

JUNE 8, 2012

RULES COMMITTEE PRINT 112-24
TEXT OF H.R. 4480, THE STRATEGIC ENERGY
PRODUCTION ACT OF 2012

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Domestic Energy and
3 Jobs Act”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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

Sec. 101. Short title.

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

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

Sec. 201. Short title.

Sec. 202. Transportation Fuels Regulatory Committee.

Sec. 203. Analyses.

Sec. 204. Reports; public comment.

Sec. 205. No final action on certain rules.

Sec. 206. Consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE
ENERGY PRODUCTION STRATEGY

Sec. 301. Short title.

Sec. 302. Onshore domestic energy production strategic plan.

Sec. 303. Definitions.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

Sec. 401. Short title.

Sec. 402. Minimum acreage requirement for onshore lease sales.

Sec. 403. Leasing certainty.

Sec. 404. Leasing consistency.

Sec. 405. Reduce redundant policies.

TITLE V—STREAMLINED ENERGY PERMITTING

Sec. 501. Short title.

Subtitle A—Application for Permits to Drill Process Reform

Sec. 511. Permit to drill application timeline.

Sec. 512. Solar and wind right-of-way rental reform.

Subtitle B—Administrative Protest Documentation Reform

Sec. 521. Administrative protest documentation reform.

Subtitle C—Permit Streamlining

Sec. 531. Improve Federal energy permit coordination.

Sec. 532. Administration of current law.

Sec. 533. Policies regarding buying, building, and working for America.

Subtitle D—Judicial Review

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Sec. 542. Exclusive venue for certain civil actions relating to covered energy projects.

Sec. 543. Timely filing.

Sec. 544. Expedition in hearing and determining the action.

Sec. 545. Standard of review.

Sec. 546. Limitation on injunction and prospective relief.

Sec. 547. Limitation on attorneys' fees.

Sec. 548. Legal standing.

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

Sec. 601. Short title.

Sec. 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.

Sec. 603. National Petroleum Reserve in Alaska: lease sales.

Sec. 604. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.

Sec. 605. Departmental Accountability for Development.

Sec. 606. Updated resource assessment.

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

Sec. 701. Short title.

Sec. 702. Internet-based onshore oil and gas lease sales.

1 **TITLE I—INCREASING DOMESTIC**
2 **IN RESPONSE TO STRATEGIC**
3 **PETROLEUM RESERVE**
4 **DRAWDOWNS**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Strategic Energy Pro-
7 duction Act of 2012”.

8 **SEC. 102. PLAN FOR INCREASING DOMESTIC OIL AND GAS**
9 **EXPLORATION, DEVELOPMENT, AND PRO-**
10 **DUCTION FROM FEDERAL LANDS IN RE-**
11 **SPONSE TO STRATEGIC PETROLEUM RE-**
12 **SERVE DRAWDOWN.**

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

16 “(k) PLAN.—

17 “(1) CONTENTS.—

18 “(A) IN GENERAL.—Not later than 180
19 days after the date on which the Secretary exe-
20 cutes, in accordance with the provisions of this
21 section, the first sale after the date of enact-
22 ment of this subsection of petroleum products
23 in the Reserve the Secretary shall develop a
24 plan to increase the percentage of Federal lands
25 (including submerged lands of the Outer Conti-

1 nental Shelf) under the jurisdiction of the Sec-
2 retary of Agriculture, the Secretary of Energy,
3 the Secretary of the Interior, and the Secretary
4 of Defense leased for oil and gas exploration,
5 development, and production. The percentage of
6 the total amount of the Federal lands described
7 in the preceding sentence by which the plan de-
8 veloped under this paragraph will increase leas-
9 ing for oil and gas exploration, development,
10 and production shall be the same as the per-
11 centage of petroleum in the Strategic Petroleum
12 Reserve that was drawn down.

13 “(B) REQUIREMENTS.—The plan devel-
14 oped under this paragraph shall—

15 “(i) be consistent with a national en-
16 ergy policy to meet the present and future
17 energy needs of the Nation consistent with
18 economic goals; and

19 “(ii) promote the interests of con-
20 sumers through the provision of an ade-
21 quate and reliable supply of domestic
22 transportation fuels at the lowest reason-
23 able cost.

24 “(C) ENERGY INFORMATION.—The Sec-
25 retary shall base the determination of the

1 present and future energy needs of the Nation,
2 for purposes of subparagraph (B)(i), on infor-
3 mation from the Energy Information Adminis-
4 tration.

5 “(2) LIMITATION.—The plan developed under
6 paragraph (1) shall not provide for oil and gas ex-
7 ploration, development, and production leasing of a
8 total of more than 10 percent of the Federal lands
9 described in paragraph (1)(A).

10 “(3) CONSULTATION.—The Secretary shall de-
11 velop the plan required by paragraph (1) in con-
12 sultation with the Secretary of Agriculture, the Sec-
13 retary of the Interior, and the Secretary of Defense.
14 Additionally, in developing the plan, the Secretary
15 shall consult with the American Association of Pe-
16 troleum Geologists and other State, environ-
17 mentalist, and oil and gas industry stakeholders to
18 determine the most geologically promising lands for
19 production of oil and natural gas liquids.

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

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

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

7 “(6) SAVINGS CLAUSE.—Nothing in this sub-
8 section shall be construed to limit or affect the ap-
9 plication of existing restrictions on offshore drilling
10 or requirements for land management under Fed-
11 eral, State, or local law.”.

12 **TITLE II—IMPACTS OF EPA** 13 **RULES AND ACTIONS ON EN-** 14 **ERGY PRICES**

15 **SEC. 201. SHORT TITLE.**

16 This title may be cited as the “Gasoline Regulations
17 Act of 2012”.

18 **SEC. 202. TRANSPORTATION FUELS REGULATORY COM-** 19 **MITTEE.**

20 (a) ESTABLISHMENT.—The President shall establish
21 a committee to be known as the Transportation Fuels
22 Regulatory Committee (in this title referred to as the
23 “Committee”) to analyze and report on the cumulative im-
24 pacts of certain rules and actions of the Environmental

1 Protection Agency on gasoline, diesel fuel, and natural gas
2 prices, in accordance with sections 203 and 204.

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

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

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

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

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

15 (5) The Secretary of the Treasury, acting
16 through the Deputy Assistant Secretary for Environ-
17 ment and Energy of the Department of the Treas-
18 ury.

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

21 (7) The Administrator of the Environmental
22 Protection Agency.

23 (8) The Chairman of the United States Inter-
24 national Trade Commission, acting through the Di-
25 rector of the Office of Economics.

1 (9) The Administrator of the Energy Informa-
2 tion Administration.

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

6 (d) TERMINATION.—The Committee shall terminate
7 60 days after submitting its final report pursuant to sec-
8 tion 204(c).

9 **SEC. 203. ANALYSES.**

10 (a) SCOPE.—The Committee shall conduct analyses,
11 for each of the calendar years 2016 and 2020, of the cu-
12 mulative impact of all covered rules, in combination with
13 covered actions.

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

16 (1) Estimates of the cumulative impacts of the
17 covered rules and covered actions with regard to—

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

21 (B) required capital investments and pro-
22 jected costs for operation and maintenance of
23 new equipment required to be installed;

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

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

7 (E) national, State, and regional employ-
8 ment, including impacts associated with
9 changes in gasoline, diesel fuel, or natural gas
10 prices and facility closures.

11 (2) Discussion of key uncertainties and assump-
12 tions associated with each estimate under paragraph
13 (1).

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

17 (4) Discussion, and where feasible an assess-
18 ment, of the cumulative impact of the covered rules
19 and covered actions on—

20 (A) consumers;

21 (B) small businesses;

22 (C) regional economies;

23 (D) State, local, and tribal governments;

24 (E) low-income communities;

25 (F) public health; and

1 (G) local and industry-specific labor mar-
2 kets,
3 as well as key uncertainties associated with each
4 topic listed in subparagraphs (A) through (G).

5 (c) METHODS.—In conducting analyses under this
6 section, the Committee shall use the best available meth-
7 ods, consistent with guidance from the Office of Informa-
8 tion and Regulatory Affairs and the Office of Management
9 and Budget Circular A–4.

10 (d) DATA.—In conducting analyses under this sec-
11 tion, the Committee is not required to create data or to
12 use data that is not readily accessible.

13 (e) COVERED RULES.—In this section, the term “cov-
14 ered rule” means the following rules (and includes any
15 successor or substantially similar rules):

16 (1) “Control of Air Pollution From New Motor
17 Vehicles: Tier 3 Motor Vehicle Emission and Fuel
18 Standards”, as described in the Unified Agenda of
19 Federal Regulatory and Deregulatory Actions under
20 Regulatory Identification Number 2060–AQ86.

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

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

5 (4) “National Ambient Air Quality Standards
6 for Ozone”, published at 73 Federal Register 16436
7 (March 27, 2008); “Reconsideration of the 2008
8 Ozone Primary and Secondary National Ambient Air
9 Quality Standards”, as described in the Unified
10 Agenda of Federal Regulatory and Deregulatory Ac-
11 tions under Regulatory Identification Number 2060–
12 AP98; and any subsequent rule revising or
13 supplementing the national ambient air quality
14 standards for ozone under section 109 of the Clean
15 Air Act (42 U.S.C. 7409).

16 (f) COVERED ACTIONS.—In this section, the term
17 “covered action” means any action, to the extent such ac-
18 tion affects facilities involved in the production, transpor-
19 tation, or distribution of gasoline, diesel fuel, or natural
20 gas, taken on or after January 1, 2009, by the Adminis-
21 trator of the Environmental Protection Agency, a State,
22 a local government, or a permitting agency as a result of
23 the application of part C of title I (relating to prevention
24 of significant deterioration of air quality), or title V (relat-
25 ing to permitting), of the Clean Air Act (42 U.S.C. 7401

1 et seq.), to an air pollutant that is identified as a green-
2 house gas in the rule entitled “Endangerment and Cause
3 or Contribute Findings for Greenhouse Gases Under Sec-
4 tion 202(a) of the Clean Air Act” published at 74 Federal
5 Register 66496 (December 15, 2009).

6 **SEC. 204. REPORTS; PUBLIC COMMENT.**

7 (a) PRELIMINARY REPORT.—Not later than 90 days
8 after the date of enactment of this Act, the Committee
9 shall make public and submit to the Committee on Energy
10 and Commerce of the House of Representatives and the
11 Committee on Environment and Public Works of the Sen-
12 ate a preliminary report containing the results of the anal-
13 yses conducted under section 203.

14 (b) PUBLIC COMMENT PERIOD.—The Committee
15 shall accept public comments regarding the preliminary re-
16 port submitted under subsection (a) for a period of 60
17 days after such submission.

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

1 **SEC. 205. NO FINAL ACTION ON CERTAIN RULES.**

2 (a) IN GENERAL.—The Administrator of the Envi-
3 ronmental Protection Agency shall not finalize any of the
4 following rules until a date (to be determined by the Ad-
5 ministrator) that is at least 6 months after the day on
6 which the Committee submits the final report under sec-
7 tion 204(c):

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

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

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

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

1 **SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN**
2 **REVISING OR SUPPLEMENTING NATIONAL**
3 **AMBIENT AIR QUALITY STANDARDS FOR**
4 **OZONE.**

5 In revising or supplementing any national primary or
6 secondary ambient air quality standards for ozone under
7 section 109 of the Clean Air Act (42 U.S.C. 7409), the
8 Administrator of the Environmental Protection Agency
9 shall take into consideration feasibility and cost.

10 **TITLE III—QUADRENNIAL STRA-**
11 **TEGIC FEDERAL ONSHORE**
12 **ENERGY PRODUCTION STRAT-**
13 **EGY**

14 **SEC. 301. SHORT TITLE.**

15 This title may be cited as the “Planning for American
16 Energy Act of 2012”.

17 **SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION**
18 **STRATEGIC PLAN.**

19 (a) IN GENERAL.—The Mineral Leasing Act (30
20 U.S.C. 181 et seq.) is amended by redesignating section
21 44 as section 45, and by inserting after section 43 the
22 following:

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

25 “(a) IN GENERAL.—

1 “(1) The Secretary of the Interior (hereafter in
2 this section referred to as ‘Secretary’), in consulta-
3 tion with the Secretary of Agriculture with regard to
4 lands administered by the Forest Service, shall de-
5 velop and publish every 4 years a Quadrennial Fed-
6 eral Onshore Energy Production Strategy. This
7 Strategy shall direct Federal land energy develop-
8 ment and department resource allocation in order to
9 promote the energy security of the United States.

10 “(2) In developing this Strategy, the Secretary
11 shall consult with the Administrator of the Energy
12 Information Administration on the projected energy
13 demands of the United States for the next 30-year
14 period, and how energy derived from Federal on-
15 shore lands can put the United States on a trajec-
16 tory to meet that demand during the next 4-year pe-
17 riod. The Secretary shall consider how Federal lands
18 will contribute to ensuring national energy security,
19 with a goal for increasing energy independence and
20 production, during the next 4-year period.

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

1 “(A) the best estimate, based upon com-
2 mercial and scientific data, of the expected in-
3 crease in domestic production of oil and natural
4 gas from the Federal onshore mineral estate,
5 with a focus on lands held by the Bureau of
6 Land Management and the Forest Service;

7 “(B) the best estimate, based upon com-
8 mercial and scientific data, of the expected in-
9 crease in domestic coal production from Federal
10 lands;

11 “(C) the best estimate, based upon com-
12 mercial and scientific data, of the expected in-
13 crease in domestic production of strategic and
14 critical energy minerals from the Federal on-
15 shore mineral estate;

16 “(D) the best estimate, based upon com-
17 mercial and scientific data, of the expected in-
18 crease in megawatts for electricity production
19 from each of the following sources: wind, solar,
20 biomass, hydropower, and geothermal energy
21 produced on Federal lands administered by the
22 Bureau of Land Management and the Forest
23 Service;

24 “(E) the best estimate, based upon com-
25 mercial and scientific data, of the expected in-

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

3 “(F) the best estimate, based upon com-
4 mercial and scientific data, of the expected in-
5 crease in domestic production of oil, natural
6 gas, coal, and other renewable sources from
7 tribal lands for any federally recognized Indian
8 tribe that elects to participate in facilitating en-
9 ergy production on its lands.

10 “(4) The Secretary shall consult with the Ad-
11 ministrators 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 “(b) TRIBAL OBJECTIVES.—It is the sense of Con-
19 gress that federally recognized Indian tribes may elect to
20 set their own production objectives as part of the Strategy
21 under this section. The Secretary shall work in coopera-
22 tion with any federally recognized Indian tribe that elects
23 to participate in achieving its own strategic energy objec-
24 tives designated under this subsection.

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

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

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

1 ing, permitting, siting, or production that will prevent
2 meeting the goal. In addition, the Secretary shall make
3 suggestions to help meet any shortfalls in meeting the pro-
4 duction goals.

5 “(f) PROGRAMMATIC ENVIRONMENTAL IMPACT
6 STATEMENT.—Not later than 12 months after the date
7 of enactment of this section, in accordance with section
8 102(2)(C) of the National Environmental Policy Act of
9 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall com-
10 plete a programmatic environmental impact statement.
11 This programmatic environmental impact statement will
12 be deemed sufficient to comply with all requirements
13 under that Act for all necessary resource management and
14 land use plans associated with the implementation of the
15 strategy.

16 “(g) CONGRESSIONAL REVIEW.—At least 60 days
17 prior to publishing a proposed strategy under this section,
18 the Secretary shall submit it to the President and the Con-
19 gress, together with any comments received from States,
20 federally recognized Indian tribes, and local governments.
21 Such submission shall indicate why any specific rec-
22 ommendation of a State, federally recognized Indian tribe,
23 or local government was not accepted.”.

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

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

4 **SEC. 303. DEFINITIONS.**

5 For purposes of this title, the term “strategic and
6 critical energy minerals” means those that are necessary
7 for the Nation’s energy infrastructure including pipelines,
8 refining capacity, electrical power generation and trans-
9 mission, and renewable energy production and those that
10 are necessary to support domestic manufacturing, includ-
11 ing but not limited to, materials used in energy genera-
12 tion, production, and transportation.

13 **TITLE IV—ONSHORE OIL AND**
14 **GAS LEASING CERTAINTY**

15 **SEC. 401. SHORT TITLE.**

16 This title may be cited as the “Providing Leasing
17 Certainty for American Energy Act of 2012”.

18 **SEC. 402. MINIMUM ACREAGE REQUIREMENT FOR ON-**
19 **SHORE LEASE SALES.**

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

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

1 ferred for lease pursuant to this paragraph shall not
2 be subject to protest and shall be eligible for cat-
3 egorical exclusions under section 390 of the Energy
4 Policy Act of 2005 (42 U.S.C. 15492), except that
5 it shall not be subject to the test of extraordinary
6 circumstances.

7 (2) In administering this section, the Secretary
8 shall only consider leasing of Federal lands that are
9 available for leasing at the time the lease sale oc-
10 curs.

11 **SEC. 403. LEASING CERTAINTY.**

12 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
13 226(a)) is amended by inserting “(1)” before “All lands”,
14 and by adding at the end the following:

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

18 “(B) The Secretary shall not infringe upon lease
19 rights under leases issued under this Act by indefinitely
20 delaying issuance of project approvals, drilling and seismic
21 permits, and rights of way for activities under such a
22 lease.

23 “(C) No later than 18 months after an area is des-
24 ignated as open under the current land use plan the Sec-

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

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

6 “(E) The Secretary shall not cancel or withdraw any
7 lease parcel after a competitive lease sale has occurred and
8 a winning bidder has submitted the last payment for the
9 parcel.

10 “(F) Not later than 60 days after a lease sale held
11 under this Act, the Secretary shall adjudicate any lease
12 protests filed following a lease sale. If after 60 days any
13 protest is left unsettled, said protest is automatically de-
14 nied and appeal rights of the protestor begin.

15 “(G) No additional lease stipulations may be added
16 after the parcel is sold without consultation and agree-
17 ment of the lessee, unless the Secretary deems such stipu-
18 lations as emergency actions to conserve the resources of
19 the United States.”.

20 **SEC. 404. LEASING CONSISTENCY.**

21 Federal land managers must follow existing resource
22 management plans and continue to actively lease in areas
23 designated as open when resource management plans are
24 being amended or revised, until such time as a new record
25 of decision is signed.

1 **SEC. 405. REDUCE REDUNDANT POLICIES.**

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

4 **TITLE V—STREAMLINED**
5 **ENERGY PERMITTING**

6 **SEC. 501. SHORT TITLE.**

7 This title may be cited as the “Streamlining Permit-
8 ting of American Energy Act of 2012”.

9 **Subtitle A—Application for Permits**
10 **to Drill Process Reform**

11 **SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.**

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

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

16 “(A) TIMELINE.—The Secretary shall de-
17 cide whether to issue a permit to drill within 30
18 days after receiving an application for the per-
19 mit. The Secretary may extend such period for
20 up to 2 periods of 15 days each, if the Sec-
21 retary has given written notice of the delay to
22 the applicant. The notice shall be in the form
23 of a letter from the Secretary or a designee of
24 the Secretary, and shall include the names and
25 titles of the persons processing the application,
26 the specific reasons for the delay, and a specific

1 date a final decision on the application is ex-
2 pected.

3 “(B) NOTICE OF REASONS FOR DENIAL.—

4 If the application is denied, the Secretary shall
5 provide the applicant—

6 “(i) in writing, clear and comprehen-
7 sive reasons why the application was not
8 accepted and detailed information con-
9 cerning any deficiencies; and

10 “(ii) an opportunity to remedy any de-
11 ficiencies.

12 “(C) APPLICATION DEEMED APPROVED.—

13 If the Secretary has not made a decision on the
14 application by the end of the 60-day period be-
15 ginning on the date the application is received
16 by the Secretary, the application is deemed ap-
17 proved, except in cases in which existing reviews
18 under the National Environmental Policy Act of
19 1969 or Endangered Species Act of 1973 are
20 incomplete.

21 “(D) DENIAL OF PERMIT.—If the Sec-
22 retary decides not to issue a permit to drill in
23 accordance with subparagraph (A), the Sec-
24 retary shall—

1 “(i) provide to the applicant a descrip-
2 tion of the reasons for the denial of the
3 permit;

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

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

13 “(E) FEE.—

14 “(i) IN GENERAL.—Notwithstanding
15 any other law, the Secretary shall collect a
16 single \$6,500 permit processing fee per ap-
17 plication from each applicant at the time
18 the final decision is made whether to issue
19 a permit under subparagraph (A). This fee
20 shall not apply to any resubmitted applica-
21 tion.

22 “(ii) TREATMENT OF PERMIT PROC-
23 ESSING FEE.—Of all fees collected under
24 this paragraph, 50 percent shall be trans-
25 ferred to the field office where they are col-

1 lected and used to process protests, leases,
2 and permits under this Act subject to ap-
3 propriation.”.

4 **SEC. 512. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**
5 **FORM.**

6 Notwithstanding any other provision of law, each fis-
7 cal year, of fees collected as annual wind energy and solar
8 energy right-of-way authorization fees required under sec-
9 tion 504(g) of the Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be re-
11 tained by the Secretary of the Interior to be used, subject
12 to appropriation, by the Bureau of Land Management to
13 process permits, right-of-way applications, and other ac-
14 tivities necessary for renewable development, and, at the
15 discretion of the Secretary, by the U.S. Fish and Wildlife
16 Service or other Federal agencies involved in wind and
17 solar permitting reviews to facilitate the processing of
18 wind energy and solar energy permit applications on Bu-
19 reau of Land Management lands.

1 **Subtitle B—Administrative Protest**
2 **Documentation Reform**

3 **SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION RE-**
4 **FORM.**

5 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
6 226(p)) is further amended by adding at the end the fol-
7 lowing:

8 “(4) PROTEST FEE.—

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

13 “(B) TREATMENT OF FEES.—Of all fees
14 collected under this paragraph, 50 percent shall
15 remain in the field office where they are col-
16 lected and used to process protests subject to
17 appropriation.”.

18 **Subtitle C—Permit Streamlining**

19 **SEC. 531. IMPROVE FEDERAL ENERGY PERMIT COORDINA-**
20 **TION.**

21 (a) ESTABLISHMENT.—The Secretary of the Interior
22 (referred to in this section as the “Secretary”) shall estab-
23 lish a Federal Permit Streamlining Project (referred to
24 in this section as the “Project”) in every Bureau of Land

1 Management field office with responsibility for permitting
2 energy projects on Federal land.

3 (b) MEMORANDUM OF UNDERSTANDING.—

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

8 (A) the Secretary of Agriculture;

9 (B) the Administrator of the Environ-
10 mental Protection Agency; and

11 (C) the Chief of the Army Corps of Engi-
12 neers.

13 (2) STATE PARTICIPATION.—The Secretary
14 may request that the Governor of any State with en-
15 ergy projects on Federal lands to be a signatory to
16 the memorandum of understanding.

17 (c) DESIGNATION OF QUALIFIED STAFF.—

18 (1) IN GENERAL.—Not later than 30 days after
19 the date of the signing of the memorandum of un-
20 derstanding under subsection (b), all Federal signa-
21 tory parties shall, if appropriate, assign to each of
22 the Bureau of Land Management field offices an
23 employee who has expertise in the regulatory issues
24 relating to the office in which the employee is em-

1 ployed, including, as applicable, particular expertise
2 in—

3 (A) the consultations and the preparation
4 of biological opinions under section 7 of the En-
5 dangered Species Act of 1973 (16 U.S.C.
6 1536);

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

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

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

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

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

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

23 (B) be responsible for all issues relating to
24 the energy projects that arise under the au-
25 thorities of the employee's home agency; and

1 (C) participate as part of the team of per-
2 sonnel working on proposed energy projects,
3 planning, and environmental analyses on Fed-
4 eral lands.

5 (d) ADDITIONAL PERSONNEL.—The Secretary shall
6 assign to each Bureau of Land Management field office
7 identified in subsection (a) any additional personnel that
8 are necessary to ensure the effective approval and imple-
9 mentation of energy projects administered by the Bureau
10 of Land Management field offices, including inspection
11 and enforcement relating to energy development on Fed-
12 eral land, in accordance with the multiple use mandate
13 of the Federal Land Policy and Management Act of 1976
14 (43 U.S.C. 1701 et seq.).

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

18 (f) SAVINGS PROVISION.—Nothing in this section af-
19 fects—

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

22 (2) any delegation of authority made by the
23 head of a Federal agency whose employees are par-
24 ticipating in the Project.

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

4 **SEC. 532. ADMINISTRATION OF CURRENT LAW.**

5 Notwithstanding any other law, the Secretary of the
6 Interior shall not require a finding of extraordinary cir-
7 cumstances in administering section 390 of the Energy
8 Policy Act of 2005.

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

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

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

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

1 industrial facilities to support expanded access to
2 American energy 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 title.

8 **Subtitle D—Judicial Review**

9 **SEC. 541. DEFINITIONS.**

10 In this title—

11 (1) the term “covered civil action” means a civil
12 action containing a claim under section 702 of title
13 5, United States Code, regarding agency action (as
14 defined for the purposes of that section) affecting a
15 covered energy project on Federal lands of the
16 United States; and

17 (2) the term “covered energy project” means
18 the leasing of Federal lands of the United States for
19 the exploration, development, production, processing,
20 or transmission of oil, natural gas, wind, or any
21 other source of energy, and any action under such
22 a lease, except that the term does not include any
23 disputes between the parties to a lease regarding the
24 obligations under such lease, including regarding
25 any alleged breach of the lease.

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

3 Venue for any covered civil action shall lie in the dis-
4 trict court where the project or leases exist or are pro-
5 posed.

6 **SEC. 543. TIMELY FILING.**

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

11 **SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE**
12 **ACTION.**

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

15 **SEC. 545. STANDARD OF REVIEW.**

16 In any judicial review of a covered civil action, admin-
17 istrative findings and conclusions relating to the chal-
18 lenged Federal action or decision shall be presumed to be
19 correct, and the presumption may be rebutted only by the
20 preponderance of the evidence contained in the adminis-
21 trative record.

22 **SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE**
23 **RELIEF.**

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

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

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

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

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

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

1 **TITLE VI—EXPEDITIOUS PRO-**
2 **GRAM OF OIL AND GAS LEAS-**
3 **ING IN THE NATIONAL PE-**
4 **TROLEUM RESERVE IN ALAS-**
5 **KA**

6 **SEC. 601. SHORT TITLE.**

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

9 **SEC. 602. SENSE OF CONGRESS AND REAFFIRMING NA-**
10 **TIONAL POLICY FOR THE NATIONAL PETRO-**
11 **LEUM RESERVE IN ALASKA.**

12 It is the sense of Congress that—

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

17 (2) accordingly, the national policy is to actively
18 advance oil and gas development within the Reserve
19 by facilitating the expeditious exploration, produc-
20 tion, and transportation of oil and natural gas from
21 and through the Reserve.

1 **SEC. 603. NATIONAL PETROLEUM RESERVE IN ALASKA:**
2 **LEASE SALES.**

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

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

13 **SEC. 604. NATIONAL PETROLEUM RESERVE IN ALASKA:**
14 **PLANNING AND PERMITTING PIPELINE AND**
15 **ROAD CONSTRUCTION.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
17 sion of law, the Secretary of the Interior, in consultation
18 with the Secretary of Transportation, shall facilitate and
19 ensure permits, in an environmentally responsible manner,
20 for all surface development activities, including for the
21 construction of pipelines and roads, necessary to—

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

25 (2) transport oil and gas from and through the
26 National Petroleum Reserve in Alaska to existing

1 transportation or processing infrastructure on the
2 North Slope of Alaska.

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

6 (1) Permits for such construction for transpor-
7 tation of oil and natural gas produced under existing
8 Federal oil and gas leases with respect to which the
9 Secretary has issued a permit to drill shall be ap-
10 proved within 60 days after the date of enactment
11 of this Act.

12 (2) Permits for such construction for transpor-
13 tation of oil and natural gas produced under Federal
14 oil and gas leases shall be approved within 6 months
15 after the submission to the Secretary of a request
16 for a permit to drill.

17 (c) **PLAN.**—To ensure timely future development of
18 the Reserve, within 270 days after the date of the enact-
19 ment of this Act, the Secretary of the Interior shall submit
20 to Congress a plan for approved rights-of-way for a plan
21 for pipeline, road, and any other surface infrastructure
22 that may be necessary infrastructure that will ensure that
23 all leasable tracts in the Reserve are within 25 miles of
24 an approved road and pipeline right-of-way that can serve
25 future development of the Reserve.

1 **SEC. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVEL-**
2 **OPMENT.**

3 (a) IN GENERAL.—The Secretary of the Interior shall
4 issue regulations within 180 days after the date of enact-
5 ment of this Act that establish clear requirements to en-
6 sure that the Department of the Interior is supporting de-
7 velopment of oil and gas leases in the National Petroleum
8 Reserve in Alaska.

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

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

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

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

18 (B) provide that the period for issuing
19 each permit after submission of such an appli-
20 cation shall not exceed 60 days without the con-
21 currence of the applicant.

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

1 sons for the permit delay, the name of the specific Depart-
2 ment office or offices responsible for issuing the permit
3 and for monitoring the permit delay, and an estimate of
4 the time that the permit will be issued.

5 **SEC. 606. UPDATED RESOURCE ASSESSMENT.**

6 (a) IN GENERAL.—The Secretary of the Interior shall
7 complete a comprehensive assessment of all technically re-
8 coverable fossil fuel resources within the National Petro-
9 leum Reserve in Alaska, including all conventional and un-
10 conventional oil and natural gas.

11 (b) COOPERATION AND CONSULTATION.—The re-
12 source assessment required by subsection (a) shall be car-
13 ried out by the United States Geological Survey in co-
14 operation and consultation with the State of Alaska and
15 the American Association of Petroleum Geologists.

16 (c) TIMING.—The resource assessment required by
17 subsection (a) shall be completed within 24 months after
18 the date of the enactment of this Act.

19 (d) FUNDING.—The United States Geological Survey
20 may, in carrying out the duties under this section, coop-
21 eratively use resources and funds provided by the State
22 of Alaska.

1 **TITLE VII—INTERNET-BASED**
2 **ONSHORE OIL AND GAS**
3 **LEASE SALES**

4 **SEC. 701. SHORT TITLE.**

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

7 **SEC. 702. INTERNET-BASED ONSHORE OIL AND GAS LEASE**
8 **SALES.**

9 (a) AUTHORIZATION.—Section 17(b)(1) of the Min-
10 eral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

11 (1) in subparagraph (A), in the third sentence,
12 by inserting “, except as provided in subparagraph
13 (C)” after “by oral bidding”; and

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

15 “(C) In order to diversify and expand the Nation’s
16 onshore leasing program to ensure the best return to the
17 Federal taxpayer, reduce fraud, and secure the leasing
18 process, the Secretary may conduct onshore lease sales
19 through Internet-based bidding methods. Each individual
20 Internet-based lease sale shall conclude within 7 days.”.

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

1 gress the findings of the analysis. The report shall in-
2 clude—

3 (1) estimates on increases or decreases in such
4 lease sales, compared to sales conducted by oral bid-
5 ding, in—

6 (A) the number of bidders;

7 (B) the average amount of bid;

8 (C) the highest amount bid; and

9 (D) the lowest bid;

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

14 (3) an evaluation of the demonstrated or ex-
15 pected effectiveness of different structures for lease
16 sales which may provide an opportunity to better
17 maximize bidder participation, ensure the highest re-
18 turn to the Federal taxpayers, minimize opportuni-
19 ties for fraud or collusion, and ensure the security
20 and integrity of the leasing process.

