM-**
5 **PROVE ENERGY PERMITTING ON FEDERAL**
6 **LANDS.**

7 (a) ESTABLISHMENT.—The Secretary of the Interior
8 (referred to in this section as the “Secretary”) shall estab-
9 lish a Federal Permit Streamlining Project (referred to
10 in this section as the “Project”) in every Bureau of Land
11 Management field office with responsibility for permitting
12 energy projects on Federal land.

13 (b) MEMORANDUM OF UNDERSTANDING.—

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

18 (A) the Secretary of Agriculture;

19 (B) the Administrator of the Environ-
20 mental Protection Agency; and

21 (C) the Chief of the Army Corps of Engi-
22 neers.

23 (2) STATE PARTICIPATION.—The Secretary
24 may request that the Governor of any State with en-

1 ergy projects on Federal lands to be a signatory to
2 the memorandum of understanding.

3 (c) DESIGNATION OF QUALIFIED STAFF.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of the signing of the memorandum of un-
6 derstanding under subsection (b), all Federal signa-
7 tory parties shall, if appropriate, assign to each of
8 the Bureau of Land Management field offices an
9 employee who has expertise in the regulatory issues
10 relating to the office in which the employee is em-
11 ployed, including, as applicable, particular expertise
12 in—

13 (A) the consultations and the preparation
14 of biological opinions under section 7 of the En-
15 dangered Species Act of 1973 (16 U.S.C.
16 1536);

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

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

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

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

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

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

10 (B) be responsible for all issues relating to
11 the energy projects that arise under the au-
12 thorities of the employee’s home agency; and

13 (C) participate as part of the team of per-
14 sonnel working on proposed energy projects,
15 planning, and environmental analyses on Fed-
16 eral lands.

17 (d) ADDITIONAL PERSONNEL.—The Secretary shall
18 assign to each Bureau of Land Management field office
19 identified in subsection (a) any additional personnel that
20 are necessary to ensure the effective approval and imple-
21 mentation of energy projects administered by the Bureau
22 of Land Management field offices, including inspection
23 and enforcement relating to energy development on Fed-
24 eral land, in accordance with the multiple use mandate

1 of the Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1701 et seq.).

3 (e) FUNDING.—Funding for the additional personnel
4 shall come from the Department of the Interior reforms
5 identified in sections 21111 and 21121.

6 (f) SAVINGS PROVISION.—Nothing in this section af-
7 fects—

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

10 (2) any delegation of authority made by the
11 head of a Federal agency whose employees are par-
12 ticipating in the Project.

13 (g) DEFINITION.—For purposes of this section the
14 term “energy projects” includes oil, natural gas, and other
15 energy projects as defined by the Secretary.

16 **SEC. 21132. ADMINISTRATION OF CURRENT LAW.**

17 Notwithstanding any other law, the Secretary of the
18 Interior shall not require a finding of extraordinary cir-
19 cumstances in administering section 390 of the Energy
20 Policy Act of 2005 (42 U.S.C. 15942).

21 **Subchapter D—Judicial Review**

22 **SEC. 21141. DEFINITIONS.**

23 In this subchapter—

24 (1) the term “covered civil action” means a civil
25 action containing a claim under section 702 of title

1 5, United States Code, regarding agency action (as
2 defined for the purposes of that section) affecting a
3 covered energy project on Federal lands of the
4 United States; and

5 (2) the term “covered energy project” means
6 the leasing of Federal lands of the United States for
7 the exploration, development, production, processing,
8 or transmission of oil, natural gas, or any other
9 source of energy, and any action under such a lease,
10 except that the term does not include any disputes
11 between the parties to a lease regarding the obliga-
12 tions under such lease, including regarding any al-
13 leged breach of the lease.

14 **SEC. 21142. EXCLUSIVE VENUE FOR CERTAIN CIVIL AC-**
15 **TIONS RELATING TO COVERED ENERGY**
16 **PROJECTS.**

17 Venue for any covered civil action shall lie in the dis-
18 trict court where the project or leases exist or are pro-
19 posed.

20 **SEC. 21143. TIMELY FILING.**

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

1 **SEC. 21144. EXPEDITION IN HEARING AND DETERMINING**
2 **THE ACTION.**

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

5 **SEC. 21145. STANDARD OF REVIEW.**

6 In any judicial review of a covered civil action, admin-
7 istrative findings and conclusions relating to the chal-
8 lenged Federal action or decision shall be presumed to be
9 correct, and the presumption may be rebutted only by the
10 preponderance of the evidence contained in the adminis-
11 trative record.

12 **SEC. 21146. LIMITATION ON INJUNCTION AND PROSPEC-**
13 **TIVE RELIEF.**

14 In a covered civil action, the court shall not grant
15 or approve any prospective relief unless the court finds
16 that such relief is narrowly drawn, extends no further than
17 necessary to correct the violation of a legal requirement,
18 and is the least intrusive means necessary to correct that
19 violation. In addition, courts shall limit the duration of
20 preliminary injunctions to halt covered energy projects to
21 no more than 60 days, unless the court finds clear reasons
22 to extend the injunction. In such cases of extensions, such
23 extensions shall only be in 30-day increments and shall
24 require action by the court to renew the injunction.

1 **SEC. 21147. LIMITATION ON ATTORNEYS' FEES.**

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

8 **SEC. 21148. LEGAL STANDING.**

9 Challengers filing appeals with the Department of the
10 Interior Board of Land Appeals shall meet the same
11 standing requirements as challengers before a United
12 States district court.

13 **Subchapter E—Knowing America's Oil and**
14 **Gas Resources**

15 **SEC. 21151. FUNDING OIL AND GAS RESOURCE ASSESS-**
16 **MENTS.**

17 (a) IN GENERAL.—The Secretary of the Interior shall
18 provide matching funding for joint projects with States to
19 conduct oil and gas resource assessments on Federal lands
20 with significant oil and gas potential.

21 (b) COST SHARING.—The Federal share of the cost
22 of activities under this section shall not exceed 50 percent.

23 (c) RESOURCE ASSESSMENT.—Any resource assess-
24 ment under this section shall be conducted by a State, in
25 consultation with the United States Geological Survey.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary to carry
3 out this section a total of \$50,000,000 for fiscal years
4 2015 through 2018.

5 **CHAPTER 2—OIL AND GAS LEASING**
6 **CERTAINTY**

7 **SEC. 21201. SHORT TITLE.**

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

10 **SEC. 21202. MINIMUM ACREAGE REQUIREMENT FOR ON-**
11 **SHORE LEASE SALES.**

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

15 (1) The Secretary shall offer for sale no less
16 than 25 percent of the annual nominated acreage
17 not previously made available for lease. Acreage of-
18 fered for lease pursuant to this paragraph shall not
19 be subject to protest and shall be eligible for cat-
20 egorical exclusions under section 390 of the Energy
21 Policy Act of 2005 (42 U.S.C. 15942), except that
22 it shall not be subject to the test of extraordinary
23 circumstances.

24 (2) In administering this section, the Secretary
25 shall only consider leasing of Federal lands that are

1 available for leasing at the time the lease sale oc-
2 curs.

3 **SEC. 21203. LEASING CERTAINTY.**

4 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
5 226(a)) is amended by inserting “(1)” before “All lands”,
6 and by adding at the end the following:

7 “(2)(A) The Secretary shall not withdraw any cov-
8 ered energy project issued under this Act without finding
9 a violation of the terms of the lease by the lessee.

10 “(B) The Secretary shall not infringe upon lease
11 rights under leases issued under this Act by indefinitely
12 delaying issuance of project approvals, drilling and seismic
13 permits, and rights of way for activities under such a
14 lease.

15 “(C) No later than 18 months after an area is des-
16 igned as open under the current land use plan the Sec-
17 retary shall make available nominated areas for lease
18 under the criteria in section 2.

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

22 “(E) The Secretary shall not cancel or withdraw any
23 lease parcel after a competitive lease sale has occurred and
24 a winning bidder has submitted the last payment for the
25 parcel.

1 “(F) After the conclusion of the public comment pe-
2 riod for a planned competitive lease sale, the Secretary
3 shall not cancel, defer, or withdraw any lease parcel an-
4 nounced to be auctioned in the lease sale.

5 “(G) Not later than 60 days after a lease sale held
6 under this Act, the Secretary shall adjudicate any lease
7 protests filed following a lease sale. If after 60 days any
8 protest is left unsettled, said protest is automatically de-
9 nied and appeal rights of the protestor begin.

10 “(H) No additional lease stipulations may be added
11 after the parcel is sold without consultation and agree-
12 ment of the lessee, unless the Secretary deems such stipu-
13 lations as emergency actions to conserve the resources of
14 the United States.”.

15 **SEC. 21204. LEASING CONSISTENCY.**

16 Federal land managers must follow existing resource
17 management plans and continue to actively lease in areas
18 designated as open when resource management plans are
19 being amended or revised, until such time as a new record
20 of decision is signed.

21 **SEC. 21205. REDUCE REDUNDANT POLICIES.**

22 Bureau of Land Management Instruction Memo-
23 randum 2010–117 shall have no force or effect.

1 **SEC. 21206. STREAMLINED CONGRESSIONAL NOTIFICA-**
2 **TION.**

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

7 **CHAPTER 3—OIL SHALE**

8 **SEC. 21301. SHORT TITLE.**

9 This chapter may be cited as the “Protecting Invest-
10 ment in Oil Shale the Next Generation of Environmental,
11 Energy, and Resource Security Act” or the “PIONEERS
12 Act”.

13 **SEC. 21302. EFFECTIVENESS OF OIL SHALE REGULATIONS,**
14 **AMENDMENTS TO RESOURCE MANAGEMENT**
15 **PLANS, AND RECORD OF DECISION.**

16 (a) REGULATIONS.—Notwithstanding any other law
17 or regulation to the contrary, the final regulations regard-
18 ing oil shale management published by the Bureau of
19 Land Management on November 18, 2008 (73 Fed. Reg.
20 69,414) are deemed to satisfy all legal and procedural re-
21 quirements under any law, including the Federal Land
22 Policy and Management Act of 1976 (43 U.S.C. 1701 et
23 seq.), the Endangered Species Act of 1973 (16 U.S.C.
24 1531 et seq.), and the National Environmental Policy Act
25 of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of
26 the Interior shall implement those regulations, including

1 the oil shale leasing program authorized by the regula-
2 tions, without any other administrative action necessary.

3 (b) AMENDMENTS TO RESOURCE MANAGEMENT
4 PLANS AND RECORD OF DECISION.—Notwithstanding
5 any other law or regulation to the contrary, the November
6 17, 2008 U.S. Bureau of Land Management Approved Re-
7 source Management Plan Amendments/Record of Decision
8 for Oil Shale and Tar Sands Resources to Address Land
9 Use Allocations in Colorado, Utah, and Wyoming and
10 Final Programmatic Environmental Impact Statement are
11 deemed to satisfy all legal and procedural requirements
12 under any law, including the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C. 1701 et seq.), the
14 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
15 and the National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.), and the Secretary of the Interior
17 shall implement the oil shale leasing program authorized
18 by the regulations referred to in subsection (a) in those
19 areas covered by the resource management plans amended
20 by such amendments, and covered by such record of deci-
21 sion, without any other administrative action necessary.

22 **SEC. 21303. OIL SHALE LEASING.**

23 (a) ADDITIONAL RESEARCH AND DEVELOPMENT
24 LEASE SALES.—The Secretary of the Interior shall hold
25 a lease sale within 180 days after the date of enactment

1 of this Act offering an additional 10 parcels for lease for
2 research, development, and demonstration of oil shale re-
3 sources, under the terms offered in the solicitation of bids
4 for such leases published on January 15, 2009 (74 Fed.
5 Reg. 10).

6 (b) **COMMERCIAL LEASE SALES.**—No later than Jan-
7 uary 1, 2016, the Secretary of the Interior shall hold no
8 less than 5 separate commercial lease sales in areas con-
9 sidered to have the most potential for oil shale develop-
10 ment, as determined by the Secretary, in areas nominated
11 through public comment. Each lease sale shall be for an
12 area of not less than 25,000 acres, and in multiple lease
13 blocs.

14 **CHAPTER 4—MISCELLANEOUS**
15 **PROVISIONS**

16 **SEC. 21401. RULE OF CONSTRUCTION.**

17 Nothing in this subtitle shall be construed to author-
18 ize the issuance of a lease under the Mineral Leasing Act
19 (30 U.S.C. 181 et seq.) to any person designated for the
20 imposition of sanctions pursuant to—

21 (1) the Iran Sanctions Act of 1996 (50 U.S.C.
22 1701 note), the Comprehensive Iran Sanctions, Ac-
23 countability and Divestiture Act of 2010 (22 U.S.C.
24 8501 et seq.), the Iran Threat Reduction and Syria
25 Human Rights Act of 2012 (22 U.S.C. 8701 et

1 seq.), section 1245 of the National Defense Author-
2 ization Act for Fiscal Year 2012 (22 U.S.C. 8513a),
3 or the Iran Freedom and Counter-Proliferation Act
4 of 2012 (22 U.S.C. 8801 et seq.);

5 (2) Executive Order No. 13622 (July 30,
6 2012), Executive Order No. 13628 (October 9,
7 2012), or Executive Order No. 13645 (June 3,
8 2013);

9 (3) Executive Order No. 13224 (September 23,
10 2001) or Executive Order No. 13338 (May 11,
11 2004); or

12 (4) the Syria Accountability and Lebanese Sov-
13 ereignty Restoration Act of 2003 (22 U.S.C. 2151
14 note).

15 **Subtitle B—Planning for American** 16 **Energy**

17 **SEC. 22001. SHORT TITLE.**

18 This subtitle may be cited as the “Planning for Amer-
19 ican Energy Act of 2014”.

20 **SEC. 22002. ONSHORE DOMESTIC ENERGY PRODUCTION** 21 **STRATEGIC PLAN.**

22 (a) IN GENERAL.—The Mineral Leasing Act (30
23 U.S.C. 181 et seq.) is amended by redesignating section
24 44 as section 45, and by inserting after section 43 the
25 following:

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

3 “(a) IN GENERAL.—

4 “(1) The Secretary of the Interior (hereafter in
5 this section referred to as ‘Secretary’), in consulta-
6 tion with the Secretary of Agriculture with regard to
7 lands administered by the Forest Service, shall de-
8 velop and publish every 4 years a Quadrennial Fed-
9 eral Onshore Energy Production Strategy. This
10 Strategy shall direct Federal land energy develop-
11 ment and department resource allocation in order to
12 promote the energy and national security of the
13 United States in accordance with Bureau of Land
14 Management’s mission of promoting the multiple use
15 of Federal lands as set forth in the Federal Land
16 Policy and Management Act of 1976 (43 U.S.C.
17 1701 et seq.).

18 “(2) In developing this Strategy, the Secretary
19 shall consult with the Administrator of the Energy
20 Information Administration on the projected energy
21 demands of the United States for the next 30-year
22 period, and how energy derived from Federal on-
23 shore lands can put the United States on a trajec-
24 tory to meet that demand during the next 4-year pe-
25 riod. The Secretary shall consider how Federal lands
26 will contribute to ensuring national energy security,

1 with a goal for increasing energy independence and
2 production, during the next 4-year period.

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

7 “(A) the best estimate, based upon com-
8 mercial and scientific data, of the expected in-
9 crease in domestic production of oil and natural
10 gas from the Federal onshore mineral estate,
11 with a focus on lands held by the Bureau of
12 Land Management and the Forest Service;

13 “(B) the best estimate, based upon com-
14 mercial and scientific data, of the expected in-
15 crease in domestic coal production from Federal
16 lands;

17 “(C) the best estimate, based upon com-
18 mercial and scientific data, of the expected in-
19 crease in domestic production of strategic and
20 critical energy minerals from the Federal on-
21 shore mineral estate;

22 “(D) the best estimate, based upon com-
23 mercial and scientific data, of the expected in-
24 crease in megawatts for electricity production
25 from each of the following sources: wind, solar,

1 biomass, hydropower, and geothermal energy
2 produced on Federal lands administered by the
3 Bureau of Land Management and the Forest
4 Service;

5 “(E) the best estimate, based upon com-
6 mercial and scientific data, of the expected in-
7 crease in unconventional energy production,
8 such as oil shale;

9 “(F) the best estimate, based upon com-
10 mercial and scientific data, of the expected in-
11 crease in domestic production of oil, natural
12 gas, coal, and other renewable sources from
13 tribal lands for any federally recognized Indian
14 tribe that elects to participate in facilitating en-
15 ergy production on its lands;

16 “(G) the best estimate, based upon com-
17 mercial and scientific data, of the expected in-
18 crease in production of helium on Federal lands
19 administered by the Bureau of Land Manage-
20 ment and the Forest Service; and

21 “(H) the best estimate, based upon com-
22 mercial and scientific data, of the expected in-
23 crease in domestic production of geothermal,
24 solar, wind, or other renewable energy sources
25 from ‘available lands’ (as such term is defined

1 in section 203 of the Hawaiian Homes Commis-
2 sion Act, 1920 (42 Stat. 108 et seq.), and in-
3 cluding any other lands deemed by the Terri-
4 tory or State of Hawaii, as the case may be, to
5 be included within that definition) that the
6 agency or department of the government of the
7 State of Hawaii that is responsible for the ad-
8 ministration of such lands selects to be used for
9 such energy production.

10 “(4) The Secretary shall consult with the Ad-
11 ministrator of the Energy Information Administra-
12 tion regarding the methodology used to arrive at its
13 estimates for purposes of this section.

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

18 “(6) The Secretary shall include in the Strategy
19 a plan for addressing new demands for transmission
20 lines and pipelines for distribution of oil and gas
21 across Federal lands to ensure that energy produced
22 can be distributed to areas of need.

23 “(b) TRIBAL OBJECTIVES.—It is the sense of Con-
24 gress that federally recognized Indian tribes may elect to
25 set their own production objectives as part of the Strategy

1 under this section. The Secretary shall work in coopera-
2 tion with any federally recognized Indian tribe that elects
3 to participate in achieving its own strategic energy objec-
4 tives designated under this subsection.

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

18 “(d) STATE, FEDERALLY RECOGNIZED INDIAN
19 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In
20 developing each strategy, the Secretary shall solicit the
21 input of affected States, federally recognized Indian tribes,
22 local governments, and the public.

23 “(e) REPORTING.—The Secretary shall report annu-
24 ally to the Committee on Natural Resources of the House
25 of Representatives and the Committee on Energy and

1 Natural Resources of the Senate on the progress of meet-
2 ing the production goals set forth in the strategy. The Sec-
3 retary shall identify in the report projections for produc-
4 tion and capacity installations and any problems with leas-
5 ing, permitting, siting, or production that will prevent
6 meeting the goal. In addition, the Secretary shall make
7 suggestions to help meet any shortfalls in meeting the pro-
8 duction goals.

9 “(f) PROGRAMMATIC ENVIRONMENTAL IMPACT
10 STATEMENT.—Not later than 12 months after the date
11 of enactment of this section, in accordance with section
12 102(2)(C) of the National Environmental Policy Act of
13 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall com-
14 plete a programmatic environmental impact statement.
15 This programmatic environmental impact statement will
16 be deemed sufficient to comply with all requirements
17 under that Act for all necessary resource management and
18 land use plans associated with the implementation of the
19 strategy.

20 “(g) CONGRESSIONAL REVIEW.—At least 60 days
21 prior to publishing a proposed strategy under this section,
22 the Secretary shall submit it to the President and the Con-
23 gress, together with any comments received from States,
24 federally recognized Indian tribes, and local governments.
25 Such submission shall indicate why any specific rec-

1 ommendation of a State, federally recognized Indian tribe,
2 or local government was not accepted.

3 “(h) STRATEGIC AND CRITICAL ENERGY MINERALS
4 DEFINED.—For purposes of this section, the term ‘stra-
5 tegic and critical energy minerals’ means those that are
6 necessary for the Nation’s energy infrastructure including
7 pipelines, refining capacity, electrical power generation
8 and transmission, and renewable energy production and
9 those that are necessary to support domestic manufac-
10 turing, including but not limited to, materials used in en-
11 ergy generation, production, and transportation.”.

12 (b) FIRST QUADRENNIAL STRATEGY.—Not later
13 than 18 months after the date of enactment of this Act,
14 the Secretary of the Interior shall submit to Congress the
15 first Quadrennial Federal Onshore Energy Production
16 Strategy under the amendment made by subsection (a).

17 **Subtitle C—National Petroleum**
18 **Reserve in Alaska Access**

19 **SEC. 23001. SHORT TITLE.**

20 This subtitle may be cited as the “National Petro-
21 leum Reserve Alaska Access Act”.

22 **SEC. 23002. SENSE OF CONGRESS AND REAFFIRMING NA-**
23 **TIONAL POLICY FOR THE NATIONAL PETRO-**
24 **LEUM RESERVE IN ALASKA.**

25 It is the sense of Congress that—

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

5 (2) accordingly, the national policy is to actively
6 advance oil and gas development within the Reserve
7 by facilitating the expeditious exploration, produc-
8 tion, and transportation of oil and natural gas from
9 and through the Reserve.

10 **SEC. 23003. NATIONAL PETROLEUM RESERVE IN ALASKA:**

11 **LEASE SALES.**

12 Section 107(a) of the Naval Petroleum Reserves Pro-
13 duction Act of 1976 (42 U.S.C. 6506a(a)) is amended to
14 read as follows:

15 “(a) IN GENERAL.—The Secretary shall conduct an
16 expeditious program of competitive leasing of oil and gas
17 in the reserve in accordance with this Act. Such program
18 shall include at least one lease sale annually in those areas
19 of the reserve most likely to produce commercial quantities
20 of oil and natural gas each year in the period 2014
21 through 2024.”.

1 **SEC. 23004. NATIONAL PETROLEUM RESERVE IN ALASKA:**
2 **PLANNING AND PERMITTING PIPELINE AND**
3 **ROAD CONSTRUCTION.**

4 (a) **IN GENERAL.**—Notwithstanding any other provi-
5 sion of law, the Secretary of the Interior, in consultation
6 with other appropriate Federal agencies, shall facilitate
7 and ensure permits, in a timely and environmentally re-
8 sponsible manner, for all surface development activities,
9 including for the construction of pipelines and roads, nec-
10 essary to—

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

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

19 (b) **TIMELINE.**—The Secretary shall ensure that any
20 Federal permitting agency shall issue permits in accord-
21 ance with the following timeline:

22 (1) Permits for such construction for transpor-
23 tation of oil and natural gas produced under existing
24 Federal oil and gas leases with respect to which the
25 Secretary has issued a permit to drill shall be ap-

1 proved within 60 days after the date of enactment
2 of this Act.

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

8 (c) PLAN.—To ensure timely future development of
9 the Reserve, within 270 days after the date of the enact-
10 ment of this Act, the Secretary of the Interior shall submit
11 to Congress a plan for approved rights-of-way for a plan
12 for pipeline, road, and any other surface infrastructure
13 that may be necessary infrastructure that will ensure that
14 all leasable tracts in the Reserve are within 25 miles of
15 an approved road and pipeline right-of-way that can serve
16 future development of the Reserve.

17 **SEC. 23005. ISSUANCE OF A NEW INTEGRATED ACTIVITY**

18 **PLAN AND ENVIRONMENTAL IMPACT STATE-**

19 **MENT.**

20 (a) ISSUANCE OF NEW INTEGRATED ACTIVITY

21 PLAN.—The Secretary of the Interior shall, within 180

22 days after the date of enactment of this Act, issue—

23 (1) a new proposed integrated activity plan
24 from among the non-adopted alternatives in the Na-
25 tional Petroleum Reserve Alaska Integrated Activity

1 Plan Record of Decision issued by the Secretary of
2 the Interior and dated February 21, 2013; and

3 (2) an environmental impact statement under
4 section 102(2)(C) of the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for
6 issuance of oil and gas leases in the National Petro-
7 leum Reserve-Alaska to promote efficient and max-
8 imum development of oil and natural gas resources
9 of such reserve.

10 (b) NULLIFICATION OF EXISTING RECORD OF DECI-
11 SION, IAP, AND EIS.—Except as provided in subsection
12 (a), the National Petroleum Reserve-Alaska Integrated
13 Activity Plan Record of Decision issued by the Secretary
14 of the Interior and dated February 21, 2013, including
15 the integrated activity plan and environmental impact
16 statement referred to in that record of decision, shall have
17 no force or effect.

18 **SEC. 23006. DEPARTMENTAL ACCOUNTABILITY FOR DEVEL-**
19 **OPMENT.**

20 The Secretary of the Interior shall issue regulations
21 not later than 180 days after the date of enactment of
22 this Act that establish clear requirements to ensure that
23 the Department of the Interior is supporting development
24 of oil and gas leases in the National Petroleum Reserve-
25 Alaska.

1 **SEC. 23007. DEADLINES UNDER NEW PROPOSED INTE-**
2 **GRATED ACTIVITY PLAN.**

3 At a minimum, the new proposed integrated activity
4 plan issued under section 23005(a)(1) shall—

5 (1) require the Department of the Interior to
6 respond within 5 business days to a person who sub-
7 mits an application for a permit for development of
8 oil and natural gas leases in the National Petroleum
9 Reserve-Alaska acknowledging receipt of such appli-
10 cation; and

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

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

15 (B) provide that the period for issuing
16 each permit after submission of such an appli-
17 cation shall not exceed 60 days without the con-
18 currence of the applicant.

19 **SEC. 23008. UPDATED RESOURCE ASSESSMENT.**

20 (a) **IN GENERAL.**—The Secretary of the Interior shall
21 complete a comprehensive assessment of all technically re-
22 coverable fossil fuel resources within the National Petro-
23 leum Reserve in Alaska, including all conventional and un-
24 conventional oil and natural gas.

25 (b) **COOPERATION AND CONSULTATION.**—The re-
26 source assessment required by subsection (a) shall be car-

1 ried out by the United States Geological Survey in co-
2 operation and consultation with the State of Alaska and
3 the American Association of Petroleum Geologists.

4 (c) TIMING.—The resource assessment required by
5 subsection (a) shall be completed within 24 months of the
6 date of the enactment of this Act.

7 (d) FUNDING.—The United States Geological Survey
8 may, in carrying out the duties under this section, coop-
9 eratively use resources and funds provided by the State
10 of Alaska.

11 **Subtitle D—BLM Live Internet** 12 **Auctions**

13 **SEC. 24001. SHORT TITLE.**

14 This subtitle may be cited as the “BLM Live Internet
15 Auctions Act”.

16 **SEC. 24002. INTERNET-BASED ONSHORE OIL AND GAS** 17 **LEASE SALES.**

18 (a) AUTHORIZATION.—Section 17(b)(1) of the Min-
19 eral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

20 (1) in subparagraph (A), in the third sentence,
21 by inserting “, except as provided in subparagraph
22 (C)” after “by oral bidding”; and

23 (2) by adding at the end the following:

24 “(C) In order to diversify and expand the Nation’s
25 onshore leasing program to ensure the best return to the

1 Federal taxpayer, reduce fraud, and secure the leasing
2 process, the Secretary may conduct onshore lease sales
3 through Internet-based bidding methods. Each individual
4 Internet-based lease sale shall conclude within 7 days.”.

5 (b) REPORT.—Not later than 90 days after the tenth
6 Internet-based lease sale conducted under the amendment
7 made by subsection (a), the Secretary of the Interior shall
8 analyze the first 10 such lease sales and report to Con-
9 gress the findings of the analysis. The report shall in-
10 clude—

11 (1) estimates on increases or decreases in such
12 lease sales, compared to sales conducted by oral bid-
13 ding, in—

14 (A) the number of bidders;

15 (B) the average amount of bid;

16 (C) the highest amount bid; and

17 (D) the lowest bid;

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

22 (3) an evaluation of the demonstrated or ex-
23 pected effectiveness of different structures for lease
24 sales which may provide an opportunity to better
25 maximize bidder participation, ensure the highest re-

1 turn to the Federal taxpayers, minimize opportuni-
2 ties for fraud or collusion, and ensure the security
3 and integrity of the leasing process.

4 **Subtitle E—Native American**
5 **Energy**

6 **SEC. 25001. SHORT TITLE.**

7 This subtitle may be cited as the “Native American
8 Energy Act”.

9 **SEC. 25002. APPRAISALS.**

10 (a) AMENDMENT.—Title XXVI of the Energy Policy
11 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-
12 ing at the end the following:

13 **“SEC. 2607. APPRAISAL REFORMS.**

14 “(a) OPTIONS TO INDIAN TRIBES.—With respect to
15 a transaction involving Indian land or the trust assets of
16 an Indian tribe that requires the approval of the Sec-
17 retary, any appraisal relating to fair market value required
18 to be conducted under applicable law, regulation, or policy
19 may be completed by—

20 “(1) the Secretary;

21 “(2) the affected Indian tribe; or

22 “(3) a certified, third-party appraiser pursuant
23 to a contract with the Indian tribe.

24 “(b) TIME LIMIT ON SECRETARIAL REVIEW AND AC-
25 TION.—Not later than 30 days after the date on which

1 the Secretary receives an appraisal conducted by or for
2 an Indian tribe pursuant to paragraphs (2) or (3) of sub-
3 section (a), the Secretary shall—

4 “(1) review the appraisal; and

5 “(2) provide to the Indian tribe a written notice
6 of approval or disapproval of the appraisal.

7 “(c) FAILURE OF SECRETARY TO APPROVE OR DIS-
8 APPROVE.—If, after 60 days, the Secretary has failed to
9 approve or disapprove any appraisal received, the ap-
10 praisal shall be deemed approved.

11 “(d) OPTION TO INDIAN TRIBES TO WAIVE AP-
12 PRAISAL.—

13 “(1) An Indian tribe wishing to waive the re-
14 quirements of subsection (a), may do so after it has
15 satisfied the requirements of subsections (2) and (3)
16 below.

17 “(2) An Indian tribe wishing to forego the ne-
18 cessity of a waiver pursuant to this section must
19 provide to the Secretary a written resolution, state-
20 ment, or other unambiguous indication of tribal in-
21 tent, duly approved by the governing body of the In-
22 dian tribe.

23 “(3) The unambiguous indication of intent pro-
24 vided by the Indian tribe to the Secretary under
25 paragraph (2) must include an express waiver by the

1 Indian tribe of any claims for damages it might have
2 against the United States as a result of the lack of
3 an appraisal undertaken.

4 “(e) DEFINITION.—For purposes of this subsection,
5 the term ‘appraisal’ includes appraisals and other esti-
6 mates of value.

7 “(f) REGULATIONS.—The Secretary shall develop
8 regulations for implementing this section, including stand-
9 ards the Secretary shall use for approving or disapproving
10 an appraisal.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents of the Energy Policy Act of 1992 (42 U.S.C. 13201
13 note) is amended by adding at the end of the items relat-
14 ing to title XXVI the following:

“Sec. 2607. Appraisal reforms.”.

15 **SEC. 25003. STANDARDIZATION.**

16 As soon as practicable after the date of the enactment
17 of this Act, the Secretary of the Interior shall implement
18 procedures to ensure that each agency within the Depart-
19 ment of the Interior that is involved in the review, ap-
20 proval, and oversight of oil and gas activities on Indian
21 lands shall use a uniform system of reference numbers and
22 tracking systems for oil and gas wells.

1 **SEC. 25004. ENVIRONMENTAL REVIEWS OF MAJOR FED-**
2 **ERAL ACTIONS ON INDIAN LANDS.**

3 Section 102 of the National Environmental Policy
4 Act of 1969 (42 U.S.C. 4332) is amended by inserting
5 “(a) IN GENERAL.—” before the first sentence, and by
6 adding at the end the following:

7 “(b) REVIEW OF MAJOR FEDERAL ACTIONS ON IN-
8 DIAN LANDS.—

9 “(1) IN GENERAL.—For any major Federal ac-
10 tion on Indian lands of an Indian tribe requiring the
11 preparation of a statement under subsection
12 (a)(2)(C), the statement shall only be available for
13 review and comment by the members of the Indian
14 tribe and by any other individual residing within the
15 affected area.

16 “(2) REGULATIONS.—The Chairman of the
17 Council on Environmental Quality shall develop reg-
18 ulations to implement this section, including descrip-
19 tions of affected areas for specific major Federal ac-
20 tions, in consultation with Indian tribes.

21 “(3) DEFINITIONS.—In this subsection, each of
22 the terms ‘Indian land’ and ‘Indian tribe’ has the
23 meaning given that term in section 2601 of the En-
24 ergy Policy Act of 1992 (25 U.S.C. 3501).

25 “(4) CLARIFICATION OF AUTHORITY.—Nothing
26 in the Native American Energy Act, except section

1 25006 of that Act, shall give the Secretary any addi-
2 tional authority over energy projects on Alaska Na-
3 tive Claims Settlement Act lands.”.

4 **SEC. 25005. JUDICIAL REVIEW.**

5 (a) **TIME FOR FILING COMPLAINT.**—Any energy re-
6 lated action must be filed not later than the end of the
7 60-day period beginning on the date of the final agency
8 action. Any energy related action not filed within this time
9 period shall be barred.

10 (b) **DISTRICT COURT VENUE AND DEADLINE.**—All
11 energy related actions—

12 (1) shall be brought in the United States Dis-
13 trict Court for the District of Columbia; and

14 (2) shall be resolved as expeditiously as pos-
15 sible, and in any event not more than 180 days after
16 such cause of action is filed.

17 (c) **APPELLATE REVIEW.**—An interlocutory order or
18 final judgment, decree or order of the district court in an
19 energy related action may be reviewed by the U.S. Court
20 of Appeals for the District of Columbia Circuit. The D.C.
21 Circuit Court of Appeals shall resolve such appeal as expe-
22 ditiously as possible, and in any event not more than 180
23 days after such interlocutory order or final judgment, de-
24 cree or order of the district court was issued.

1 (d) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
2 standing section 1304 of title 31, United States Code, no
3 award may be made under section 504 of title 5, United
4 States Code, or under section 2412 of title 28, United
5 States Code, and no amounts may be obligated or ex-
6 pended from the Claims and Judgment Fund of the
7 United States Treasury to pay any fees or other expenses
8 under such sections, to any person or party in an energy
9 related action.

10 (e) LEGAL FEES.—In any energy related action in
11 which the plaintiff does not ultimately prevail, the court
12 shall award to the defendant (including any intervenor-
13 defendants), other than the United States, fees and other
14 expenses incurred by that party in connection with the en-
15 ergy related action, unless the court finds that the position
16 of the plaintiff was substantially justified or that special
17 circumstances make an award unjust. Whether or not the
18 position of the plaintiff was substantially justified shall be
19 determined on the basis of the administrative record, as
20 a whole, which is made in the energy related action for
21 which fees and other expenses are sought.

22 (f) DEFINITIONS.—For the purposes of this section,
23 the following definitions apply:

1 (1) AGENCY ACTION.—The term “agency ac-
2 tion” has the same meaning given such term in sec-
3 tion 551 of title 5, United States Code.

4 (2) INDIAN LAND.—The term “Indian Land”
5 has the same meaning given such term in section
6 203(c)(3) of the Energy Policy Act of 2005 (Public
7 Law 109–58; 25 U.S.C. 3501), including lands
8 owned by Native Corporations under the Alaska Na-
9 tive Claims Settlement Act (Public Law 92–203; 43
10 U.S.C. 1601).

11 (3) ENERGY RELATED ACTION.—The term “en-
12 ergy related action” means a cause of action that—

13 (A) is filed on or after the effective date of
14 this Act; and

15 (B) seeks judicial review of a final agency
16 action to issue a permit, license, or other form
17 of agency permission allowing:

18 (i) any person or entity to conduct ac-
19 tivities on Indian Land, which activities in-
20 volve the exploration, development, produc-
21 tion or transportation of oil, gas, coal,
22 shale gas, oil shale, geothermal resources,
23 wind or solar resources, underground coal
24 gasification, biomass, or the generation of
25 electricity; or

1 (ii) any Indian Tribe, or any organiza-
2 tion of two or more entities, at least one
3 of which is an Indian tribe, to conduct ac-
4 tivities involving the exploration, develop-
5 ment, production or transportation of oil,
6 gas, coal, shale gas, oil shale, geothermal
7 resources, wind or solar resources, under-
8 ground coal gasification, biomass, or the
9 generation of electricity, regardless of
10 where such activities are undertaken.

11 (4) **ULTIMATELY PREVAIL.**—The phrase “ulti-
12 mately prevail” means, in a final enforceable judg-
13 ment, the court rules in the party’s favor on at least
14 one cause of action which is an underlying rationale
15 for the preliminary injunction, administrative stay,
16 or other relief requested by the party, and does not
17 include circumstances where the final agency action
18 is modified or amended by the issuing agency unless
19 such modification or amendment is required pursu-
20 ant to a final enforceable judgment of the court or
21 a court-ordered consent decree.

22 **SEC. 25006. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

23 The Tribal Forest Protection Act of 2004 is amended
24 by inserting after section 2 (25 U.S.C. 3115a) the fol-
25 lowing:

1 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

2 “(a) IN GENERAL.—For each of fiscal years 2014
3 through 2018, the Secretary shall enter into stewardship
4 contracts or other agreements, other than agreements that
5 are exclusively direct service contracts, with Indian tribes
6 to carry out demonstration projects to promote biomass
7 energy production (including biofuel, heat, and electricity
8 generation) on Indian forest land and in nearby commu-
9 nities by providing reliable supplies of woody biomass from
10 Federal land.

11 “(b) DEFINITIONS.—The definitions in section 2
12 shall apply to this section.

13 “(c) DEMONSTRATION PROJECTS.—In each fiscal
14 year for which projects are authorized, the Secretary shall
15 enter into contracts or other agreements described in sub-
16 section (a) to carry out at least 4 new demonstration
17 projects that meet the eligibility criteria described in sub-
18 section (d).

19 “(d) ELIGIBILITY CRITERIA.—To be eligible to enter
20 into a contract or other agreement under this subsection,
21 an Indian tribe shall submit to the Secretary an applica-
22 tion—

23 “(1) containing such information as the Sec-
24 retary may require; and

25 “(2) that includes a description of—

1 “(A) the Indian forest land or rangeland
2 under the jurisdiction of the Indian tribe; and

3 “(B) the demonstration project proposed
4 to be carried out by the Indian tribe.

5 “(e) SELECTION.—In evaluating the applications
6 submitted under subsection (c), the Secretary—

7 “(1) shall take into consideration the factors set
8 forth in paragraphs (1) and (2) of section 2(e) of
9 Public Law 108–278; and whether a proposed dem-
10 onstration project would—

11 “(A) increase the availability or reliability
12 of local or regional energy;

13 “(B) enhance the economic development of
14 the Indian tribe;

15 “(C) improve the connection of electric
16 power transmission facilities serving the Indian
17 tribe with other electric transmission facilities;

18 “(D) improve the forest health or water-
19 sheds of Federal land or Indian forest land or
20 rangeland; or

21 “(E) otherwise promote the use of woody
22 biomass; and

23 “(2) shall exclude from consideration any mer-
24 chantable logs that have been identified by the Sec-
25 retary for commercial sale.

1 “(f) IMPLEMENTATION.—The Secretary shall—

2 “(1) ensure that the criteria described in sub-
3 section (c) are publicly available by not later than
4 120 days after the date of enactment of this section;
5 and

6 “(2) to the maximum extent practicable, consult
7 with Indian tribes and appropriate intertribal orga-
8 nizations likely to be affected in developing the ap-
9 plication and otherwise carrying out this section.

10 “(g) REPORT.—Not later than September 20, 2015,
11 the Secretary shall submit to Congress a report that de-
12 scribes, with respect to the reporting period—

13 “(1) each individual tribal application received
14 under this section; and

15 “(2) each contract and agreement entered into
16 pursuant to this section.

17 “(h) INCORPORATION OF MANAGEMENT PLANS.—In
18 carrying out a contract or agreement under this section,
19 on receipt of a request from an Indian tribe, the Secretary
20 shall incorporate into the contract or agreement, to the
21 extent practicable, management plans (including forest
22 management and integrated resource management plans)
23 in effect on the Indian forest land or rangeland of the re-
24 spective Indian tribe.

1 “(i) TERM.—A stewardship contract or other agree-
2 ment entered into under this section—

3 “(1) shall be for a term of not more than 20
4 years; and

5 “(2) may be renewed in accordance with this
6 section for not more than an additional 10 years.”.

7 **SEC. 25007. TRIBAL RESOURCE MANAGEMENT PLANS.**

8 Unless otherwise explicitly exempted by Federal law
9 enacted after the date of the enactment of this Act, any
10 activity conducted or resources harvested or produced pur-
11 suant to a tribal resource management plan or an inte-
12 grated resource management plan approved by the Sec-
13 retary of the Interior under the National Indian Forest
14 Resources Management Act (25 U.S.C. 3101 et seq.) or
15 the American Indian Agricultural Resource Management
16 Act (25 U.S.C. 3701 et seq.), shall be considered a sus-
17 tainable management practice for purposes of any Federal
18 standard, benefit, or requirement that requires a dem-
19 onstration of such sustainability.

20 **SEC. 25008. LEASES OF RESTRICTED LANDS FOR THE NAV-
21 AJO NATION.**

22 Subsection (e)(1) of the first section of the Act of
23 August 9, 1955 (25 U.S.C. 415(e)(1); commonly referred
24 to as the “Long-Term Leasing Act”), is amended—

1 (1) by striking “, except a lease for” and insert-
2 ing “, including leases for”;

3 (2) in subparagraph (A), by striking “25” the
4 first place it appears and all that follows and insert-
5 ing “99 years;”;

6 (3) in subparagraph (B), by striking the period
7 and inserting “; and”; and

8 (4) by adding at the end the following:

9 “(C) in the case of a lease for the exploration,
10 development, or extraction of mineral resources, in-
11 cluding geothermal resources, 25 years, except that
12 any such lease may include an option to renew for
13 one additional term not to exceed 25 years.”.

14 **SEC. 25009. NONAPPLICABILITY OF CERTAIN RULES.**

15 No rule promulgated by the Department of the Inte-
16 rior regarding hydraulic fracturing used in the develop-
17 ment or production of oil or gas resources shall have any
18 effect on any land held in trust or restricted status for
19 the benefit of Indians except with the express consent of
20 the beneficiary on whose behalf such land is held in trust
21 or restricted status.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 30101. ESTABLISHMENT OF OFFICE OF ENERGY EM-**
4 **PLOYMENT AND TRAINING.**

5 (a) **ESTABLISHMENT.**—The Secretary of the Interior
6 shall establish an Office of Energy Employment and
7 Training, which shall oversee the hiring and training ef-
8 ferts of the Department of the Interior’s energy planning,
9 permitting, and regulatory agencies.

10 (b) **DIRECTOR.**—

11 (1) **IN GENERAL.**—The Office shall be under
12 the direction of a Deputy Assistant Secretary for
13 Energy Employment and Training, who shall report
14 directly to the Assistant Secretary for Energy,
15 Lands and Minerals Management, and shall be fully
16 employed to carry out the functions of the Office.

17 (2) **DUTIES.**—The Deputy Assistant Secretary
18 for Energy Employment and Training shall perform
19 the following functions:

20 (A) Develop and implement systems to
21 track the Department’s hiring of trained skilled
22 workers in the energy permitting and inspection
23 agencies.

24 (B) Design and recommend to the Sec-
25 retary programs and policies aimed at expand-

1 ing the Department’s hiring of women, minori-
2 ties, and veterans into the Department’s work-
3 force dealing with energy permitting and in-
4 spection programs. Such programs and policies
5 shall include—

6 (i) recruiting at historically black col-
7 leges and universities, Hispanic-serving in-
8 stitutions, women’s colleges, and colleges
9 that typically serve majority minority pop-
10 ulations;

11 (ii) sponsoring and recruiting at job
12 fairs in urban communities;

13 (iii) placing employment advertise-
14 ments in newspapers and magazines ori-
15 ented toward minorities, veterans, and
16 women;

17 (iv) partnering with organizations that
18 are focused on developing opportunities for
19 minorities, veterans, and women to be
20 placed in Departmental internships, sum-
21 mer employment, and full-time positions
22 relating to energy;

23 (v) where feasible, partnering with
24 inner-city high schools, girls’ high schools,
25 and high schools with majority minority

1 populations to demonstrate career opportu-
2 nities and the path to those opportunities
3 available at the Department;

4 (vi) coordinating with the Department
5 of Veterans Affairs and the Department of
6 Defense in the hiring of veterans; and

7 (vii) any other mass media commu-
8 nications that the Deputy Assistant Sec-
9 retary determines necessary to advertise,
10 promote, or educate about opportunities at
11 the Department.

12 (C) Develop standards for—

13 (i) equal employment opportunity and
14 the racial, ethnic, and gender diversity of
15 the workforce and senior management of
16 the Department; and

17 (ii) increased participation of minor-
18 ity-owned, veteran-owned, and women-
19 owned businesses in the programs and con-
20 tracts with the Department.

21 (D) Review and propose for adoption the
22 best practices of entities regulated by the De-
23 partment with regards to hiring and diversity
24 policies, and publish those best practices for
25 public review.

1 (c) REPORTS.—The Secretary shall submit to Con-
2 gress an annual report regarding the actions taken by the
3 Department of the Interior agency and the Office pursu-
4 ant to this section, which shall include—

5 (1) a statement of the total amounts paid by
6 the Department to minority contractors;

7 (2) the successes achieved and challenges faced
8 by the Department in operating minority, veteran or
9 service-disabled veteran, and women outreach pro-
10 grams;

11 (3) the challenges the Department may face in
12 hiring minority, veteran, and women employees and
13 contracting with veteran or service-disabled veteran,
14 minority-owned, and women-owned businesses; and

15 (4) any other information, findings, conclusions,
16 and recommendations for legislative or Department
17 action, as the Director determines appropriate.

18 (d) DEFINITIONS.—For purposes of this section, the
19 following definitions shall apply:

20 (1) MINORITY.—The term “minority” means
21 United States citizens who are Asian Indian Amer-
22 ican, Asian Pacific American, Black American, His-
23 panic American, or Native American.

24 (2) MINORITY-OWNED BUSINESS.—The term
25 “minority-owned business” means a for-profit enter-

1 prise, regardless of size, physically located in the
2 United States or its trust territories, that is owned,
3 operated, and controlled by minority group members.
4 “Minority group members” are United States citi-
5 zens who are Asian Indian American, Asian Pacific
6 American, Black American, Hispanic American, or
7 Native American (terminology in NMSDC cat-
8 egories). Ownership by minority individuals means
9 the business is at least 51 percent owned by such in-
10 dividuals or, in the case of a publicly owned busi-
11 ness, at least 51 percent of the stock is owned by
12 one or more such individuals. Further, the manage-
13 ment and daily operations are controlled by those
14 minority group members. For purposes of NMSDC’s
15 program, a minority group member is an individual
16 who is a United States citizen with at least $\frac{1}{4}$ or
17 25 percent minimum (documentation to support
18 claim of 25 percent required from applicant) of one
19 or more of the following:

20 (A) Asian Indian American, which is a
21 United States citizen whose origins are from
22 India, Pakistan, or Bangladesh.

23 (B) Asian Pacific American, which is a
24 United States citizen whose origins are from
25 Japan, China, Indonesia, Malaysia, Taiwan,

1 Korea, Vietnam, Laos, Cambodia, the Phil-
2 ippines, Thailand, Samoa, Guam, the United
3 States Trust Territories of the Pacific, or the
4 Northern Marianas.

5 (C) Black American, which is a United
6 States citizen having origins in any of the Black
7 racial groups of Africa.

8 (D) Hispanic American, which is a United
9 States citizen of true-born Hispanic heritage,
10 from any of the Spanish-speaking areas of the
11 following regions: Mexico, Central America,
12 South America, and the Caribbean Basin only.

13 (E) Native American, which means a
14 United States citizen enrolled to a federally rec-
15 ognized tribe, or a Native as defined under the
16 Alaska Native Claims Settlement Act.

17 (3) NMSDC.—The term “NMSDC” means the
18 National Minority Supplier Development Council.

19 (4) WOMEN-OWNED BUSINESS.—The term
20 “women-owned business” means a business that can
21 verify through evidence documentation that 51 per-
22 cent or more is women-owned, managed, and con-
23 trolled. The business must be open for at least 6
24 months. The business owner must be a United

1 States citizen or legal resident alien. Evidence must
2 indicate that—

3 (A) the contribution of capital or expertise
4 by the woman business owner is real and sub-
5 stantial and in proportion to the interest owned;

6 (B) the woman business owner directs or
7 causes the direction of management, policy, fis-
8 cal, and operational matters; and

9 (C) the woman business owner has the
10 ability to perform in the area of specialty or ex-
11 pertise without reliance on either the finances
12 or resources of a firm that is not owned by a
13 woman.

14 (5) SERVICE DISABLED VETERAN.—The term
15 “Service Disabled Veteran” must have a service-con-
16 nected disability that has been determined by the
17 Department of Veterans Affairs or Department of
18 Defense. The SDVOSBC must be small under the
19 North American Industry Classification System
20 (NAICS) code assigned to the procurement; the
21 SDV must unconditionally own 51 percent of the
22 SDVOSBC; the SDVO must control the manage-
23 ment and daily operations of the SDVOSBC; and
24 the SDV must hold the highest officer position in
25 the SDVOSBC.

1 (6) VETERAN-OWNED BUSINESS.—The term
2 “veteran-owned business” means a business that can
3 verify through evidence documentation that 51 per-
4 cent or more is veteran-owned, managed, and con-
5 trolled. The business must be open for at least 6
6 months. The business owner must be a United
7 States citizen or legal resident alien and honorably
8 or service-connected disability discharged from serv-
9 ice.

10 **SUBDIVISION B—BUREAU OF**
11 **RECLAMATION CONDUIT HY-**
12 **DROPOWER DEVELOPMENT**
13 **EQUITY AND JOBS ACT**

14 **SEC. 1. SHORT TITLE.**

15 This subdivision may be cited as the “Bureau of Rec-
16 lamation Conduit Hydropower Development Equity and
17 Jobs Act”.

18 **SEC. 2. AMENDMENT.**

19 Section 9 of the Act entitled “An Act authorizing
20 construction of water conservation and utilization projects
21 in the Great Plains and arid semiarid areas of the United
22 States”, approved August 11, 1939 (16 U.S.C. 590z–7;
23 commonly known as the “Water Conservation and Utiliza-
24 tion Act”), is amended—

1 (1) by striking “In connection with” and insert-
2 ing “(a) In connection with”; and

3 (2) by adding at the end the following:

4 “(b) Notwithstanding subsection (a), the Secretary is
5 authorized to enter into leases of power privileges for elec-
6 tric power generation in connection with any project con-
7 structed under this Act, and shall have authority in addi-
8 tion to and alternative to any authority in existing laws
9 relating to particular projects, including small conduit hy-
10 dropower development.

11 “(c) When entering into leases of power privileges
12 under subsection (b), the Secretary shall use the processes
13 applicable to such leases under section 9(c) of the Rec-
14 lamation Project Act of 1939 (43 U.S.C. 485h(c)).

15 “(d) Lease of power privilege contracts shall be at
16 such rates as, in the Secretary’s judgment, will produce
17 revenues at least sufficient to cover the appropriate share
18 of the annual operation and maintenance cost of the
19 project and such fixed charges, including interest, as the
20 Secretary deems proper. Lease of power privilege con-
21 tracts shall be for periods not to exceed 40 years.

22 “(e) No findings under section 3 shall be required
23 for a lease under subsection (b).

24 “(f) All right, title, and interest to installed power
25 facilities constructed by non-Federal entities pursuant to

1 a lease of power privilege, and direct revenues derived
2 therefrom, shall remain with the lessee unless otherwise
3 required under subsection (g).

4 “(g) Notwithstanding section 8, lease revenues and
5 fixed charges, if any, shall be covered into the Reclamation
6 Fund to be credited to the project from which those reve-
7 nues or charges were derived.

8 “(h) When carrying out this section, the Secretary
9 shall first offer the lease of power privilege to an irrigation
10 district or water users association operating the applicable
11 transferred conduit, or to the irrigation district or water
12 users association receiving water from the applicable re-
13 served conduit. The Secretary shall determine a reason-
14 able timeframe for the irrigation district or water users
15 association to accept or reject a lease of power privilege
16 offer. If the irrigation district or water users association
17 elects not to accept a lease of power privilege offer under
18 subsection (b), the Secretary shall offer the lease of power
19 privilege to other parties using the processes applicable to
20 such leases under section 9(e) of the Reclamation Project
21 Act of 1939 (43 U.S.C. 485h(e)).

22 “(i) The Bureau of Reclamation shall apply its cat-
23 egorical exclusion process under the National Environ-
24 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to
25 small conduit hydropower development under this section,

1 excluding siting of associated transmission facilities on
2 Federal lands.

3 “(j) Nothing in this section shall obligate the Western
4 Area Power Administration or the Bonneville Power Ad-
5 ministration to purchase or market any of the power pro-
6 duced by the facilities covered under this section and none
7 of the costs associated with production or delivery of such
8 power shall be assigned to project purposes for inclusion
9 in project rates.

10 “(k) Nothing in this section shall alter or impede the
11 delivery and management of water by Bureau of Reclama-
12 tion facilities, as water used for conduit hydropower gen-
13 eration shall be deemed incidental to use of water for the
14 original project purposes. Lease of power privilege shall
15 be made only when, in the judgment of the Secretary, the
16 exercise of the lease will not be incompatible with the pur-
17 poses of the project or division involved and shall not cre-
18 ate any unmitigated financial or physical impacts to the
19 project or division involved. The Secretary shall notify and
20 consult with the irrigation district or legally organized
21 water users association operating the transferred conduit
22 in advance of offering the lease of power privilege and
23 shall prescribe such terms and conditions necessary to
24 adequately protect the planning, design, construction, op-

1 eration, maintenance, and other interests of the United
2 States and the project or division involved.

3 “(l) Nothing in this section shall alter or affect any
4 agreements in effect on the date of the enactment of the
5 Bureau of Reclamation Conduit Hydropower Development
6 Equity and Jobs Act for the development of conduit hy-
7 dropower projects or disposition of revenues.

8 “(m) In this section:

9 “(1) The term ‘conduit’ means any Bureau of
10 Reclamation tunnel, canal, pipeline, aqueduct, flume,
11 ditch, or similar manmade water conveyance that is
12 operated for the distribution of water for agricul-
13 tural, municipal, or industrial consumption and not
14 primarily for the generation of electricity.

15 “(2) The term ‘irrigation district’ means any ir-
16 rigation, water conservation or conservancy, multi-
17 county water conservation or conservancy district, or
18 any separate public entity composed of two or more
19 such districts and jointly exercising powers of its
20 member districts.

21 “(3) The term ‘reserved conduit’ means any
22 conduit that is included in project works the care,
23 operation, and maintenance of which has been re-
24 served by the Secretary, through the Commissioner
25 of the Bureau of Reclamation.

1 “(4) The term ‘transferred conduit’ means any
2 conduit that is included in project works the care,
3 operation, and maintenance of which has been trans-
4 ferred to a legally organized water users association
5 or irrigation district.

6 “(5) The term ‘small conduit hydropower’
7 means a facility capable of producing 5 megawatts
8 or less of electric capacity.”.

9 **SUBDIVISION C—CENTRAL OR-**
10 **EGON JOBS AND WATER SE-**
11 **CURITY ACT**

12 **SEC. 1. SHORT TITLE.**

13 This subdivision may be cited as the “Central Oregon
14 Jobs and Water Security Act”.

15 **SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.**

16 Section 3(a)(72) of the Wild and Scenic Rivers Act
17 (16 U.S.C. 1274(a)(72)) is amended as follows:

18 (1) By striking “15-mile” and inserting “14.75-
19 mile”.

20 (2) In subparagraph (B)—

21 (A) by striking “8-mile” and all that fol-
22 lows through “Bowman Dam” and inserting
23 “7.75-mile segment from a point one-quarter
24 mile downstream from the toe of Bowman
25 Dam”; and

1 (B) by adding at the end the following:
2 “The developer for any hydropower develop-
3 ment, including turbines and appurtenant facili-
4 ties, at Bowman Dam, in consultation with the
5 Bureau of Land Management, shall analyze any
6 impacts to the Outstandingly Remarkable Val-
7 ues of the Wild and Scenic River that may be
8 caused by such development, including the fu-
9 ture need to undertake routine and emergency
10 repairs, and shall propose mitigation for any
11 impacts as part of any license application sub-
12 mitted to the Federal Energy Regulatory Com-
13 mission.”.

14 **SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.**

15 Section 4 of the Act of August 6, 1956 (70 Stat.
16 1058), (as amended by the Acts of September 14, 1959
17 (73 Stat. 554), and September 18, 1964 (78 Stat. 954))
18 is further amended as follows:

19 (1) By striking “ten cubic feet” the first place
20 it appears and inserting “17 cubic feet”.

21 (2) By striking “during those months when
22 there is no other discharge therefrom, but this re-
23 lease may be reduced for brief temporary periods by
24 the Secretary whenever he may find that release of

1 the full ten cubic feet per second is harmful to the
2 primary purpose of the project”.

3 (3) By adding at the end the following: “With-
4 out further action by the Secretary, and as deter-
5 mined necessary for any given year by the City of
6 Prineville, up to seven of the 17 cubic feet per sec-
7 ond minimum release shall also serve as mitigation
8 for City of Prineville groundwater pumping, pursu-
9 ant to and in a manner consistent with Oregon State
10 law, including any shaping of the release of the up
11 to seven cubic feet per second to coincide with City
12 of Prineville groundwater pumping as may be re-
13 quired by the State of Oregon. As such, the Sec-
14 retary is authorized to make applications to the
15 State of Oregon in conjunction with the City to pro-
16 tect these supplies instream. The City shall make
17 payment to the Secretary for that portion of the
18 minimum release that actually serves as mitigation
19 pursuant to Oregon State law for the City in any
20 given year, with the payment for any given year
21 equal to the amount of mitigation in acre feet re-
22 quired to offset actual City groundwater pumping
23 for that year in accordance with Reclamation ‘Water
24 and Related Contract and Repayment Principles and
25 Requirements’, Reclamation Manual Directives and

1 Standards PEC 05–01, dated 09/12/2006, and guid-
2 ed by ‘Economic and Environmental Principles and
3 Guidelines for Water and Related Land Resources
4 Implementation Studies’, dated March 10, 1983.
5 The Secretary is authorized to contract exclusively
6 with the City for additional amounts in the future
7 at the request of the City.”.

8 **SEC. 4. FIRST FILL PROTECTION.**

9 The Act of August 6, 1956 (70 Stat. 1058), as
10 amended by the Acts of September 14, 1959 (73 Stat.
11 554), and September 18, 1964 (78 Stat. 954), is further
12 amended by adding at the end the following:

13 “SEC. 6. Other than the 17 cubic feet per second re-
14 lease provided for in section 4, and subject to compliance
15 with the Army Corps of Engineers’ flood curve require-
16 ments, the Secretary shall, on a ‘first fill’ priority basis,
17 store in and release from Prineville Reservoir, whether
18 from carryover, infill, or a combination thereof, the fol-
19 lowing:

20 “(1) 68,273 acre feet of water annually to fulfill
21 all 16 Bureau of Reclamation contracts existing as
22 of January 1, 2011, and up to 2,740 acre feet of
23 water annually to supply the McKay Creek lands as
24 provided for in section 5 of this Act.

1 “(2) Not more than 10,000 acre feet of water
2 annually, to be made available to the North Unit Ir-
3 rigation District pursuant to a Temporary Water
4 Service Contract, upon the request of the North
5 Unit Irrigation District, consistent with the same
6 terms and conditions as prior such contracts be-
7 tween the District and the Bureau of Reclamation.

8 “SEC. 7. Except as otherwise provided in this Act,
9 nothing in this Act—

10 “(1) modifies contractual rights that may exist
11 between contractors and the United States under
12 Reclamation contracts;

13 “(2) amends or reopens contracts referred to in
14 paragraph (1); or

15 “(3) modifies any rights, obligations, or require-
16 ments that may be provided or governed by Oregon
17 State law.”.

18 **SEC. 5. OCHOCO IRRIGATION DISTRICT.**

19 (a) EARLY REPAYMENT.—Notwithstanding section
20 213 of the Reclamation Reform Act of 1982 (43 U.S.C.
21 390mm), any landowner within Ochoco Irrigation District
22 in Oregon, may repay, at any time, the construction costs
23 of the project facilities allocated to that landowner’s lands
24 within the district. Upon discharge, in full, of the obliga-
25 tion for repayment of the construction costs allocated to

1 all lands the landowner owns in the district, those lands
2 shall not be subject to the ownership and full-cost pricing
3 limitations of the Act of June 17, 1902 (43 U.S.C. 371
4 et seq.), and Acts supplemental to and amendatory of that
5 Act, including the Reclamation Reform Act of 1982 (43
6 U.S.C. 390aa et seq.).

7 (b) CERTIFICATION.—Upon the request of a land-
8 owner who has repaid, in full, the construction costs of
9 the project facilities allocated to that landowner's lands
10 owned within the district, the Secretary of the Interior
11 shall provide the certification provided for in subsection
12 (b)(1) of section 213 of the Reclamation Reform Act of
13 1982 (43 U.S.C. 390mm(b)(1)).

14 (c) CONTRACT AMENDMENT.—On approval of the
15 district directors and notwithstanding project authorizing
16 legislation to the contrary, the district's reclamation con-
17 tracts are modified, without further action by the Sec-
18 retary of the Interior, to—

19 (1) authorize the use of water for instream pur-
20 poses, including fish or wildlife purposes, in order
21 for the district to engage in, or take advantage of,
22 conserved water projects and temporary instream
23 leasing as authorized by Oregon State law;

24 (2) include within the district boundary ap-
25 proximately 2,742 acres in the vicinity of McKay

1 Creek, resulting in a total of approximately 44,937
2 acres within the district boundary;

3 (3) classify as irrigable approximately 685 acres
4 within the approximately 2,742 acres of included
5 lands in the vicinity of McKay Creek, where the ap-
6 proximately 685 acres are authorized to receive irri-
7 gation water pursuant to water rights issued by the
8 State of Oregon and have in the past received water
9 pursuant to such State water rights; and

10 (4) provide the district with stored water from
11 Prineville Reservoir for purposes of supplying up to
12 the approximately 685 acres of lands added within
13 the district boundary and classified as irrigable
14 under paragraphs (2) and (3), with such stored
15 water to be supplied on an acre-per-acre basis con-
16 tingent on the transfer of existing appurtenant
17 McKay Creek water rights to instream use and the
18 State's issuance of water rights for the use of stored
19 water.

20 (d) LIMITATION.—Except as otherwise provided in
21 subsections (a) and (c), nothing in this section shall be
22 construed to—

23 (1) modify contractual rights that may exist be-
24 tween the district and the United States under the
25 district's Reclamation contracts;

1 (2) amend or reopen the contracts referred to
2 in paragraph (1); or

3 (3) modify any rights, obligations or relation-
4 ships that may exist between the district and its
5 landowners as may be provided or governed by Or-
6 egon State law.

7 **SUBDIVISION D—STATE AU-**
8 **THORITY FOR HYDRAULIC**
9 **FRACTURING REGULATION;**
10 **EPA HYDRAULIC FRAC-**
11 **TURING RESEARCH**

12 **TITLE I—STATE AUTHORITY FOR**
13 **HYDRAULIC FRACTURING**
14 **REGULATION**

15 **SEC. 101. SHORT TITLE.**

16 This title may be cited as the “Protecting States’
17 Rights to Promote American Energy Security Act”.

18 **SEC. 102. STATE AUTHORITY FOR HYDRAULIC FRACTURING**
19 **REGULATION.**

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

1 **“SEC. 44. STATE AUTHORITY FOR HYDRAULIC FRACTURING**
2 **REGULATION.**

3 “(a) IN GENERAL.—The Department of the Interior
4 shall not enforce any Federal regulation, guidance, or per-
5 mit requirement regarding hydraulic fracturing, or any
6 component of that process, relating to oil, gas, or geo-
7 thermal production activities on or under any land in any
8 State that has regulations, guidance, or permit require-
9 ments for that activity.

10 “(b) STATE AUTHORITY.—The Department of the
11 Interior shall recognize and defer to State regulations,
12 permitting, and guidance, for all activities related to hy-
13 draulic fracturing, or any component of that process, re-
14 lating to oil, gas, or geothermal production activities on
15 Federal land.

16 “(c) TRANSPARENCY OF STATE REGULATIONS.—

17 “(1) IN GENERAL.—Each State shall submit to
18 the Bureau of Land Management a copy of its regu-
19 lations that apply to hydraulic fracturing operations
20 on Federal land.

21 “(2) AVAILABILITY.—The Secretary of the In-
22 terior shall make available to the public State regu-
23 lations submitted under this subsection.

24 “(d) TRANSPARENCY OF STATE DISCLOSURE RE-
25 QUIREMENTS.—

1 “(1) IN GENERAL.—Each State shall submit to
2 the Bureau of Land Management a copy of any reg-
3 ulations of the State that require disclosure of
4 chemicals used in hydraulic fracturing operations on
5 Federal land.

6 “(2) AVAILABILITY.—The Secretary of the In-
7 terior shall make available to the public State regu-
8 lations submitted under this subsection.

9 “(e) HYDRAULIC FRACTURING DEFINED.—In this
10 section the term ‘hydraulic fracturing’ means the process
11 by which fracturing fluids (or a fracturing fluid system)
12 are pumped into an underground geologic formation at a
13 calculated, predetermined rate and pressure to generate
14 fractures or cracks in the target formation and thereby
15 increase the permeability of the rock near the wellbore and
16 improve production of natural gas or oil.”.

17 **SEC. 103. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

18 (a) STUDY.—The Comptroller General of the United
19 States shall conduct a study examining the economic bene-
20 fits of domestic shale oil and gas production resulting from
21 the process of hydraulic fracturing. This study will include
22 identification of—

23 (1) State and Federal revenue generated as a
24 result of shale gas production;

1 (2) jobs created both directly and indirectly as
2 a result of shale oil and gas production; and

3 (3) an estimate of potential energy prices with-
4 out domestic shale oil and gas production.

5 (b) REPORT.—The Comptroller General shall submit
6 a report on the findings of such study to the Committee
7 on Natural Resources of the House of Representatives
8 within 30 days after completion of the study.

9 **SEC. 104. TRIBAL AUTHORITY ON TRUST LAND.**

10 The Department of the Interior shall not enforce any
11 Federal regulation, guidance, or permit requirement re-
12 garding the process of hydraulic fracturing (as that term
13 is defined in section 44 of the Mineral Leasing Act, as
14 amended by section 102 of this Act), or any component
15 of that process, relating to oil, gas, or geothermal produc-
16 tion activities on any land held in trust or restricted status
17 for the benefit of Indians except with the express consent
18 of the beneficiary on whose behalf such land is held in
19 trust or restricted status.

20 **TITLE II—EPA HYDRAULIC**
21 **FRACTURING RESEARCH**

22 **SEC. 201. SHORT TITLE.**

23 This title may be cited as the “EPA Hydraulic Frac-
24 turing Study Improvement Act”.

1 **SEC. 202. EPA HYDRAULIC FRACTURING RESEARCH.**

2 In conducting its study of the potential impacts of
3 hydraulic fracturing on drinking water resources, with re-
4 spect to which a request for information was issued under
5 Federal Register Vol. 77, No. 218, the Administrator of
6 the Environmental Protection Agency shall adhere to the
7 following requirements:

8 (1) PEER REVIEW AND INFORMATION QUAL-
9 ITY.—Prior to issuance and dissemination of any
10 final report or any interim report summarizing the
11 Environmental Protection Agency’s research on the
12 relationship between hydraulic fracturing and drink-
13 ing water, the Administrator shall—

14 (A) consider such reports to be Highly In-
15 fluential Scientific Assessments and require
16 peer review of such reports in accordance with
17 guidelines governing such assessments, as de-
18 scribed in—

19 (i) the Environmental Protection
20 Agency’s Peer Review Handbook 3rd Edi-
21 tion;

22 (ii) the Environmental Protection
23 Agency’s Scientific Integrity Policy, as in
24 effect on the date of enactment of this Act;
25 and

1 (iii) the Office of Management and
2 Budget's Peer Review Bulletin, as in effect
3 on the date of enactment of this Act; and
4 (B) require such reports to meet the stand-
5 ards and procedures for the dissemination of in-
6 fluential scientific, financial, or statistical infor-
7 mation set forth in the Environmental Protec-
8 tion Agency's Guidelines for Ensuring and
9 Maximizing the Quality, Objectivity, Utility,
10 and Integrity of Information Disseminated by
11 the Environmental Protection Agency, devel-
12 oped in response to guidelines issued by the Of-
13 fice of Management and Budget under section
14 515(a) of the Treasury and General Govern-
15 ment Appropriations Act for Fiscal Year 2001
16 (Public Law 106-554).

17 (2) PROBABILITY, UNCERTAINTY, AND CON-
18 SEQUENCE.—In order to maximize the quality and
19 utility of information developed through the study,
20 the Administrator shall ensure that identification of
21 the possible impacts of hydraulic fracturing on
22 drinking water resources included in such reports be
23 accompanied by objective estimates of the prob-
24 ability, uncertainty, and consequence of each identi-
25 fied impact, taking into account the risk manage-

1 ment practices of States and industry. Estimates or
2 descriptions of probability, uncertainty, and con-
3 sequence shall be as quantitative as possible given
4 the validity, accuracy, precision, and other quality
5 attributes of the underlying data and analyses, but
6 no more quantitative than the data and analyses can
7 support.

8 (3) RELEASE OF FINAL REPORT.—The final re-
9 port shall be publicly released by September 30,
10 2016.

11 **TITLE III—MISCELLANEOUS** 12 **PROVISIONS**

13 **SEC. 301. REVIEW OF STATE ACTIVITIES.**

14 The Secretary of the Interior shall annually review
15 and report to Congress on all State activities relating to
16 hydraulic fracturing.

17 **SUBDIVISION E—PREVENTING** 18 **GOVERNMENT WASTE AND** 19 **PROTECTING COAL MINING** 20 **JOBS IN AMERICA**

21 **SEC. 1. SHORT TITLE.**

22 This subdivision may be cited as the “Preventing
23 Government Waste and Protecting Coal Mining Jobs in
24 America”.

1 **SEC. 2. INCORPORATION OF SURFACE MINING STREAM**
2 **BUFFER ZONE RULE INTO STATE PROGRAMS.**

3 (a) IN GENERAL.—Section 503 of the Surface Min-
4 ing Control and Reclamation Act of 1977 (30 U.S.C.
5 1253) is amended by adding at the end the following:

6 “(e) STREAM BUFFER ZONE MANAGEMENT.—

7 “(1) IN GENERAL.—In addition to the require-
8 ments under subsection (a), each State program
9 shall incorporate the necessary rule regarding excess
10 spoil, coal mine waste, and buffers for perennial and
11 intermittent streams published by the Office of Sur-
12 face Mining Reclamation and Enforcement on De-
13 cember 12, 2008 (73 Fed. Reg. 75813 et seq.) which
14 complies with the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.) in view of the 2006 discus-
16 sions between the Director of the Office of Surface
17 Mining and the Director of the United States Fish
18 and Wildlife Service, and the Office of Surface Min-
19 ing Reclamation and Enforcement’s consideration
20 and review of comments submitted by the United
21 States Fish and Wildlife Service during the rule-
22 making process in 2007.

23 “(2) STUDY OF IMPLEMENTATION.—The Sec-
24 retary shall—

25 “(A) at such time as the Secretary deter-
26 mines all States referred to in subsection (a)

1 have fully incorporated the necessary rule re-
2 ferred to in paragraph (1) of this subsection
3 into their State programs, publish notice of
4 such determination;

5 “(B) during the 5-year period beginning on
6 the date of such publication, assess the effec-
7 tiveness of implementation of such rule by such
8 States;

9 “(C) carry out all required consultation on
10 the benefits and other impacts of the implemen-
11 tation of the rule to any threatened species or
12 endangered species, with the participation of
13 the United States Fish and Wildlife Service and
14 the United States Geological Survey; and

15 “(D) upon the conclusion of such period,
16 submit a comprehensive report on the impacts
17 of such rule to the Committee on Natural Re-
18 sources of the House of Representatives and the
19 Committee on Energy and Natural Resources of
20 the Senate, including—

21 “(i) an evaluation of the effectiveness
22 of such rule;

23 “(ii) an evaluation of any ways in
24 which the existing rule inhibits energy pro-
25 duction; and

1 “(iii) a description in detail of any
2 proposed changes that should be made to
3 the rule, the justification for such changes,
4 all comments on such changes received by
5 the Secretary from such States, and the
6 projected costs and benefits of such
7 changes.

8 “(3) LIMITATION ON NEW REGULATIONS.—The
9 Secretary may not issue any regulations under this
10 Act relating to stream buffer zones or stream protec-
11 tion before the date of the publication of the report
12 under paragraph (2), other than a rule necessary to
13 implement paragraph (1).”.

14 (b) DEADLINE FOR STATE IMPLEMENTATION.—Not
15 later than 2 years after the date of the enactment of this
16 Act, a State with a State program approved under section
17 503 of the Surface Mining Control and Reclamation Act
18 of 1977 (30 U.S.C. 1253) shall submit to the Secretary
19 of the Interior amendments to such program pursuant to
20 part 732 of title 30, Code of Federal Regulations, incor-
21 porating the necessary rule referred to in subsection (e)(1)
22 of such section, as amended by this section.

1 **DIVISION C—JUDICIARY**

2 **SEC. 1. SHORT TITLE.**

3 This division may be cited as the “Responsibly And
4 Professionally Invigorating Development Act of 2014” or
5 as the “RAPID Act”.

6 **SEC. 2. COORDINATION OF AGENCY ADMINISTRATIVE OP-**
7 **ERATIONS FOR EFFICIENT DECISIONMAKING.**

8 (a) IN GENERAL.—Chapter 5 of part 1 of title 5,
9 United States Code, is amended by inserting after sub-
10 chapter II the following:

11 “SUBCHAPTER IIA—INTERAGENCY
12 COORDINATION REGARDING PERMITTING
13 **“§ 560. Coordination of agency administrative oper-**
14 **ations for efficient decisionmaking**

15 “(a) CONGRESSIONAL DECLARATION OF PURPOSE.—
16 The purpose of this subchapter is to establish a framework
17 and procedures to streamline, increase the efficiency of,
18 and enhance coordination of agency administration of the
19 regulatory review, environmental decisionmaking, and per-
20 mitting process for projects undertaken, reviewed, or fund-
21 ed by Federal agencies. This subchapter will ensure that
22 agencies administer the regulatory process in a manner
23 that is efficient so that citizens are not burdened with reg-
24 ulatory excuses and time delays.

1 “(b) DEFINITIONS.—For purposes of this sub-
2 chapter, the term—

3 “(1) ‘agency’ means any agency, department, or
4 other unit of Federal, State, local, or Indian tribal
5 government;

6 “(2) ‘category of projects’ means 2 or more
7 projects related by project type, potential environ-
8 mental impacts, geographic location, or another
9 similar project feature or characteristic;

10 “(3) ‘environmental assessment’ means a con-
11 cise public document for which a Federal agency is
12 responsible that serves to—

13 “(A) briefly provide sufficient evidence and
14 analysis for determining whether to prepare an
15 environmental impact statement or a finding of
16 no significant impact;

17 “(B) aid an agency’s compliance with
18 NEPA when no environmental impact state-
19 ment is necessary; and

20 “(C) facilitate preparation of an environ-
21 mental impact statement when one is necessary;

22 “(4) ‘environmental impact statement’ means
23 the detailed statement of significant environmental
24 impacts required to be prepared under NEPA;

1 “(5) ‘environmental review’ means the Federal
2 agency procedures for preparing an environmental
3 impact statement, environmental assessment, cat-
4 gorical exclusion, or other document under NEPA;

5 “(6) ‘environmental decisionmaking process’
6 means the Federal agency procedures for under-
7 taking and completion of any environmental permit,
8 decision, approval, review, or study under any Fed-
9 eral law other than NEPA for a project subject to
10 an environmental review;

11 “(7) ‘environmental document’ means an envi-
12 ronmental assessment or environmental impact
13 statement, and includes any supplemental document
14 or document prepared pursuant to a court order;

15 “(8) ‘finding of no significant impact’ means a
16 document by a Federal agency briefly presenting the
17 reasons why a project, not otherwise subject to a
18 categorical exclusion, will not have a significant ef-
19 fect on the human environment and for which an en-
20 vironmental impact statement therefore will not be
21 prepared;

22 “(9) ‘lead agency’ means the Federal agency
23 preparing or responsible for preparing the environ-
24 mental document;

1 “(10) ‘NEPA’ means the National Environ-
2 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

3 “(11) ‘project’ means major Federal actions
4 that are construction activities undertaken with Fed-
5 eral funds or that are construction activities that re-
6 quire approval by a permit or regulatory decision
7 issued by a Federal agency;

8 “(12) ‘project sponsor’ means the agency or
9 other entity, including any private or public-private
10 entity, that seeks approval for a project or is other-
11 wise responsible for undertaking a project; and

12 “(13) ‘record of decision’ means a document
13 prepared by a lead agency under NEPA following an
14 environmental impact statement that states the lead
15 agency’s decision, identifies the alternatives consid-
16 ered by the agency in reaching its decision and
17 states whether all practicable means to avoid or min-
18 imize environmental harm from the alternative se-
19 lected have been adopted, and if not, why they were
20 not adopted.

21 “(c) PREPARATION OF ENVIRONMENTAL DOCU-
22 MENTS.—Upon the request of the lead agency, the project
23 sponsor shall be authorized to prepare any document for
24 purposes of an environmental review required in support
25 of any project or approval by the lead agency if the lead

1 agency furnishes oversight in such preparation and inde-
2 pendently evaluates such document and the document is
3 approved and adopted by the lead agency prior to taking
4 any action or making any approval based on such docu-
5 ment.

6 “(d) ADOPTION AND USE OF DOCUMENTS.—

7 “(1) DOCUMENTS PREPARED UNDER NEPA.—

8 “(A) Not more than 1 environmental im-
9 pact statement and 1 environmental assessment
10 shall be prepared under NEPA for a project
11 (except for supplemental environmental docu-
12 ments prepared under NEPA or environmental
13 documents prepared pursuant to a court order),
14 and, except as otherwise provided by law, the
15 lead agency shall prepare the environmental im-
16 pact statement or environmental assessment.
17 After the lead agency issues a record of deci-
18 sion, no Federal agency responsible for making
19 any approval for that project may rely on a docu-
20 ment other than the environmental document
21 prepared by the lead agency.

22 “(B) Upon the request of a project spon-
23 sor, a lead agency may adopt, use, or rely upon
24 secondary and cumulative impact analyses in-
25 cluded in any environmental document prepared

1 under NEPA for projects in the same geo-
2 graphic area where the secondary and cumu-
3 lative impact analyses provide information and
4 data that pertains to the NEPA decision for the
5 project under review.

6 “(2) STATE ENVIRONMENTAL DOCUMENTS;
7 SUPPLEMENTAL DOCUMENTS.—

8 “(A) Upon the request of a project spon-
9 sor, a lead agency may adopt a document that
10 has been prepared for a project under State
11 laws and procedures as the environmental im-
12 pact statement or environmental assessment for
13 the project, provided that the State laws and
14 procedures under which the document was pre-
15 pared provide environmental protection and op-
16 portunities for public involvement that are sub-
17 stantially equivalent to NEPA.

18 “(B) An environmental document adopted
19 under subparagraph (A) is deemed to satisfy
20 the lead agency’s obligation under NEPA to
21 prepare an environmental impact statement or
22 environmental assessment.

23 “(C) In the case of a document described
24 in subparagraph (A), during the period after
25 preparation of the document but before its

1 adoption by the lead agency, the lead agency
2 shall prepare and publish a supplement to that
3 document if the lead agency determines that—

4 “(i) a significant change has been
5 made to the project that is relevant for
6 purposes of environmental review of the
7 project; or

8 “(ii) there have been significant
9 changes in circumstances or availability of
10 information relevant to the environmental
11 review for the project.

12 “(D) If the agency prepares and publishes
13 a supplemental document under subparagraph
14 (C), the lead agency may solicit comments from
15 agencies and the public on the supplemental
16 document for a period of not more than 45
17 days beginning on the date of the publication of
18 the supplement.

19 “(E) A lead agency shall issue its record of
20 decision or finding of no significant impact, as
21 appropriate, based upon the document adopted
22 under subparagraph (A), and any supplements
23 thereto.

24 “(3) CONTEMPORANEOUS PROJECTS.—If the
25 lead agency determines that there is a reasonable

1 likelihood that the project will have similar environ-
2 mental impacts as a similar project in geographical
3 proximity to the project, and that similar project
4 was subject to environmental review or similar State
5 procedures within the 5-year period immediately pre-
6 ceding the date that the lead agency makes that de-
7 termination, the lead agency may adopt the environ-
8 mental document that resulted from that environ-
9 mental review or similar State procedure. The lead
10 agency may adopt such an environmental document,
11 if it is prepared under State laws and procedures
12 only upon making a favorable determination on such
13 environmental document pursuant to paragraph
14 (2)(A).

15 “(e) PARTICIPATING AGENCIES.—

16 “(1) IN GENERAL.—The lead agency shall be
17 responsible for inviting and designating participating
18 agencies in accordance with this subsection. The
19 lead agency shall provide the invitation or notice of
20 the designation in writing.

21 “(2) FEDERAL PARTICIPATING AGENCIES.—Any
22 Federal agency that is required to adopt the envi-
23 ronmental document of the lead agency for a project
24 shall be designated as a participating agency and
25 shall collaborate on the preparation of the environ-

1 mental document, unless the Federal agency informs
2 the lead agency, in writing, by a time specified by
3 the lead agency in the designation of the Federal
4 agency that the Federal agency—

5 “(A) has no jurisdiction or authority with
6 respect to the project;

7 “(B) has no expertise or information rel-
8 evant to the project; and

9 “(C) does not intend to submit comments
10 on the project.

11 “(3) INVITATION.—The lead agency shall iden-
12 tify, as early as practicable in the environmental re-
13 view for a project, any agencies other than an agen-
14 cy described in paragraph (2) that may have an in-
15 terest in the project, including, where appropriate,
16 Governors of affected States, and heads of appro-
17 priate tribal and local (including county) govern-
18 ments, and shall invite such identified agencies and
19 officials to become participating agencies in the envi-
20 ronmental review for the project. The invitation shall
21 set a deadline of 30 days for responses to be sub-
22 mitted, which may only be extended by the lead
23 agency for good cause shown. Any agency that fails
24 to respond prior to the deadline shall be deemed to
25 have declined the invitation.

1 “(4) EFFECT OF DECLINING PARTICIPATING
2 AGENCY INVITATION.—Any agency that declines a
3 designation or invitation by the lead agency to be a
4 participating agency shall be precluded from submit-
5 ting comments on any document prepared under
6 NEPA for that project or taking any measures to
7 oppose, based on the environmental review, any per-
8 mit, license, or approval related to that project.

9 “(5) EFFECT OF DESIGNATION.—Designation
10 as a participating agency under this subsection does
11 not imply that the participating agency—

12 “(A) supports a proposed project; or

13 “(B) has any jurisdiction over, or special
14 expertise with respect to evaluation of, the
15 project.

16 “(6) COOPERATING AGENCY.—A participating
17 agency may also be designated by a lead agency as
18 a ‘cooperating agency’ under the regulations con-
19 tained in part 1500 of title 40, Code of Federal Reg-
20 ulations, as in effect on January 1, 2011. Designa-
21 tion as a cooperating agency shall have no effect on
22 designation as participating agency. No agency that
23 is not a participating agency may be designated as
24 a cooperating agency.

1 “(7) CONCURRENT REVIEWS.—Each Federal
2 agency shall—

3 “(A) carry out obligations of the Federal
4 agency under other applicable law concurrently
5 and in conjunction with the review required
6 under NEPA; and

7 “(B) in accordance with the rules made by
8 the Council on Environmental Quality pursuant
9 to subsection (n)(1), make and carry out such
10 rules, policies, and procedures as may be rea-
11 sonably necessary to enable the agency to en-
12 sure completion of the environmental review
13 and environmental decisionmaking process in a
14 timely, coordinated, and environmentally re-
15 sponsible manner.

16 “(8) COMMENTS.—Each participating agency
17 shall limit its comments on a project to areas that
18 are within the authority and expertise of such par-
19 ticipating agency. Each participating agency shall
20 identify in such comments the statutory authority of
21 the participating agency pertaining to the subject
22 matter of its comments. The lead agency shall not
23 act upon, respond to or include in any document
24 prepared under NEPA, any comment submitted by
25 a participating agency that concerns matters that

1 are outside of the authority and expertise of the
2 commenting participating agency.

3 “(f) PROJECT INITIATION REQUEST.—

4 “(1) NOTICE.—A project sponsor shall provide
5 the Federal agency responsible for undertaking a
6 project with notice of the initiation of the project by
7 providing a description of the proposed project, the
8 general location of the proposed project, and a state-
9 ment of any Federal approvals anticipated to be nec-
10 essary for the proposed project, for the purpose of
11 informing the Federal agency that the environmental
12 review should be initiated.

13 “(2) LEAD AGENCY INITIATION.—The agency
14 receiving a project initiation notice under paragraph
15 (1) shall promptly identify the lead agency for the
16 project, and the lead agency shall initiate the envi-
17 ronmental review within a period of 45 days after
18 receiving the notice required by paragraph (1) by in-
19 viting or designating agencies to become partici-
20 pating agencies, or, where the lead agency deter-
21 mines that no participating agencies are required for
22 the project, by taking such other actions that are
23 reasonable and necessary to initiate the environ-
24 mental review.

25 “(g) ALTERNATIVES ANALYSIS.—

1 “(1) PARTICIPATION.—As early as practicable
2 during the environmental review, but no later than
3 during scoping for a project requiring the prepara-
4 tion of an environmental impact statement, the lead
5 agency shall provide an opportunity for involvement
6 by cooperating agencies in determining the range of
7 alternatives to be considered for a project.

8 “(2) RANGE OF ALTERNATIVES.—Following
9 participation under paragraph (1), the lead agency
10 shall determine the range of alternatives for consid-
11 eration in any document which the lead agency is re-
12 sponsible for preparing for the project, subject to the
13 following limitations:

14 “(A) NO EVALUATION OF CERTAIN ALTER-
15 NATIVES.—No Federal agency shall evaluate
16 any alternative that was identified but not car-
17 ried forward for detailed evaluation in an envi-
18 ronmental document or evaluated and not se-
19 lected in any environmental document prepared
20 under NEPA for the same project.

21 “(B) ONLY FEASIBLE ALTERNATIVES
22 EVALUATED.—Where a project is being con-
23 structed, managed, funded, or undertaken by a
24 project sponsor that is not a Federal agency,
25 Federal agencies shall only be required to evalu-

1 ate alternatives that the project sponsor could
2 feasibly undertake, consistent with the purpose
3 of and the need for the project, including alter-
4 natives that can be undertaken by the project
5 sponsor and that are technically and economi-
6 cally feasible.

7 “(3) METHODOLOGIES.—

8 “(A) IN GENERAL.—The lead agency shall
9 determine, in collaboration with cooperating
10 agencies at appropriate times during the envi-
11 ronmental review, the methodologies to be used
12 and the level of detail required in the analysis
13 of each alternative for a project. The lead agen-
14 cy shall include in the environmental document
15 a description of the methodologies used and
16 how the methodologies were selected.

17 “(B) NO EVALUATION OF INAPPROPRIATE
18 ALTERNATIVES.—When a lead agency deter-
19 mines that an alternative does not meet the
20 purpose and need for a project, that alternative
21 is not required to be evaluated in detail in an
22 environmental document.

23 “(4) PREFERRED ALTERNATIVE.—At the dis-
24 cretion of the lead agency, the preferred alternative
25 for a project, after being identified, may be devel-

1 oped to a higher level of detail than other alter-
2 natives in order to facilitate the development of miti-
3 gation measures or concurrent compliance with other
4 applicable laws if the lead agency determines that
5 the development of such higher level of detail will
6 not prevent the lead agency from making an impar-
7 tial decision as to whether to accept another alter-
8 native which is being considered in the environ-
9 mental review.

10 “(5) EMPLOYMENT ANALYSIS.—The evaluation
11 of each alternative in an environmental impact state-
12 ment or an environmental assessment shall identify
13 the potential effects of the alternative on employ-
14 ment, including potential short-term and long-term
15 employment increases and reductions and shifts in
16 employment.

17 “(h) COORDINATION AND SCHEDULING.—

18 “(1) COORDINATION PLAN.—

19 “(A) IN GENERAL.—The lead agency shall
20 establish and implement a plan for coordinating
21 public and agency participation in and comment
22 on the environmental review for a project or
23 category of projects to facilitate the expeditious
24 resolution of the environmental review.

25 “(B) SCHEDULE.—

1 “(i) IN GENERAL.—The lead agency
2 shall establish as part of the coordination
3 plan for a project, after consultation with
4 each participating agency and, where appli-
5 cable, the project sponsor, a schedule for
6 completion of the environmental review.
7 The schedule shall include deadlines, con-
8 sistent with subsection (i), for decisions
9 under any other Federal laws (including
10 the issuance or denial of a permit or li-
11 cense) relating to the project that is cov-
12 ered by the schedule.

13 “(ii) FACTORS FOR CONSIDER-
14 ATION.—In establishing the schedule, the
15 lead agency shall consider factors such
16 as—

17 “(I) the responsibilities of par-
18 ticipating agencies under applicable
19 laws;

20 “(II) resources available to the
21 participating agencies;

22 “(III) overall size and complexity
23 of the project;

24 “(IV) overall schedule for and
25 cost of the project;

1 “(V) the sensitivity of the natural
2 and historic resources that could be
3 affected by the project; and

4 “(VI) the extent to which similar
5 projects in geographic proximity were
6 recently subject to environmental re-
7 view or similar State procedures.

8 “(iii) COMPLIANCE WITH THE SCHED-
9 ULE.—

10 “(I) All participating agencies
11 shall comply with the time periods es-
12 tablished in the schedule or with any
13 modified time periods, where the lead
14 agency modifies the schedule pursuant
15 to subparagraph (D).

16 “(II) The lead agency shall dis-
17 regard and shall not respond to or in-
18 clude in any document prepared under
19 NEPA, any comment or information
20 submitted or any finding made by a
21 participating agency that is outside of
22 the time period established in the
23 schedule or modification pursuant to
24 subparagraph (D) for that agency’s
25 comment, submission or finding.

1 “(III) If a participating agency
2 fails to object in writing to a lead
3 agency decision, finding or request for
4 concurrence within the time period es-
5 tablished under law or by the lead
6 agency, the agency shall be deemed to
7 have concurred in the decision, finding
8 or request.

9 “(C) CONSISTENCY WITH OTHER TIME PE-
10 RIODS.—A schedule under subparagraph (B)
11 shall be consistent with any other relevant time
12 periods established under Federal law.

13 “(D) MODIFICATION.—The lead agency
14 may—

15 “(i) lengthen a schedule established
16 under subparagraph (B) for good cause;
17 and

18 “(ii) shorten a schedule only with the
19 concurrence of the cooperating agencies.

20 “(E) DISSEMINATION.—A copy of a sched-
21 ule under subparagraph (B), and of any modi-
22 fications to the schedule, shall be—

23 “(i) provided within 15 days of com-
24 pletion or modification of such schedule to

1 all participating agencies and to the
2 project sponsor; and

3 “(ii) made available to the public.

4 “(F) ROLES AND RESPONSIBILITY OF
5 LEAD AGENCY.—With respect to the environ-
6 mental review for any project, the lead agency
7 shall have authority and responsibility to take
8 such actions as are necessary and proper, with-
9 in the authority of the lead agency, to facilitate
10 the expeditious resolution of the environmental
11 review for the project.

12 “(i) DEADLINES.—The following deadlines shall
13 apply to any project subject to review under NEPA and
14 any decision under any Federal law relating to such
15 project (including the issuance or denial of a permit or
16 license or any required finding):

17 “(1) ENVIRONMENTAL REVIEW DEADLINES.—
18 The lead agency shall complete the environmental
19 review within the following deadlines:

20 “(A) ENVIRONMENTAL IMPACT STATE-
21 MENT PROJECTS.—For projects requiring prep-
22 aration of an environmental impact statement—

23 “(i) the lead agency shall issue an en-
24 vironmental impact statement within 2
25 years after the earlier of the date the lead

1 agency receives the project initiation re-
2 quest or a Notice of Intent to Prepare an
3 Environmental Impact Statement is pub-
4 lished in the Federal Register; and

5 “(ii) in circumstances where the lead
6 agency has prepared an environmental as-
7 sessment and determined that an environ-
8 mental impact statement will be required,
9 the lead agency shall issue the environ-
10 mental impact statement within 2 years
11 after the date of publication of the Notice
12 of Intent to Prepare an Environmental Im-
13 pact Statement in the Federal Register.

14 “(B) ENVIRONMENTAL ASSESSMENT
15 PROJECTS.—For projects requiring preparation
16 of an environmental assessment, the lead agen-
17 cy shall issue a finding of no significant impact
18 or publish a Notice of Intent to Prepare an En-
19 vironmental Impact Statement in the Federal
20 Register within 1 year after the earlier of the
21 date the lead agency receives the project initi-
22 ation request, makes a decision to prepare an
23 environmental assessment, or sends out partici-
24 pating agency invitations.

25 “(2) EXTENSIONS.—

1 “(A) REQUIREMENTS.—The environmental
2 review deadlines may be extended only if—

3 “(i) a different deadline is established
4 by agreement of the lead agency, the
5 project sponsor, and all participating agen-
6 cies; or

7 “(ii) the deadline is extended by the
8 lead agency for good cause.

9 “(B) LIMITATION.—The environmental re-
10 view shall not be extended by more than 1 year
11 for a project requiring preparation of an envi-
12 ronmental impact statement or by more than
13 180 days for a project requiring preparation of
14 an environmental assessment.

15 “(3) ENVIRONMENTAL REVIEW COMMENTS.—

16 “(A) COMMENTS ON DRAFT ENVIRON-
17 MENTAL IMPACT STATEMENT.—For comments
18 by agencies and the public on a draft environ-
19 mental impact statement, the lead agency shall
20 establish a comment period of not more than 60
21 days after publication in the Federal Register
22 of notice of the date of public availability of
23 such document, unless—

24 “(i) a different deadline is established
25 by agreement of the lead agency, the

1 project sponsor, and all participating agen-
2 cies; or

3 “(ii) the deadline is extended by the
4 lead agency for good cause.

5 “(B) OTHER COMMENTS.—For all other
6 comment periods for agency or public comments
7 in the environmental review process, the lead
8 agency shall establish a comment period of no
9 more than 30 days from availability of the ma-
10 terials on which comment is requested, unless—

11 “(i) a different deadline is established
12 by agreement of the lead agency, the
13 project sponsor, and all participating agen-
14 cies; or

15 “(ii) the deadline is extended by the
16 lead agency for good cause.

17 “(4) DEADLINES FOR DECISIONS UNDER
18 OTHER LAWS.—Notwithstanding any other provision
19 of law, in any case in which a decision under any
20 other Federal law relating to the undertaking of a
21 project being reviewed under NEPA (including the
22 issuance or denial of a permit or license) is required
23 to be made, the following deadlines shall apply:

24 “(A) DECISIONS PRIOR TO RECORD OF DE-
25 CISION OR FINDING OF NO SIGNIFICANT IM-

1 PACT.—If a Federal agency is required to ap-
2 prove, or otherwise to act upon, a permit, li-
3 cense, or other similar application for approval
4 related to a project prior to the record of deci-
5 sion or finding of no significant impact, such
6 Federal agency shall approve or otherwise act
7 not later than the end of a 90-day period begin-
8 ning—

9 “(i) after all other relevant agency re-
10 view related to the project is complete; and

11 “(ii) after the lead agency publishes a
12 notice of the availability of the final envi-
13 ronmental impact statement or issuance of
14 other final environmental documents, or no
15 later than such other date that is otherwise
16 required by law, whichever event occurs
17 first.

18 “(B) OTHER DECISIONS.—With regard to
19 any approval or other action related to a project
20 by a Federal agency that is not subject to sub-
21 paragraph (A), each Federal agency shall ap-
22 prove or otherwise act not later than the end of
23 a period of 180 days beginning—

24 “(i) after all other relevant agency re-
25 view related to the project is complete; and

1 “(ii) after the lead agency issues the
2 record of decision or finding of no signifi-
3 cant impact, unless a different deadline is
4 established by agreement of the Federal
5 agency, lead agency, and the project spon-
6 sor, where applicable, or the deadline is ex-
7 tended by the Federal agency for good
8 cause, provided that such extension shall
9 not extend beyond a period that is 1 year
10 after the lead agency issues the record of
11 decision or finding of no significant im-
12 pact.

13 “(C) FAILURE TO ACT.—In the event that
14 any Federal agency fails to approve, or other-
15 wise to act upon, a permit, license, or other
16 similar application for approval related to a
17 project within the applicable deadline described
18 in subparagraph (A) or (B), the permit, license,
19 or other similar application shall be deemed ap-
20 proved by such agency and the agency shall
21 take action in accordance with such approval
22 within 30 days of the applicable deadline de-
23 scribed in subparagraph (A) or (B).

24 “(D) FINAL AGENCY ACTION.—Any ap-
25 proval under subparagraph (C) is deemed to be

1 final agency action, and may not be reversed by
2 any agency. In any action under chapter 7 seek-
3 ing review of such a final agency action, the
4 court may not set aside such agency action by
5 reason of that agency action having occurred
6 under this paragraph.

7 “(j) ISSUE IDENTIFICATION AND RESOLUTION.—

8 “(1) COOPERATION.—The lead agency and the
9 participating agencies shall work cooperatively in ac-
10 cordance with this section to identify and resolve
11 issues that could delay completion of the environ-
12 mental review or could result in denial of any ap-
13 provals required for the project under applicable
14 laws.

15 “(2) LEAD AGENCY RESPONSIBILITIES.—The
16 lead agency shall make information available to the
17 participating agencies as early as practicable in the
18 environmental review regarding the environmental,
19 historic, and socioeconomic resources located within
20 the project area and the general locations of the al-
21 ternatives under consideration. Such information
22 may be based on existing data sources, including ge-
23 ographic information systems mapping.

24 “(3) PARTICIPATING AGENCY RESPONSIBIL-
25 ITIES.—Based on information received from the lead

1 agency, participating agencies shall identify, as early
2 as practicable, any issues of concern regarding the
3 project's potential environmental, historic, or socio-
4 economic impacts. In this paragraph, issues of con-
5 cern include any issues that could substantially delay
6 or prevent an agency from granting a permit or
7 other approval that is needed for the project.

8 “(4) ISSUE RESOLUTION.—

9 “(A) MEETING OF PARTICIPATING AGEN-
10 CIES.—At any time upon request of a project
11 sponsor, the lead agency shall promptly convene
12 a meeting with the relevant participating agen-
13 cies and the project sponsor, to resolve issues
14 that could delay completion of the environ-
15 mental review or could result in denial of any
16 approvals required for the project under appli-
17 cable laws.

18 “(B) NOTICE THAT RESOLUTION CANNOT
19 BE ACHIEVED.—If a resolution cannot be
20 achieved within 30 days following such a meet-
21 ing and a determination by the lead agency that
22 all information necessary to resolve the issue
23 has been obtained, the lead agency shall notify
24 the heads of all participating agencies, the
25 project sponsor, and the Council on Environ-

1 mental Quality for further proceedings in ac-
2 cordance with section 204 of NEPA, and shall
3 publish such notification in the Federal Reg-
4 ister.

5 “(k) LIMITATION ON USE OF SOCIAL COST OF CAR-
6 BON.—

7 “(1) IN GENERAL.—In the case of any environ-
8 mental review or environmental decisionmaking
9 process, a lead agency may not use the social cost
10 of carbon.

11 “(2) DEFINITION.—In this subsection, the term
12 ‘social cost of carbon’ means the social cost of car-
13 bon as described in the technical support document
14 entitled ‘Technical Support Document: Technical
15 Update of the Social Cost of Carbon for Regulatory
16 Impact Analysis Under Executive Order No. 12866’,
17 published by the Interagency Working Group on So-
18 cial Cost of Carbon, United States Government, in
19 May 2013, revised in November 2013, or any suc-
20 cessor thereto or substantially related document, or
21 any other estimate of the monetized damages associ-
22 ated with an incremental increase in carbon dioxide
23 emissions in a given year.

24 “(l) REPORT TO CONGRESS.—The head of each Fed-
25 eral agency shall report annually to Congress—

1 “(1) the projects for which the agency initiated
2 preparation of an environmental impact statement or
3 environmental assessment;

4 “(2) the projects for which the agency issued a
5 record of decision or finding of no significant impact
6 and the length of time it took the agency to com-
7 plete the environmental review for each such project;

8 “(3) the filing of any lawsuits against the agen-
9 cy seeking judicial review of a permit, license, or ap-
10 proval issued by the agency for an action subject to
11 NEPA, including the date the complaint was filed,
12 the court in which the complaint was filed, and a
13 summary of the claims for which judicial review was
14 sought; and

15 “(4) the resolution of any lawsuits against the
16 agency that sought judicial review of a permit, li-
17 cense, or approval issued by the agency for an action
18 subject to NEPA.

19 “(m) LIMITATIONS ON CLAIMS.—

20 “(1) IN GENERAL.—Notwithstanding any other
21 provision of law, a claim arising under Federal law
22 seeking judicial review of a permit, license, or ap-
23 proval issued by a Federal agency for an action sub-
24 ject to NEPA shall be barred unless—

1 “(A) in the case of a claim pertaining to
2 a project for which an environmental review
3 was conducted and an opportunity for comment
4 was provided, the claim is filed by a party that
5 submitted a comment during the environmental
6 review on the issue on which the party seeks ju-
7 dicial review, and such comment was suffi-
8 ciently detailed to put the lead agency on notice
9 of the issue upon which the party seeks judicial
10 review; and

11 “(B) filed within 180 days after publica-
12 tion of a notice in the Federal Register an-
13 nouncing that the permit, license, or approval is
14 final pursuant to the law under which the agen-
15 cy action is taken, unless a shorter time is spec-
16 ified in the Federal law pursuant to which judi-
17 cial review is allowed.

18 “(2) NEW INFORMATION.—The preparation of
19 a supplemental environmental impact statement,
20 when required, is deemed a separate final agency ac-
21 tion and the deadline for filing a claim for judicial
22 review of such action shall be 180 days after the
23 date of publication of a notice in the Federal Reg-
24 ister announcing the record of decision for such ac-
25 tion. Any claim challenging agency action on the

1 basis of information in a supplemental environ-
2 mental impact statement shall be limited to chal-
3 lenges on the basis of that information.

4 “(3) RULE OF CONSTRUCTION.—Nothing in
5 this subsection shall be construed to create a right
6 to judicial review or place any limit on filing a claim
7 that a person has violated the terms of a permit, li-
8 cense, or approval.

9 “(n) CATEGORIES OF PROJECTS.—The authorities
10 granted under this subchapter may be exercised for an in-
11 dividual project or a category of projects.

12 “(o) EFFECTIVE DATE.—The requirements of this
13 subchapter shall apply only to environmental reviews and
14 environmental decisionmaking processes initiated after the
15 date of enactment of this subchapter. In the case of a
16 project for which an environmental review or environ-
17 mental decisionmaking process was initiated prior to the
18 date of enactment of this subchapter, the provisions of
19 subsection (i) shall apply, except that, notwithstanding
20 any other provision of this section, in determining a dead-
21 line under such subsection, any applicable period of time
22 shall be calculated as beginning from the date of enact-
23 ment of this subchapter.

24 “(p) APPLICABILITY.—Except as provided in sub-
25 section (p), this subchapter applies, according to the provi-

1 sions thereof, to all projects for which a Federal agency
2 is required to undertake an environmental review or make
3 a decision under an environmental law for a project for
4 which a Federal agency is undertaking an environmental
5 review.

6 “(q) SAVINGS CLAUSE.—Nothing in this section shall
7 be construed to supersede, amend, or modify sections 134,
8 135, 139, 325, 326, and 327 of title 23, sections 5303
9 and 5304 of title 49, or subtitle C of title I of division
10 A of the Moving Ahead for Progress in the 21st Century
11 Act and the amendments made by such subtitle (Public
12 Law 112–141).”.

13 (b) TECHNICAL AMENDMENT.—The table of sections
14 for chapter 5 of title 5, United States Code, is amended
15 by inserting after the items relating to subchapter II the
16 following:

“SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING
“560. Coordination of agency administrative operations for efficient decision-
making.”.

17 (c) REGULATIONS.—

18 (1) COUNCIL ON ENVIRONMENTAL QUALITY.—

19 Not later than 180 days after the date of enactment
20 of this division, the Council on Environmental Qual-
21 ity shall amend the regulations contained in part
22 1500 of title 40, Code of Federal Regulations, to im-
23 plement the provisions of this division and the

1 amendments made by this division, and shall by rule
2 designate States with laws and procedures that sat-
3 isfy the criteria under section 560(d)(2)(A) of title
4 5, United States Code.

5 (2) FEDERAL AGENCIES.—Not later than 120
6 days after the date that the Council on Environ-
7 mental Quality amends the regulations contained in
8 part 1500 of title 40, Code of Federal Regulations,
9 to implement the provisions of this division and the
10 amendments made by this division, each Federal
11 agency with regulations implementing the National
12 Environmental Policy Act of 1969 (42 U.S.C. 4321
13 et seq.) shall amend such regulations to implement
14 the provisions of this division.

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