

112TH CONGRESS
1ST SESSION

H. R. 1777

To provide consumer relief for artificially high gas prices, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2011

Mr. LATTA (for himself, Mr. WALBERG, Mr. GOHMERT, Mr. FLORES, Mr. WALSH of Illinois, Mr. PITTS, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. CAMPBELL, Mr. ROSS of Florida, Mr. WEST, Mr. GUINTA, Mr. CONAWAY, Mr. LONG, Mr. MANZULLO, Mrs. BLACKBURN, Mr. MCKINLEY, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. AKIN, Mr. AUSTIN SCOTT of Georgia, Mr. CULBERSON, Mr. FRANKS of Arizona, Mr. DUNCAN of South Carolina, Mr. CHAFFETZ, Mrs. CAPITO, Mr. GRIMM, Mr. HUELSKAMP, Mr. HERGER, Mrs. MYRICK, Mr. SCALISE, Mr. JORDAN, and Mr. ROKITA) 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, Oversight and Government Reform, and the Judiciary, 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 provide consumer relief for artificially high gas prices,
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,*

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

2 (a) **SHORT TITLE.**—This Act may be referred to as
3 the “Consumer Relief for Pain at the Pump Act”.

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

Sec. 1. Short title; table of contents.

**TITLE I—END OF PRESIDENTIAL PERMATORIUM ON AMERICA’S
OUTER CONTINENTAL SHELF RESOURCES**

Sec. 101. Deadline for certain permit applications under existing leases.

Subtitle A—Outer Continental Shelf

Sec. 111. End moratorium of oil and gas leasing in certain areas of the Gulf
of Mexico.

Sec. 112. Outer Continental Shelf directed lease sales.

Sec. 113. Leasing program considered approved.

Sec. 114. Outer Continental Shelf lease sales.

Sec. 115. Restrictions on leasing of the Outer Continental Shelf.

Sec. 116. Sharing of OCS receipts with States and local governments.

Subtitle B—Arctic Coastal Plain

Sec. 121. Definitions.

Sec. 122. Leasing program for land within the Coastal Plain.

Sec. 123. Lease sales.

Sec. 124. Grant of leases by the Secretary.

Sec. 125. Lease terms and conditions.

Sec. 126. Expedited judicial review.

Sec. 127. Rights-of-way across the Coastal Plain.

Sec. 128. Conveyance.

TITLE II—REVOCATION OF ENERGY-RESTRICTING BLM LOCKUP

Sec. 201. Revocation of Secretarial Order No. 3310.

Subtitle A—Expedited Shale Leasing of Federal Lands

Sec. 211. Opening of lands to oil shale leasing.

Subtitle B—Judicial Review Regarding Energy Projects

Sec. 221. Exclusive jurisdiction over causes and claims relating to covered en-
ergy projects.

Sec. 222. Time for filing complaint.

Sec. 223. District Court for the District of Columbia deadline.

Sec. 224. Ability to seek appellate review.

Sec. 225. Deadline for appeal to the Supreme Court.

Sec. 226. Covered energy project defined.

Sec. 227. Limitation on application.

Subtitle C—Permitting Reform

- Sec. 231. Purposes.
- Sec. 232. Federal Coordinator.
- Sec. 233. Regional Offices and Regional Permit Coordinators.
- Sec. 234. Reviews and actions of Federal agencies.
- Sec. 235. State coordination.
- Sec. 236. Savings provision.
- Sec. 237. Administrative and Judicial Review.
- Sec. 238. Amendments to publication process.
- Sec. 239. Repeal of fee for permits to drill.
- Sec. 240. Alaska Offshore Continental Shelf Coordination Office.

TITLE III—RELIEF FROM REGULATIONS AND PROHIBITIONS
THAT CAUSE ARTIFICIAL PRICE INCREASES

Subtitle A—Relief From EPA Climate Change Regulations and Federal
Prohibitions on Synthetic Fuels

- Sec. 301. Repeal of EPA climate change regulation.
- Sec. 302. Repeal of Federal ban on synthetic fuels purchasing requirement.

Subtitle B—Refinery Reform

- Sec. 311. Refinery permitting process.
- Sec. 312. Existing refinery permit application deadline.

1 **TITLE I—END OF PRESIDENTIAL**
2 **PERMATORIUM ON AMER-**
3 **ICA’S OUTER CONTINENTAL**
4 **SHELF RESOURCES**

5 **SEC. 101. DEADLINE FOR CERTAIN PERMIT APPLICATIONS**
6 **UNDER EXISTING LEASES.**

7 (a) IN GENERAL.—A lease under which a covered ap-
8 plication is submitted to the Secretary of the Interior shall
9 be considered to be in directed suspension during the pe-
10 riod beginning May 27, 2010, and ending on the date the
11 Secretary issues a final decision on the application, if the
12 Secretary does not issue a final decision on the applica-
13 tion—

14 (1) before the end of the 30-day period begin-
15 ning on the date of enactment of this Act, in the

1 case of a covered application submitted before such
2 date of enactment; or

3 (2) before the end of the 30-day period begin-
4 ning on the date the application is received by the
5 Secretary, in the case of a covered application sub-
6 mitted on or after such date of enactment.

7 (b) COVERED APPLICATION.—In this section the
8 term “covered application” means an application for a
9 permit to drill under an oil and gas lease under the Outer
10 Continental Shelf Lands Act in effect on the date of enact-
11 ment of this Act, that—

12 (1) represents a resubmission of an approved
13 permit to drill (including an application for a permit
14 to sidetrack) that was approved by the Secretary be-
15 fore May 27, 2010; and

16 (2) is received by the Secretary after October
17 12, 2010, and before the end of the 30-day period
18 beginning on the date of enactment of this Act.

19 **Subtitle A—Outer Continental** 20 **Shelf**

21 **SEC. 111. END MORATORIUM OF OIL AND GAS LEASING IN**
22 **CERTAIN AREAS OF THE GULF OF MEXICO.**

23 (a) REPEAL OF MORATORIUM.—

1 (1) REPEAL.—Section 104 of the Gulf of Mex-
2 ico Energy Security Act of 2006 (43 U.S.C. 1331
3 note; Public Law 109–432) is repealed.

4 (2) NATIONAL DEFENSE AREA.—Section 12(d)
5 of the Outer Continental Shelf Lands Act (43
6 U.S.C. 1341(d)) is amended—

7 (A) by striking “(d) The United States”
8 and inserting the following:

9 “(d) RESTRICTION OF AREAS FOR NATIONAL DE-
10 FENSE.—

11 “(1) IN GENERAL.—The United States”; and

12 (B) by adding at the end the following:

13 “(2) REVIEW.—Annually, the Secretary of De-
14 fense shall review the areas of the outer Continental
15 Shelf that have been designated as restricted from
16 exploration and operation to determine whether the
17 areas should remain under restriction.”.

18 (b) LEASING OF MORATORIUM AREAS.—

19 (1) IN GENERAL.—As soon as practicable, but
20 not later than 1 year, after the date of enactment
21 of this Act, the Secretary of the Interior shall offer
22 for leasing under the Outer Continental Shelf Lands
23 Act (43 U.S.C. 1331 et seq.), any areas made avail-
24 able for leasing as a result of the enactment of sub-
25 section (a).

1 (2) LEASING PLAN.—Any areas made available
2 for leasing under paragraph (1) shall be offered for
3 lease under this section notwithstanding the omis-
4 sion of any of these respective areas from the appli-
5 cable 5-year plan developed by the Secretary pursu-
6 ant to section 18 of the Outer Continental Shelf
7 Lands Act (43 U.S.C. 1344).

8 (c) MILITARY MISSION.—Section 104 of the Gulf of
9 Mexico Energy Security Act of 2006 (43 U.S.C. 1331
10 note; Public Law 109–432) is further amended—

11 (1) by striking “(b) MILITARY MISSION
12 LINE.—Notwithstanding subsection (a), the” and in-
13 serting “(c) MILITARY MISSION.—”;

14 (2) by redesignating subsection (c) as sub-
15 section (b);

16 (3) in subsection (b)(1), as so redesignated, by
17 striking “paragraph (2) or (3) of subsection (a)”
18 and inserting “paragraph (5)”; and

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

20 “(5) AREAS DESCRIBED.—The areas referred to
21 in paragraph (1) are—

22 “(A) any area in the Eastern Planning
23 Area that is within 125 miles of the coastline
24 of the State of Florida; and

1 “(B) any area in the Central Planning
2 Area that is—

3 “(i) within—

4 “(I) the 181 Area; and

5 “(II) 100 miles of the coastline
6 of the State of Florida; or

7 “(ii)(I) outside the 181 Area;

8 “(II) east of the western edge of
9 the Pensacola Official Protraction
10 Diagram (UTM X coordinate
11 1,393,920 (NAD 27 feet)); and

12 “(III) within 100 miles of the
13 coastline of the State of Florida.”.

14 **SEC. 112. OUTER CONTINENTAL SHELF DIRECTED LEASE**
15 **SALES.**

16 (a) 209 LEASE SALE.—The Secretary of the Interior
17 (referred to in this section as the “Secretary”) shall offer
18 the Beaufort Sea Program Area for oil and gas leasing
19 pursuant to the Outer Continental Shelf Lands Act (43
20 U.S.C. 1331 et seq.) in 2011 as established in the 2007–
21 2012 Lease Sale Schedule.

22 (b) 210 LEASE SALE.—The Secretary shall offer the
23 Western Gulf of Mexico Program Area for oil and gas leas-
24 ing pursuant to the Outer Continental Shelf Lands Act

1 (43 U.S.C. 1331 et seq.) in 2011 as established in the
2 2007–2012 Lease Sale Schedule.

3 (c) 212 LEASE SALE.—The Secretary shall offer the
4 Chukchi Sea Program Area for oil and gas leasing pursu-
5 ant to the Outer Continental Shelf Lands Act (43 U.S.C.
6 1331 et seq.) in 2011 as established in the 2007–2012
7 Lease Sale Schedule.

8 (d) 213 LEASE SALE.—The Secretary shall offer the
9 Central Gulf of Mexico Program Area for oil and gas leas-
10 ing pursuant to the Outer Continental Shelf Lands Act
11 (43 U.S.C. 1331 et seq.) in 2011 as established in the
12 2007–2012 Lease Sale Schedule.

13 (e) 215 LEASE SALE.—The Secretary shall offer the
14 Western Gulf of Mexico Program Area for oil and gas leas-
15 ing pursuant to the Outer Continental Shelf Lands Act
16 (43 U.S.C. 1331 et seq.) in 2011 as established in the
17 2007–2012 Lease Sale Schedule.

18 (f) 216 LEASE SALE.—The Secretary shall offer the
19 Central Gulf of Mexico Program Area for oil and gas leas-
20 ing pursuant to the Outer Continental Shelf Lands Act
21 (43 U.S.C. 1331 et seq.) in 2011 as established in the
22 2007–2012 Lease Sale Schedule.

23 (g) 217 LEASE SALE.—The Secretary shall offer the
24 Beaufort Sea Program Area for oil and gas leasing pursu-
25 ant to the Outer Continental Shelf Lands Act (43 U.S.C.

1 1331 et seq.) in 2011 as established in the 2007–2012
2 Lease Sale Schedule.

3 (h) 214 LEASE SALE.—The Secretary shall offer the
4 North Aleutian Basin Program Area for oil and gas leas-
5 ing pursuant to the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1331 et seq.) in 2011 as established in the
7 2007–2012 Lease Sale Schedule.

8 (i) 218 LEASE SALE.—The Secretary shall offer the
9 Western Gulf of Mexico Program Area for oil and gas leas-
10 ing pursuant to the Outer Continental Shelf Lands Act
11 (43 U.S.C. 1331 et seq.) in 2011 as established in the
12 2007–2012 Lease Sale Schedule.

13 (j) 219 LEASE SALE.—The Secretary shall offer the
14 Cook Inlet Program Area for oil and gas leasing pursuant
15 to the Outer Continental Shelf Lands Act (43 U.S.C. 1331
16 et seq.) in 2011 as established in the 2007–2012 Lease
17 Sale Schedule.

18 (k) 220 LEASE SALE.—The Secretary shall offer the
19 Mid-Atlantic Program Area for oil and gas leasing pursu-
20 ant to the Outer Continental Shelf Lands Act (43 U.S.C.
21 1331 et seq.) in 2011 as established in the 2007–2012
22 Lease Sale Schedule.

23 (l) 221 LEASE SALE.—The Secretary shall offer the
24 Chukchi Sea Program Area for oil and gas leasing pursu-
25 ant to the Outer Continental Shelf Lands Act (43 U.S.C.

1 1331 et seq.) in 2012 as established in the 2007–2012
2 Lease Sale Schedule.

3 (m) 222 LEASE SALE.—The Secretary shall offer the
4 Central Gulf of Mexico Program Area for oil and gas leas-
5 ing pursuant to the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1331 et seq.) in 2012 as established in the
7 2007–2012 Lease Sale Schedule.

8 **SEC. 113. LEASING PROGRAM CONSIDERED APPROVED.**

9 (a) IN GENERAL.—The Draft Proposed Outer Conti-
10 nental Shelf Oil and Gas Leasing Program 2010–2015
11 issued by the Secretary of the Interior (referred to in this
12 section as the “Secretary”) under section 18 of the Outer
13 Continental Shelf Lands Act (43 U.S.C. 1344) is consid-
14 ered to have been approved by the Secretary as a final
15 oil and gas leasing program under that section.

16 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—
17 The Secretary is considered to have issued a final environ-
18 mental impact statement for the program described in
19 subsection (a) in accordance with all of the requirements
20 of sections 18, 19, and 20 of the Outer Continental Shelf
21 Lands Act (43 U.S.C. 1344, 1345, and 1346), in accord-
22 ance with all requirements under section 102(2)(C) of the
23 National Environmental Policy Act of 1969 (42 U.S.C.
24 4332(2)(C)), and in accordance with all requirements of

1 the Coastal Zone Management Act of 1972 (16 U.S.C.
2 1451 et seq.).

3 **SEC. 114. OUTER CONTINENTAL SHELF LEASE SALES.**

4 (a) REQUIREMENT TO CONDUCT LEASE SALES.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), not later than one year after the date of
7 enactment of this Act and annually thereafter, the
8 Secretary of the Interior (referred to in this section
9 as the “Secretary”) shall conduct at a minimum one
10 lease sale in an Atlantic Planning Area, one lease
11 sale in the Pacific Planning Area, one lease sale in
12 the Alaska Planning Area, and three lease sales in
13 a Gulf of Mexico Planning Area for which the Sec-
14 retary determines that there is a commercial interest
15 in purchasing Federal oil and gas leases for produc-
16 tion on the outer Continental Shelf.

17 (2) SUBSEQUENT DETERMINATIONS AND
18 SALES.—If the Secretary determines that there is
19 not a commercial interest in purchasing Federal oil
20 and gas leases for production on the outer Conti-
21 nental Shelf in a planning area under this sub-
22 section, not later than 2 years after the date of en-
23 actment of the determination and every 2 years
24 thereafter, the Secretary shall—

1 (A) determine whether there is a commer-
2 cial interest in purchasing Federal oil and gas
3 leases for production on the outer Continental
4 Shelf in the planning area; and

5 (B) if the Secretary determines that there
6 is a commercial interest described in subpara-
7 graph (A), conduct a lease sale in the planning
8 area.

9 (b) LEASING PLAN.—Any areas made available for
10 leasing under subsection (a) shall be offered for lease
11 under this section notwithstanding the omission of any of
12 these respective areas from the applicable 5-year plan de-
13 veloped by the Secretary pursuant to section 18 of the
14 Outer Continental Shelf Lands Act (43 U.S.C. 1344).

15 **SEC. 115. RESTRICTIONS ON LEASING OF THE OUTER CON-**
16 **TINENTAL SHELF.**

17 (a) STATE OPT-OUT.—No lease authorizing a perma-
18 nent surface energy project for the exploration, develop-
19 ment, or production of oil or gas may be issued for any
20 area of the Outer Continental Shelf located within 10
21 miles of the coastline of a State if the State has notified
22 the Secretary of the Interior that the State does not want
23 to participate in such leasing.

1 (b) EXISTING LEASES NOT AFFECTED.—This sec-
2 tion shall not affect any lease issued before the date of
3 enactment of this Act.

4 **SEC. 116. SHARING OF OCS RECEIPTS WITH STATES AND**
5 **LOCAL GOVERNMENTS.**

6 Section 9 of the Outer Continental Shelf Lands Act
7 (43 U.S.C. 1338) is amended as follows:

8 (1) By designating the existing text as sub-
9 section (a).

10 (2) In subsection (a) (as so designated) by in-
11 sserting “, if not paid as otherwise provided in this
12 title” after “receipts”.

13 (3) By adding the following:

14 “(b) TREATMENT OF OCS RECEIPTS.—

15 “(1) DEPOSIT.—The Secretary shall deposit
16 into a separate account in the Treasury the portion
17 of OCS Receipts for each fiscal year that will be
18 shared under paragraph (2).

19 “(2) IMMEDIATE RECEIPTS SHARING.—Begin-
20 ning October 1, 2011, the Secretary shall share 50
21 percent of OCS Receipts derived from all leases, ex-
22 cept that the Secretary shall only share 25 percent
23 of such OCS Receipts derived from all such leases
24 within a State’s Adjacent Zone if leasing is not al-
25 lowed within at least 25 percent of that State’s Ad-

1 jacent Zone located completely within 75 miles of
2 any coastline.

3 “(3) ALLOCATIONS.—The Secretary shall allo-
4 cate the OCS Receipts deposited into the separate
5 account established by paragraph (1) that are
6 shared under paragraph (2) as follows:

7 “(A) BONUS BIDS.—Deposits derived from
8 bonus bids from a leased tract, including inter-
9 est thereon, shall be allocated at the end of
10 each fiscal year to the Adjacent State.

11 “(B) ROYALTIES.—Deposits derived from
12 royalties and net profit shares from a leased
13 tract, including interest thereon, shall be allo-
14 cated at the end of each fiscal year as follows:

15 “(i) 50 percent to the Adjacent State.

16 “(ii) 50 percent to all States, includ-
17 ing the Adjacent State, having a coastline
18 point within 300 miles of the leased tract,
19 divided equally, if such State allows leasing
20 within at least 25 percent of its Adjacent
21 Zone within 75 miles of the coastline.

22 “(C) LIMITATION IF NOT ADMITTED TO
23 THE UNION AS A STATE.—Any entity defined as
24 a ‘State’ under section 2(r), that has not been
25 admitted to the Union as a State shall only be

1 entitled to one-half of a State share under this
2 paragraph.

3 “(c) TRANSMISSION OF ALLOCATIONS.—

4 “(1) IN GENERAL.—Not later than 90 days
5 after the end of each fiscal year, the Secretary shall
6 transmit—

7 “(A) to each State 60 percent of such
8 State’s allocations under subsections (b)(2),
9 (b)(3)(A), and (b)(3)(B) (i) and (ii) for the im-
10 mediate prior fiscal year; and

11 “(B) to each coastal county-equivalent and
12 municipal political subdivisions of such State a
13 total of 40 percent of such State’s allocations
14 under subsections (b)(2), (b)(3)(A), and
15 (b)(3)(B) (i) and (ii), for the immediate prior
16 fiscal year, together with all accrued interest
17 thereon.

18 “(2) ALLOCATIONS TO COASTAL COUNTY-
19 EQUIVALENT POLITICAL SUBDIVISIONS.—The Sec-
20 retary shall make an initial allocation of the OCS
21 Receipts to be shared under paragraph (1)(B) as fol-
22 lows:

23 “(A) 25 percent shall be allocated to coast-
24 al county-equivalent political subdivisions that
25 are completely more than 25 miles landward of

1 the coastline and at least a part of which lies
2 not more than 75 miles landward from the
3 coastline, with the allocation among such coast-
4 al county-equivalent political subdivisions based
5 on population.

6 “(B) 75 percent shall be allocated to coast-
7 al county-equivalent political subdivisions that
8 are completely or partially less than 25 miles
9 landward of the coastline, with the allocation
10 among such coastal county-equivalent political
11 subdivisions to be further allocated as follows:

12 “(i) 25 percent shall be allocated
13 based on the ratio of such coastal county-
14 equivalent political subdivision’s population
15 to the coastal population of all coastal
16 county-equivalent political subdivisions in
17 the State.

18 “(ii) 25 percent shall be allocated
19 based on the ratio of such coastal county-
20 equivalent political subdivision’s coastline
21 miles to the coastline miles of all coastal
22 county-equivalent political subdivisions in
23 the State as calculated by the Secretary.
24 In such calculations, coastal county-equiva-
25 lent political subdivisions without a coast-

1 line shall be considered to have 50 percent
2 of the average coastline miles of the coast-
3 al county-equivalent political subdivisions
4 that do have coastlines.

5 “(iii) 50 percent shall be allocated
6 equally to all coastal county-equivalent po-
7 litical subdivisions having a coastline point
8 within 300 miles of the leased tract for
9 which OCS Receipts are being shared.

10 “(3) ALLOCATIONS TO COASTAL MUNICIPAL PO-
11 LITICAL SUBDIVISIONS.—The initial allocation to
12 each coastal county-equivalent political subdivision
13 under paragraph (2) shall be further allocated to the
14 coastal county-equivalent political subdivision and
15 any coastal municipal political subdivisions located
16 partially or wholly within the boundaries of the
17 coastal county-equivalent political subdivision as fol-
18 lows:

19 “(A) One-third shall be allocated to the
20 coastal county-equivalent political subdivision.

21 “(B) Two-thirds shall be allocated on a per
22 capita basis to the municipal political subdivi-
23 sions and the county-equivalent political sub-
24 division, with the allocation to the latter based

1 upon its population not included within the
2 boundaries of a municipal political subdivision.

3 “(d) INVESTMENT OF DEPOSITS.—Amounts depos-
4 ited under this section shall be invested by the Secretary
5 of the Treasury in securities backed by the full faith and
6 credit of the United States having maturities suitable to
7 the needs of the account in which they are deposited and
8 yielding the highest reasonably available interest rates as
9 determined by the Secretary of the Treasury.

10 “(e) USE OF FUNDS.—A recipient of funds under
11 this section may use the funds for one or more of the fol-
12 lowing:

13 “(1) To reduce in-State college tuition at public
14 institutions of higher learning and otherwise support
15 public education, including career technical edu-
16 cation.

17 “(2) To make transportation infrastructure im-
18 provements.

19 “(3) To reduce taxes.

20 “(4) To promote, fund, and provide for—

21 “(A) coastal or environmental restoration;

22 “(B) fish, wildlife, and marine life habitat
23 enhancement;

24 “(C) waterways construction and mainte-
25 nance;

1 “(D) levee construction and maintenance
2 and shore protection; and

3 “(E) marine and oceanographic education
4 and research.

5 “(5) To promote, fund, and provide for—

6 “(A) infrastructure associated with energy
7 production activities conducted on the outer
8 Continental Shelf;

9 “(B) energy demonstration projects;

10 “(C) supporting infrastructure for shore-
11 based energy projects;

12 “(D) State geologic programs, including
13 geologic mapping and data storage programs,
14 and State geophysical data acquisition;

15 “(E) State seismic monitoring programs,
16 including operation of monitoring stations;

17 “(F) development of oil and gas resources
18 through enhanced recovery techniques;

19 “(G) alternative energy development, in-
20 cluding bio fuels, coal-to-liquids, oil shale, tar
21 sands, geothermal, geopressure, wind, waves,
22 currents, hydro, and other renewable energy;

23 “(H) energy efficiency and conservation
24 programs; and

1 “(I) front-end engineering and design for
2 facilities that produce liquid fuels from hydro-
3 carbons and other biological matter.

4 “(6) To promote, fund, and provide for—

5 “(A) historic preservation programs and
6 projects;

7 “(B) natural disaster planning and re-
8 sponse; and

9 “(C) hurricane and natural disaster insur-
10 ance programs.

11 “(7) For any other purpose as determined by
12 State law.

13 “(f) NO ACCOUNTING REQUIRED.—No recipient of
14 funds under this section shall be required to account to
15 the Federal Government for the expenditure of such
16 funds, except as otherwise may be required by law. How-
17 ever, States may enact legislation providing for accounting
18 for and auditing of such expenditures. Further, funds allo-
19 cated under this section to States and political subdivi-
20 sions may be used as matching funds for other Federal
21 programs.

22 “(g) EFFECT OF FUTURE LAWS.—Enactment of any
23 future Federal statute that has the effect, as determined
24 by the Secretary, of restricting any Federal agency from
25 spending appropriated funds, or otherwise preventing it

1 from fulfilling its pre-existing responsibilities as of the
2 date of enactment of the statute, unless such responsibil-
3 ities have been reassigned to another Federal agency by
4 the statute with no prevention of performance, to issue
5 any permit or other approval impacting on the OCS oil
6 and gas leasing program, or any lease issued thereunder,
7 or to implement any provision of this Act shall automati-
8 cally prohibit any sharing of OCS Receipts under this sec-
9 tion directly with the States, and their coastal political
10 subdivisions, for the duration of the restriction. The Sec-
11 retary shall make the determination of the existence of
12 such restricting effects within 30 days of a petition by any
13 outer Continental Shelf lessee or producing State.

14 “(h) DEFINITIONS.—In this section:

15 “(1) COASTAL COUNTY-EQUIVALENT POLITICAL
16 SUBDIVISION.—The term ‘coastal county-equivalent
17 political subdivision’ means a political jurisdiction
18 immediately below the level of State government, in-
19 cluding a county, parish, borough in Alaska, inde-
20 pendent municipality not part of a county, parish, or
21 borough in Alaska, or other equivalent subdivision of
22 a coastal State, that lies within the coastal zone.

23 “(2) COASTAL MUNICIPAL POLITICAL SUBDIVI-
24 SION.—The term ‘coastal municipal political subdivi-
25 sion’ means a municipality located within and part

1 of a county, parish, borough in Alaska, or other
2 equivalent subdivision of a State, all or part of which
3 coastal municipal political subdivision lies within the
4 coastal zone.

5 “(3) COASTAL POPULATION.—The term ‘coastal
6 population’ means the population of all coastal coun-
7 ty-equivalent political subdivisions, as determined by
8 the most recent official data of the Census Bureau.

9 “(4) COASTAL ZONE.—The term ‘coastal zone’
10 means that portion of a coastal State, including the
11 entire territory of any coastal county-equivalent po-
12 litical subdivision at least a part of which lies, within
13 75 miles landward from the coastline, or a greater
14 distance as determined by State law enacted to im-
15 plement this section.

16 “(5) BONUS BIDS.—The term ‘bonus bids’
17 means all funds received by the Secretary to issue
18 an outer Continental Shelf minerals lease.

19 “(6) ROYALTIES.—The term ‘royalties’ means
20 all funds received by the Secretary from production
21 of oil or natural gas, or the sale of production taken
22 in-kind, or from net profit shares, from an outer
23 Continental Shelf minerals lease.

24 “(7) PRODUCING STATE.—The term ‘producing
25 State’ means an Adjacent State having an Adjacent

1 Zone containing leased tracts from which OCS Re-
2 ceipts were derived.

3 “(8) OCS RECEIPTS.—The term ‘OCS Receipts’
4 means bonus bids and royalties, excluding royalties
5 from leases amended under the authority of section
6 8(s) of this Act.”.

7 **Subtitle B—Arctic Coastal Plain**

8 **SEC. 121. DEFINITIONS.**

9 In this subtitle:

10 (1) COASTAL PLAIN.—The term “Coastal
11 Plain” means that area identified as the “1002
12 Coastal Plain Area” on the map.

13 (2) FEDERAL AGREEMENT.—The term “Fed-
14 eral Agreement” means the Federal Agreement and
15 Grant Right-of-Way for the Trans-Alaska Pipeline
16 issued on January 23, 1974, in accordance with sec-
17 tion 28 of the Mineral Leasing Act (30 U.S.C. 185)
18 and the Trans-Alaska Pipeline Authorization Act
19 (43 U.S.C. 1651 et seq.).

20 (3) FINAL STATEMENT.—The term “Final
21 Statement” means the final legislative environmental
22 impact statement on the Coastal Plain, dated April
23 1987, and prepared pursuant to section 1002 of the
24 Alaska National Interest Lands Conservation Act
25 (16 U.S.C. 3142) and section 102(2)(C) of the Na-

1 tional Environmental Policy Act of 1969 (42 U.S.C.
2 4332(2)(C)).

3 (4) MAP.—The term “map” means the map en-
4 titled “Arctic National Wildlife Refuge”, dated Sep-
5 tember 2005, and prepared by the United States Ge-
6 ological Survey.

7 (5) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior (or the designee of the
9 Secretary), acting through the Director of the Bu-
10 reau of Land Management, in consultation with the
11 Director of the United States Fish and Wildlife
12 Service.

13 **SEC. 122. LEASING PROGRAM FOR LAND WITHIN THE**
14 **COASTAL PLAIN.**

15 (a) IN GENERAL.—The Secretary shall take such ac-
16 tions as are necessary—

17 (1) to establish and implement, in accordance
18 with this subtitle, a competitive oil and gas leasing
19 program that will result in an environmentally sound
20 program for the exploration, development, and pro-
21 duction of the oil and gas resources of the Coastal
22 Plain; and

23 (2) to administer this subtitle through regula-
24 tions, lease terms, conditions, restrictions, prohibi-
25 tions, stipulations, and other provisions that require

1 the application of the best commercially available
2 technology for oil and gas exploration, development,
3 and production to all exploration, development, and
4 production operations under this subtitle in a man-
5 ner that ensures the receipt of fair market value by
6 the public for the mineral resources to be leased.

7 (b) REPEAL.—

8 (1) REPEAL.—Section 1003 of the Alaska Na-
9 tional Interest Lands Conservation Act of 1980 (16
10 U.S.C. 3143) is repealed.

11 (2) CONFORMING AMENDMENT.—The table of
12 contents contained in section 1 of that Act (16
13 U.S.C. 3101 note) is amended by striking the item
14 relating to section 1003.

15 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
16 TIONS.—

17 (A) IN GENERAL.—Before conducting the
18 first lease sale under this subtitle, the Secretary
19 shall prepare an environmental impact state-
20 ment in accordance with the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et
22 seq.) with respect to the actions authorized by
23 this subtitle that are not referred to in para-
24 graph (2).

1 (B) IDENTIFICATION AND ANALYSIS.—
2 Notwithstanding any other provision of law, in
3 carrying out this paragraph, the Secretary shall
4 not be required—

5 (i) to identify nonleasing alternative
6 courses of action; or

7 (ii) to analyze the environmental ef-
8 fects of those courses of action.

9 (C) IDENTIFICATION OF PREFERRED AC-
10 TION.—Not later than 18 months after the date
11 of enactment of this Act, the Secretary shall—

12 (i) identify only a preferred action and
13 a single leasing alternative for the first
14 lease sale authorized under this subtitle;
15 and

16 (ii) analyze the environmental effects
17 and potential mitigation measures for
18 those 2 alternatives.

19 (D) PUBLIC COMMENTS.—In carrying out
20 this paragraph, the Secretary shall consider
21 only public comments that are filed not later
22 than 20 days after the date of publication of a
23 draft environmental impact statement.

24 (E) EFFECT OF COMPLIANCE.—Notwith-
25 standing any other provision of law, compliance

1 with this paragraph shall be considered to sat-
2 isfy all requirements for the analysis and con-
3 sideration of the environmental effects of pro-
4 posed leasing under this subtitle.

5 (c) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
6 ITY.—Nothing in this subtitle expands or limits any State
7 or local regulatory authority.

8 (d) SPECIAL AREAS.—

9 (1) DESIGNATION.—

10 (A) IN GENERAL.—The Secretary, after
11 consultation with the State of Alaska, the
12 North Slope Borough, Alaska, and the City of
13 Kaktovik, Alaska, may designate not more than
14 45,000 acres of the Coastal Plain as a special
15 area if the Secretary determines that the special
16 area would be of such unique character and in-
17 terest as to require special management and
18 regulatory protection.

19 (B) SADLEROCHIT SPRING AREA.—The
20 Secretary shall designate as a special area in
21 accordance with subparagraph (A) the
22 Sadlerochit Spring area, comprising approxi-
23 mately 4,000 acres as depicted on the map.

24 (2) MANAGEMENT.—The Secretary shall man-
25 age each special area designated under this sub-

1 section in a manner that preserves the unique and
2 diverse character of the area, including fish, wildlife,
3 subsistence resources, and cultural values of the
4 area.

5 (3) EXCLUSION FROM LEASING OR SURFACE
6 OCCUPANCY.—

7 (A) IN GENERAL.—The Secretary may ex-
8 clude any special area designated under this
9 subsection from leasing.

10 (B) NO SURFACE OCCUPANCY.—If the Sec-
11 retary leases all or a portion of a special area
12 for the purposes of oil and gas exploration, de-
13 velopment, production, and related activities,
14 there shall be no surface occupancy of the land
15 comprising the special area.

16 (4) DIRECTIONAL DRILLING.—Notwithstanding
17 any other provision of this subsection, the Secretary
18 may lease all or a portion of a special area under
19 terms that permit the use of horizontal drilling tech-
20 nology from sites on leases located outside the spe-
21 cial area.

22 (e) LIMITATION ON CLOSED AREAS.—The Secretary
23 may not close land within the Coastal Plain to oil and gas
24 leasing or to exploration, development, or production ex-
25 cept in accordance with this subtitle.

1 (f) REGULATIONS.—

2 (1) IN GENERAL.—Not later than 15 months
3 after the date of enactment of this Act, the Sec-
4 retary shall promulgate such regulations as are nec-
5 essary to carry out this subtitle, including rules and
6 regulations relating to protection of the fish and
7 wildlife, fish and wildlife habitat, subsistence re-
8 sources, and environment of the Coastal Plain.

9 (2) REVISION OF REGULATIONS.—The Sec-
10 retary shall periodically review and, as appropriate,
11 revise the rules and regulations issued under para-
12 graph (1) to reflect any significant biological, envi-
13 ronmental, scientific or engineering data that come
14 to the attention of the Secretary.

15 **SEC. 123. LEASE SALES.**

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

20 (b) PROCEDURES.—The Secretary shall, by regula-
21 tion, establish procedures for—

22 (1) receipt and consideration of sealed nomina-
23 tions for any area in the Coastal Plain for inclusion
24 in, or exclusion (as provided in subsection (c)) from,
25 a lease sale;

1 (2) the holding of lease sales after that nomina-
2 tion process; and

3 (3) public notice of and comment on designa-
4 tion of areas to be included in, or excluded from, a
5 lease sale.

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

8 (d) ACREAGE MINIMUM IN FIRST SALE.—For the
9 first lease sale under this subtitle, the Secretary shall offer
10 for lease those tracts the Secretary considers to have the
11 greatest potential for the discovery of hydrocarbons, tak-
12 ing into consideration nominations received pursuant to
13 subsection (b)(1), but in no case less than 200,000 acres.

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

16 (1) not later than 22 months after the date of
17 enactment of this Act, conduct the first lease sale
18 under this subtitle;

19 (2) not later than 90 days after the date of the
20 completion of the sale, evaluate the bids in the sale
21 and issue leases resulting from the sale; and

22 (3) conduct additional sales at appropriate in-
23 tervals if sufficient interest in exploration or devel-
24 opment exists to warrant the conduct of the addi-
25 tional sales.

1 **SEC. 124. GRANT OF LEASES BY THE SECRETARY.**

2 (a) IN GENERAL.—On payment by a lessee of such
3 bonus as may be accepted by the Secretary, the Secretary
4 may grant to the highest responsible qualified bidder in
5 a lease sale conducted pursuant to section 123 a lease for
6 any land on the Coastal Plain.

7 (b) SUBSEQUENT TRANSFERS.—

8 (1) IN GENERAL.—No lease issued under this
9 subtitle may be sold, exchanged, assigned, sublet, or
10 otherwise transferred except with the approval of the
11 Secretary.

12 (2) CONDITION FOR APPROVAL.—Before grant-
13 ing any approval described in paragraph (1), the
14 Secretary shall consult with and give due consider-
15 ation to the opinion of the Attorney General.

16 **SEC. 125. LEASE TERMS AND CONDITIONS.**

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

19 (1) provide for the payment of a royalty of not
20 less than 12½ percent of the amount or value of the
21 production removed or sold from the lease, as deter-
22 mined by the Secretary in accordance with regula-
23 tions applicable to other Federal oil and gas leases;

24 (2) require that each lessee of land within the
25 Coastal Plain shall be fully responsible and liable for
26 the reclamation of land within the Coastal Plain and

1 any other Federal land that is adversely affected in
2 connection with exploration, development, produc-
3 tion, or transportation activities within the Coastal
4 Plain conducted by the lessee or by any of the sub-
5 contractors or agents of the lessee;

6 (3) provide that the lessee may not delegate or
7 convey, by contract or otherwise, that reclamation
8 responsibility and liability to another person without
9 the express written approval of the Secretary;

10 (4) provide that the standard of reclamation for
11 land required to be reclaimed under this subtitle
12 shall be, to the maximum extent practicable—

13 (A) a condition capable of supporting the
14 uses that the land was capable of supporting
15 prior to any exploration, development, or pro-
16 duction activities; or

17 (B) on application by the lessee, to a high-
18 er or better standard, as approved by the Sec-
19 retary;

20 (5) contain terms and conditions relating to
21 protection of fish and wildlife, fish and wildlife habi-
22 tat, subsistence resources, and the environment as
23 required under section 122(a)(2);

24 (6) provide that each lessee, and each agent
25 and contractor of a lessee, use their best efforts to

1 provide a fair share of employment and contracting
2 for Alaska Natives and Alaska Native Corporations
3 from throughout the State of Alaska, as determined
4 by the level of obligation previously agreed to in the
5 Federal Agreement; and

6 (7) contain such other provisions as the Sec-
7 retary determines to be necessary to ensure compli-
8 ance with this subtitle and the regulations promul-
9 gated under this subtitle.

10 **SEC. 126. EXPEDITED JUDICIAL REVIEW.**

11 (a) FILING OF COMPLAINTS.—

12 (1) DEADLINE.—A complaint seeking judicial
13 review of a provision of this subtitle or an action of
14 the Secretary under this subtitle shall be filed—

15 (A) except as provided in subparagraph
16 (B), during the 90-day period beginning on the
17 date on which the action being challenged was
18 carried out; or

19 (B) in the case of a complaint based solely
20 on grounds arising after the 90-day period de-
21 scribed in subparagraph (A), by not later than
22 90 days after the date on which the complain-
23 ant knew or reasonably should have known
24 about the grounds for the complaint.

1 (2) VENUE.—A complaint seeking judicial re-
2 view of a provision of this subtitle or an action of
3 the Secretary under this subtitle shall be filed in the
4 United States District Court for the District of Co-
5 lumbia.

6 (3) SCOPE.—

7 (A) IN GENERAL.—Judicial review of a de-
8 cision of the Secretary relating to a lease sale
9 under this subtitle (including an environmental
10 analysis of such a lease sale) shall be—

11 (i) limited to a review of whether the
12 decision is in accordance with this subtitle;
13 and

14 (ii) based on the administrative record
15 of the decision.

16 (B) PRESUMPTIONS.—Any identification
17 by the Secretary of a preferred course of action
18 relating to a lease sale, and any analysis by the
19 Secretary of environmental effects, under this
20 subtitle shall be presumed to be correct unless
21 proven otherwise by clear and convincing evi-
22 dence.

23 (b) LIMITATION ON OTHER REVIEW.—Any action of
24 the Secretary that is subject to judicial review under this

1 section shall not be subject to judicial review in any civil
2 or criminal proceeding for enforcement.

3 (c) RELATIONSHIP TO OTHER PROVISIONS.—Subtitle
4 B of title II shall not affect the application of this section.

5 **SEC. 127. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

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

9 (1) except as provided in paragraph (2), under
10 section 28 of the Mineral Leasing Act (30 U.S.C.
11 185), without regard to title XI of the Alaska Na-
12 tional Interest Lands Conservation Act (16 U.S.C.
13 3161 et seq.); and

14 (2) under title XI of the Alaska National Inter-
15 est Lands Conservation Act (16 U.S.C. 3161 et
16 seq.), for access authorized by sections 1110 and
17 1111 of that Act (16 U.S.C. 3170, 3171).

18 (b) REGULATIONS.—The Secretary shall include in
19 regulations under section 122(f) provisions granting
20 rights-of-way and easements described in subsection (a).

21 **SEC. 128. CONVEYANCE.**

22 Notwithstanding section 1302(h)(2) of the Alaska
23 National Interest Lands Conservation Act (16 U.S.C.
24 3192(h)(2)), to remove any cloud on title to land, and to

1 clarify land ownership patterns in the Coastal Plain, the
2 Secretary shall—

3 (1) to the extent necessary to fulfill the entitle-
4 ment of the Kaktovik Inupiat Corporation under sec-
5 tions 12 and 14 of the Alaska Native Claims Settle-
6 ment Act (43 U.S.C. 1611, 1613), as determined by
7 the Secretary, convey to that Corporation the sur-
8 face estate of the land described in paragraph (1) of
9 Public Land Order 6959, in accordance with the
10 terms and conditions of the agreement between the
11 Secretary, the United States Fish and Wildlife Serv-
12 ice, the Bureau of Land Management, and the
13 Kaktovik Inupiat Corporation, dated January 22,
14 1993; and

15 (2) convey to the Arctic Slope Regional Cor-
16 poration the remaining subsurface estate to which
17 that Corporation is entitled under the agreement be-
18 tween that corporation and the United States, dated
19 August 9, 1983.

20 **TITLE II—REVOCATION OF EN-**
21 **ERGY-RESTRICTING BLM**
22 **LOCKUP**

23 **SEC. 201. REVOCATION OF SECRETARIAL ORDER NO. 3310.**

24 Secretarial Order No. 3310, dated December 22,
25 2010, relating to protecting wilderness characteristics on

1 lands managed by the Bureau of Land Management is
2 hereby revoked.

3 **Subtitle A—Expedited Shale**
4 **Leasing of Federal Lands**

5 **SEC. 211. OPENING OF LANDS TO OIL SHALE LEASING.**

6 (a) REPEAL OF LIMITATION ON USE OF FUNDS.—
7 Section 433 of division F of the Consolidated Appropria-
8 tions Act, 2008 (Public Law 110–161; 121 Stat. 2152)
9 is repealed.

10 (b) ISSUANCE OF REGULATIONS.—The Secretary of
11 the Interior shall issue all regulations necessary to imple-
12 ment section 369 of the Energy Policy Act of 2005 (Public
13 Law 109–58; 42 U.S.C. 15927) with respect to oil shale
14 by not later than 60 days after the date of the enactment
15 of this Act. Such regulations shall include such safeguards
16 and assurances as the Secretary considers necessary to
17 allow States to exercise their regulatory and statutory au-
18 thorities under State law, consistent with otherwise appli-
19 cable Federal law.

20 (c) LEASING OF OIL SHALE RESOURCE.—Imme-
21 diately after issuing regulations under subsection (b), the
22 Secretary of the Interior shall—

23 (1) offer for leasing for research and develop-
24 ment of oil shale resources under subsection (c) of
25 section 369 of the Energy Policy Act of 2005 (Pub-

1 lic Law 109–58; 42 U.S.C. 15927), additional 160-
2 acre tracts of lands the Secretary considers nec-
3 essary to fulfill the research and development objec-
4 tives of such Act; and

5 (2) offer for leasing for commercial exploration,
6 development, and production of oil shale resources
7 under subsection (e) of such section, public lands in
8 States for which the Secretary finds sufficient sup-
9 port and interest as required by that subsection.

10 **Subtitle B—Judicial Review**
11 **Regarding Energy Projects**

12 **SEC. 221. EXCLUSIVE JURISDICTION OVER CAUSES AND**
13 **CLAIMS RELATING TO COVERED ENERGY**
14 **PROJECTS.**

15 Notwithstanding any other provision of law, the
16 United States District Court for the District of Columbia
17 shall have exclusive jurisdiction to hear all causes and
18 claims under this title or any other provision of law that
19 arise from any covered energy project.

20 **SEC. 222. TIME FOR FILING COMPLAINT.**

21 All causes and claims referred to in section 221 must
22 be filed not later than the end of the 60-day period begin-
23 ning on the date of the action or decision by a Federal
24 official that constitutes the covered energy project con-

1 cerned. Any cause or claim not filed within that time pe-
2 riod shall be barred.

3 **SEC. 223. DISTRICT COURT FOR THE DISTRICT OF COLUM-**
4 **BIA DEADLINE.**

5 (a) IN GENERAL.—All proceedings that are subject
6 to section 221—

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

10 (2) shall take precedence over all other pending
11 matters before the district court.

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

18 **SEC. 224. ABILITY TO SEEK APPELLATE REVIEW.**

19 An interlocutory or final judgment, decree, or order
20 of the district court in a proceeding that is subject to sec-
21 tion 221 may be reviewed by no other court except the
22 Supreme Court.

1 **SEC. 225. DEADLINE FOR APPEAL TO THE SUPREME**
2 **COURT.**

3 If a writ of certiorari has been granted by the Su-
4 preme Court pursuant to section 224, then—

5 (1) the interlocutory or final judgment, decree,
6 or order of the district court shall be resolved as ex-
7 peditiously as possible and in any event not more
8 than 180 days after such interlocutory or final judg-
9 ment, decree, order of the district court is issued;
10 and

11 (2) all such proceedings shall take precedence
12 over all other matters then before the Supreme
13 Court.

14 **SEC. 226. COVERED ENERGY PROJECT DEFINED.**

15 In this subtitle, the term “covered energy project”
16 means any action or decision by the President or a Federal
17 official regarding—

18 (1) the leasing of Federal lands (including sub-
19 merged lands) for the exploration, development, pro-
20 duction, processing, or transmission of oil, natural
21 gas, or any other source or form of energy, including
22 actions and decisions regarding the selection or of-
23 fering of Federal lands for such leasing; or

24 (2) any action under such a lease.

1 **SEC. 227. LIMITATION ON APPLICATION.**

2 This subtitle shall not apply with respect to a covered
3 energy project to the extent such application would be in-
4 consistent with subtitle C.

5 **Subtitle C—Permitting Reform**

6 **SEC. 231. PURPOSES.**

7 The purposes of this subtitle are to—

8 (1) respond to the Nation’s increased need for
9 domestic energy resources;

10 (2) facilitate interagency coordination and co-
11 operation in the processing of permits required to
12 support oil and gas use authorization on Federal
13 lands, both onshore and on the Outer Continental
14 Shelf, in order to achieve greater consistency, cer-
15 tainty, and timeliness in permit processing require-
16 ments;

17 (3) promote process streamlining and increased
18 interagency efficiency, including elimination of inter-
19 agency duplication of effort;

20 (4) improve information sharing among agen-
21 cies and understanding of respective agency roles
22 and responsibilities;

23 (5) promote coordination with State agencies
24 with expertise and responsibilities related to Federal
25 oil and gas permitting decisions;

1 (6) promote responsible stewardship of Federal
2 oil and gas resources;

3 (7) maintain high standards of safety and envi-
4 ronmental protection; and

5 (8) enhance the benefits to Federal permitting
6 already occurring as a result of a coordinated and
7 timely interagency process for oil and gas permit re-
8 view for certain Federal oil and gas leases.

9 **SEC. 232. FEDERAL COORDINATOR.**

10 (a) ESTABLISHMENT.—There is established, as an
11 independent agency in the Executive Branch, the Office
12 of the Federal Oil and Gas Permit Coordinator.

13 (b) FEDERAL PERMIT COORDINATOR.—The Office
14 shall be headed by a Federal Permit Coordinator, who
15 shall be appointed by the President within 90 days after
16 the date of enactment of this Act.

17 (c) DUTIES.—The Federal Permit Coordinator shall
18 be responsible for the following:

19 (1) Coordinating the timely completion of all
20 permitting activities by Federal agencies, and State
21 agencies to the maximum extent practicable, with re-
22 spect to any oil and gas project under a Federal
23 lease issued pursuant to the mineral leasing laws, ei-
24 ther onshore or on the Outer Continental Shelf. For
25 purposes of this subtitle only, such oil and gas

1 projects shall include oil shale projects under Fed-
2 eral oil shale leases.

3 (2) Ensuring the compliance of Federal agen-
4 cies, and State agencies to the extent they partici-
5 pate, with this subtitle.

6 **SEC. 233. REGIONAL OFFICES AND REGIONAL PERMIT CO-**
7 **ORDINATORS.**

8 (a) REGIONAL OFFICES.—Within 90 days after the
9 date of appointment of the Federal Permit Coordinator,
10 the Secretary of the Interior (Secretary), in consultation
11 with the Federal Permit Coordinator, shall establish re-
12 gional offices to coordinate review of Federal permits for
13 oil and gas projects on Federal lands onshore and on the
14 Outer Continental Shelf.

15 (b) NUMBER AND LOCATION OF REGIONAL OF-
16 FICES.—The number of regional offices shall be estab-
17 lished by the Secretary in consultation with the Federal
18 Permit Coordinator. The Secretary shall ensure that there
19 is an adequate number of offices in each region proximate
20 to available Federal oil and gas lease tracts onshore and
21 on the Outer Continental Shelf to meet the demands for
22 expeditious permitting in that region. The Secretary shall
23 designate as regional offices under this section all offices
24 established under section 365 of the Energy Policy Act
25 of 2005 (42 U.S.C. 15924).

1 (c) MEMORANDUM OF UNDERSTANDING.—Within 90
2 days after the appointment of the Federal Permit Coordi-
3 nator, the Federal Permit Coordinator, the Secretary, the
4 Secretary of Agriculture, the Secretary of Commerce, the
5 Secretary of Homeland Security, the Administrator of the
6 Environmental Protection Agency, the Secretary of De-
7 fense, and the head of any other Federal agency with re-
8 sponsibilities related to permitting of Federal oil and gas
9 leases, shall enter into a memorandum of understanding
10 (MOU) establishing respective duties and responsibilities
11 for staffing the regional offices and accomplishing the ob-
12 jectives of this section.

13 (d) DESIGNATION OF QUALIFIED STAFF.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date of signing of the MOU under subsection
16 (c), all Federal signatory agencies shall assign to
17 each regional office the appropriate employees with
18 expertise in the oil and gas permitting issues relat-
19 ing to that office, including, but not limited, with re-
20 spect to—

21 (A) consultation and preparation of bio-
22 logical opinions under section 7 of the Endan-
23 gered Species Act of 1973 (16 U.S.C. 1536);

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

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

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

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

9 (F) applications for permits to drill under
10 the Mineral Leasing Act (30 U.S.C. 181 et
11 seq.); and

12 (G) exploration plans and development and
13 production plans under the Outer Continental
14 Shelf Lands Act (43 U.S.C. 1331 et seq.).

15 (2) PREFERENCE AND INCENTIVES.—To the
16 maximum extent practicable, for purposes of this
17 subsection, Federal agencies shall give preference to
18 employees volunteering for reassignment to the re-
19 gional offices, and shall offer incentives to attract
20 and retain regional office employees, including, but
21 not limited to, retaining contract employees, rota-
22 tional assignments, salary incentives of up to 120
23 percent of an employee's existing salary immediately
24 prior to reassignment, or any combination of strate-
25 gies.

1 (e) DUTIES.—Each employee assigned under sub-
2 section (d) shall—

3 (1) within 90 days after the date of assignment,
4 report to the regional office to which the employee
5 is assigned;

6 (2) be responsible for all issues relating to the
7 jurisdiction of the home office or agency of the em-
8 ployee; and

9 (3) participate as part of the team working on
10 proposed oil and gas projects, planning, and environ-
11 mental analyses.

12 (f) CREATION OF AND DELEGATION OF AUTHORITY
13 TO REGIONAL PERMIT COORDINATORS.—The Federal
14 Permit Coordinator shall appoint a Regional Permit Coor-
15 dinator to be located within each regional office estab-
16 lished under this section, with full authority to act on be-
17 half of the Federal Permit Coordinator.

18 (g) ADDITIONAL PERSONNEL.—The Federal Permit
19 Coordinator or Regional Permit Coordinators may at any
20 time direct that any Federal agency party to the MOU
21 under subsection (c) assign additional staff required to im-
22 plement the duties of the regional offices.

23 **SEC. 234. REVIEWS AND ACTIONS OF FEDERAL AGENCIES.**

24 (a) SCHEDULES FOR TIMELY PERMIT DECISION-
25 MAKING.—Within 10 days after the date on which the Sec-

1 retary receives any oil and gas permit application or
2 amended application, the Secretary shall either notify the
3 applicant that the application is complete or notify the ap-
4 plicant that information is missing and specify the infor-
5 mation that is required to be submitted for the application
6 to be complete. Within 30 days after notifying a permit
7 applicant that an application is complete, the Secretary,
8 in consultation with the permit applicant as necessary,
9 shall determine and inform the Regional Permit Coordi-
10 nator responsible for that project area whether the pro-
11 posed permit is a class I, class II, or class III permit. The
12 Regional Permit Coordinator shall as soon as possible but
13 in no event later than 30 days following the Secretary's
14 determination establish a binding schedule to ensure the
15 most expeditious possible review and processing of the re-
16 quested permit, in accordance with this section.

17 (b) PERMIT CLASSES AND SCHEDULES.—

18 (1) CLASS I PERMITS.—An oil and gas permit
19 shall be designated as a class I permit under this
20 section if the permitted activity is of a nature that
21 would typically require preparation of an environ-
22 mental impact statement under NEPA to inform the
23 permitting decision. For such permits, the Regional
24 Permit Coordinator shall establish a schedule for
25 timely completion of all permit reviews and proc-

1 essing, not to exceed 30 months. The Regional Per-
2 mit Coordinator shall make the schedule publicly
3 available within 10 days after the schedule is estab-
4 lished.

5 (2) CLASS II PERMITS.—An oil and gas permit
6 shall be designated as a class II permit under this
7 section if the permitted activity is of a nature that
8 would typically be found not to significantly affect
9 the quality of the human environment under NEPA.
10 For such permits, the Regional Permit Coordinator
11 shall establish the most expeditious schedule possible
12 for completion of all permit reviews and processing,
13 not to exceed 90 days. The Regional Permit Coordi-
14 nator may grant a one-time extension of that sched-
15 ule, not to exceed 60 days, upon a good cause show-
16 ing that additional time is necessary to complete
17 permit decisions. Not later than 15 days after estab-
18 lishing or extending any schedule for a class II per-
19 mit, the Regional Permit Coordinator shall provide
20 the permit applicant with the schedule.

21 (3) CLASS III PERMITS.—Notwithstanding para-
22 graphs (1) and (2), an oil and gas permit shall be
23 designated as a class III permit under this section
24 if the permitted activity either qualifies for a statu-
25 tory or regulatory categorical exclusion under NEPA

1 or if the requirements under NEPA and other appli-
2 cable law for the permit have been completed within
3 30 days after the date of a complete application. For
4 such permits, the permit shall be issued within 30
5 days after the date of a complete application.

6 (4) RECLASSIFICATION OF CLASS II PERMIT.—

7 If prior to the expiration of the established schedule
8 for a class II permit newly discovered information
9 indicates that the class II permit will significantly
10 affect the quality of the human environment, the
11 Secretary may, in consultation with the permit appli-
12 cant, reclassify the permit as a class I permit under
13 paragraph (1), and the Regional Coordinator shall
14 establish an amended schedule that complies with
15 the provisions of that paragraph.

16 (c) REPORTING.—The Regional Permit Coordinators
17 shall include data on all schedule timing and compliance
18 in their reports to the Federal Permit Coordinator re-
19 quired under subsection (i), who shall include such data
20 in the report to the President and Congress required
21 under subsection (i).

22 (d) DISPUTE RESOLUTION.—The Regional Permit
23 Coordinator shall resolve all administrative issues that af-
24 fect oil and gas permit reviews. The Regional Permit Coor-
25 dinator shall report jointly to the Federal Permit Coordi-

1 nator and to the head of the relevant action agency, or
2 his or her designee, for resolution of any issue regarding
3 an oil and gas permit that may result in missing the
4 schedule deadlines established pursuant to subsection (b).
5 The Regional Permit Coordinators shall include data re-
6 garding the incidence and resolution of disputes under this
7 subsection in their reports to the Federal Permit Coordi-
8 nator required under subsection (i), who shall include such
9 reported data and develop recommendations in the report
10 to the President and Congress required under subsection
11 (i).

12 (e) REMEDIES.—An applicant for a class I permit
13 may bring a cause of action to seek expedited mandamus
14 review, if a Regional Permit Coordinator or the Secretary
15 fails to—

16 (1) establish a schedule in accordance with sub-
17 section (b);

18 (2) enforce and ensure completion of reviews
19 within schedule deadlines; or

20 (3) take all actions as are necessary and proper
21 to avoid jeopardizing the timely completion of the
22 entire schedule.

23 If an agency fails to complete its review of and issue a
24 decision upon a permit within the schedule established by

1 the Court, that permit shall be deemed granted to the ap-
2 plicant.

3 (f) PROHIBITION OF CERTAIN TERMS AND CONDI-
4 TIONS.—No Federal agency may include in any permit,
5 right-of-way, or other authorization issued for an oil and
6 gas project subject to the provisions of this subtitle, any
7 term or condition that may be authorized, but is not re-
8 quired, by the provisions of any applicable law, if the Fed-
9 eral Permit Coordinator determines that such term or con-
10 dition would prevent or impair in any significant respect
11 completion of a permit review within the time schedule es-
12 tablished pursuant to subsection (b) or would otherwise
13 impair in any significant respect expeditious oil and gas
14 development. The Federal Permit Coordinator shall not
15 have any authority to impose any terms, conditions, or re-
16 quirements beyond those imposed by any Federal law,
17 agency, regulation, or lease term.

18 (g) CONSOLIDATED RECORD.—The Federal Permit
19 Coordinator, acting through the appropriate Regional Per-
20 mit Coordinator, with the cooperation of Federal and
21 State administrative officials and agencies, shall maintain
22 a complete, consolidated record of all decisions made or
23 actions taken by the Federal Permit Coordinator or Re-
24 gional Permit Coordinator or by any Federal agency with
25 respect to any oil and gas permit.

1 (h) RELATIONSHIP TO NEPA AND ENERGY POLICY
2 ACT OF 2005.—

3 (1) Section 390(a) of the Energy Policy Act of
4 2005 (42 U.S.C. 15942(a)) is amended—

5 (A) by striking “rebuttable presumption
6 that the use of a”; and

7 (B) by striking “would apply”.

8 (2) Section 17(p) of the Mineral Leasing Act
9 (30 U.S.C. 226(p)) is repealed.

10 (i) ADDITIONAL POWERS AND RESPONSIBILITIES.—

11 (1) REGIONAL PERMIT COORDINATOR RE-
12 PORTS.—The Regional Permit Coordinators shall
13 each submit a report to the Federal Permit Coordi-
14 nator by December 31 of each year that documents
15 each office’s performance in meeting the objectives
16 under this subtitle, including recommendations to
17 further streamline the permitting process.

18 (2) REDIRECTION OF PRIORITIES OR RE-
19 SOURCES.—In order to expedite overall permitting
20 activity, the Federal Permit Coordinator may redi-
21 rect the priority of regional office activities or the al-
22 location of resources among such offices, and shall
23 engage the agencies that are parties to the MOU to
24 the extent such adjustments implicate their respec-
25 tive staffs or resources.

1 (3) REPORT TO CONGRESS.—Beginning three
2 years after the date of enactment of this Act, the
3 Federal Permit Coordinator shall prepare and sub-
4 mit a report to the President and Congress by April
5 15 of each year that outlines the results achieved
6 under this subtitle and makes recommendations to
7 the President and Congress for further improve-
8 ments in processing oil and gas permits on Federal
9 lands.

10 **SEC. 235. STATE COORDINATION.**

11 The Governor of any State wherein an oil and gas
12 operation may require a Federal permit, or the coastline
13 of which is in immediate geographic proximity to oil and
14 gas operations on the Outer Continental Shelf, may be a
15 signatory to the MOU for purposes of fulfilling any State
16 responsibilities with respect to Federal oil and gas permit-
17 ting decisions. The Regional Permit Coordinators shall fa-
18 cilitate and coordinate concurrent State reviews of re-
19 quested permits for oil and gas projects on the Outer Con-
20 tinental Shelf.

21 **SEC. 236. SAVINGS PROVISION.**

22 Except as expressly stated, nothing in this subtitle
23 affects—

24 (1) the applicability of any Federal or State
25 law; or

1 (2) any delegation of authority made by the
2 head of a Federal agency the employees of which are
3 participating in the implementation of this section.

4 **SEC. 237. ADMINISTRATIVE AND JUDICIAL REVIEW.**

5 (a) ADMINISTRATIVE REVIEW.—Any oil and gas per-
6 mitting decision for Federal lands onshore or on the Outer
7 Continental Shelf that was issued in accordance with the
8 procedures established by this subtitle shall not be subject
9 to further administrative review within the respective Fed-
10 eral agency responsible for that decision, and shall be the
11 final decision of that agency for purposes of judicial re-
12 view.

13 (b) EXCLUSIVE JURISDICTION OVER PERMIT DECI-
14 SIONS.—Only the United States District Court for the
15 District of Columbia shall have original jurisdiction over
16 any civil action for the review of such a permit decision.

17 (c) LIMITATIONS ON CLAIMS.—Notwithstanding any
18 other provision of law, any action arising under Federal
19 law seeking judicial review of a permit, license, or approval
20 issued by a Federal agency for an oil and gas permit sub-
21 ject to this subtitle shall be barred unless it is filed within
22 90 days of the date of the decision. Nothing in this subtitle
23 shall create a right to judicial review or places any limit
24 on filing a claim that a person has violated the terms of
25 a permit, license, or approval.

1 (d) FILING OF RECORD.—When any civil action is
2 brought pursuant to this subtitle, the Federal Permit Co-
3 ordinator shall immediately prepare for the court a con-
4 solidated record.

5 (e) EXPEDITED REVIEW.—Any action for judicial re-
6 view challenging a decision approved pursuant to this sec-
7 tion shall be set for consideration by not later than 90
8 days after the date the action is filed.

9 (f) EXPEDITED MANDAMUS REVIEW.—Notwith-
10 standing subsection (e), within 30 days after the filing of
11 an action challenging or seeking to enforce an established
12 permit review schedule for a class I permit, the court shall
13 issue a decision either compelling permit issuance or sanc-
14 tioning the delay and establishing a new schedule that en-
15 ables the most expeditious possible completion of pro-
16 ceedings. In rendering its decision, the court shall review
17 whether the agencies subject to the schedule have been
18 acting in good faith, whether the permit applicant has
19 been cooperating fully with the agencies that are respon-
20 sible for issuing the requested permits, and any other rel-
21 evant matters. The court may issue orders to enforce any
22 schedule it establishes under this subsection.

23 (g) NO PRIVATE RIGHT OF ACTION.—This subtitle
24 shall not be construed to create any additional right, ben-
25 efit, or trust responsibility, substantive or procedural, en-

1 forceable at law or equity, by a person against the United
2 States, its agencies, its officers, or any person.

3 (h) FINALITY OF LEASING DECISIONS.—Notwith-
4 standing the provisions of any law or regulation to the
5 contrary, a decision by the Bureau of Land Management
6 or the Minerals Management Service to issue a Final No-
7 tice of Sale and proceed with an oil and gas lease sale
8 pursuant to any mineral leasing law shall not be subject
9 to further administrative review within the Department of
10 the Interior, and shall be the final decision of the agency
11 for purposes of judicial review.

12 **SEC. 238. AMENDMENTS TO PUBLICATION PROCESS.**

13 Section 18 of the Outer Continental Shelf Lands Act
14 (43 U.S.C. 1344) is amended—

15 (1) by amending subsection (c)(2) to read as
16 follows:

17 “(2) The Secretary shall publish a proposed
18 leasing program in the Federal Register, and shall
19 submit a copy of such proposed program to the Gov-
20 ernor of each affected State, for review and com-
21 ment. The Governor may solicit comments from
22 those executives of local governments in his State
23 which he, in his discretion, determines will be af-
24 fected by the proposed program.”;

25 (2) by striking subsection (c)(3); and

1 (3) in subsection (d)(2) by inserting “final”
2 after “proposed”.

3 **SEC. 239. REPEAL OF FEE FOR PERMITS TO DRILL.**

4 Public Law 110–161 is amended under the heading
5 “Bureau of Land Management__management of lands
6 and resources” (121 Stat. 2098) by striking “to be re-
7 duced by amounts collected by the Bureau and credited
8 to this appropriation that shall be derived from \$4,000
9 per new application for permit to drill that the Bureau
10 shall collect upon submission of each new application,”.

11 **SEC. 240. ALASKA OFFSHORE CONTINENTAL SHELF CO-**
12 **ORDINATION OFFICE.**

13 (a) ESTABLISHMENT.—The Secretary of the Interior
14 shall establish and maintain, in coordination with the
15 Mayor of the North Slope Borough of Alaska, a separate
16 office to be known as the Alaska Offshore Continental
17 Shelf Coordination Office.

18 (b) PURPOSE.—The purpose of the office shall be
19 to—

20 (1) coordinate the leasing of the Outer Conti-
21 nental Shelf off the coast of Alaska;

22 (2) advise persons awarded such leases on local
23 conditions and the history of areas affected by devel-
24 opment of the oil and gas resources of the Outer
25 Continental Shelf off the coast of Alaska;

1 (3) provide to the Committee on Natural Re-
2 resources of the House of Representatives and the
3 Committee on Energy and Natural Resources of the
4 Senate annual reports on the status of the coordina-
5 tion between such and communities affected by such
6 development;

7 (4) collect from residents of the North Slope of
8 Alaska information regarding the impacts of such
9 development on marine wildlife, coastal habitats, ma-
10 rine and coastal subsistence resources, and the ma-
11 rine and coastal environment of Alaska's North
12 Slope region; and

13 (5) ensure that the information collected under
14 paragraph (3) is submitted to—

15 (A) developers of such resources; and

16 (B) any appropriate Federal agency.

1 **TITLE III—RELIEF FROM REGU-**
2 **LATIONS AND PROHIBITIONS**
3 **THAT CAUSE ARTIFICIAL**
4 **PRICE INCREASES**

5 **Subtitle A—Relief From EPA Cli-**
6 **mate Change Regulations and**
7 **Federal Prohibitions on Syn-**
8 **thetic Fuels**

9 **SEC. 301. REPEAL OF EPA CLIMATE CHANGE REGULATION.**

10 (a) GREENHOUSE GAS REGULATION UNDER CLEAN
11 AIR ACT.—Section 302(g) of the Clean Air Act (42 U.S.C.
12 7602(g)) is amended by adding the following at the end
13 thereof: “The term ‘air pollutant’ shall not include carbon
14 dioxide, water vapor, methane, nitrous oxide,
15 hydrofluorocarbons, perfluorocarbons, or sulfur
16 hexafluoride.”.

17 (b) NO REGULATION OF CLIMATE CHANGE.—Noth-
18 ing in the Clean Air Act (42 U.S.C. 7401 et seq.), the
19 Federal Water Pollution Control Act (33 U.S.C. 1251 et
20 seq.), the National Environmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.), the Endangered Species Act of 1973
22 (16 U.S.C. 1531 et seq.), or the Solid Waste Disposal Act
23 (42 U.S.C. 6901 et seq.), shall be treated as authorizing
24 or requiring the regulation of climate change or global
25 warming.

1 **SEC. 302. REPEAL OF FEDERAL BAN ON SYNTHETIC FUELS**
2 **PURCHASING REQUIREMENT.**

3 Section 526 of the Energy Independence and Security
4 Act of 2007 (42 U.S.C. 17142) is repealed.

5 **Subtitle B—Refinery Reform**

6 **SEC. 311. REFINERY PERMITTING PROCESS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) EXPANSION.—The term “expansion” means
12 a physical change that results in an increase in the
13 capacity of a refinery.

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

18 (4) PERMIT.—The term “permit” means any
19 permit, license, approval, variance, or other form of
20 authorization that a refiner is required to obtain—

21 (A) under any Federal law; or

22 (B) from a State or Indian tribal govern-
23 ment agency delegated authority by the Federal
24 Government, or authorized under Federal law,
25 to issue permits.

1 (5) REFINER.—The term “refiner” means a
2 person that—

3 (A) owns or operates a refinery; or

4 (B) seeks to become an owner or operator
5 of a refinery.

6 (6) REFINERY.—

7 (A) IN GENERAL.—The term “refinery”
8 means—

9 (i) a facility at which crude oil is re-
10 fined into transportation fuel or other pe-
11 troleum products; and

12 (ii) a coal liquification or coal-to-liquid
13 facility at which coal is processed into syn-
14 thetic crude oil or any other fuel.

15 (B) INCLUSIONS.—The term “refinery” in-
16 cludes an expansion of a refinery.

17 (7) REFINERY PERMITTING AGREEMENT.—The
18 term “refinery permitting agreement” means an
19 agreement entered into between the Administrator
20 and a State or Indian tribe under subsection (b).

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of Commerce.

23 (9) STATE.—The term “State” means—

24 (A) a State;

25 (B) the District of Columbia;

1 (C) the Commonwealth of Puerto Rico;
2 and

3 (D) any other territory or possession of the
4 United States.

5 (b) STREAMLINING OF REFINERY PERMITTING
6 PROCESS.—

7 (1) IN GENERAL.—At the request of the Gov-
8 ernor of a State or the governing body of an Indian
9 tribe, the Administrator shall enter into a refinery
10 permitting agreement with the State or Indian tribe
11 under which the process for obtaining all permits
12 necessary for the construction and operation of a re-
13 finery shall be streamlined using a systematic inter-
14 disciplinary multimedia approach as provided in this
15 section.

16 (2) AUTHORITY OF ADMINISTRATOR.—Under a
17 refinery permitting agreement the Administrator
18 shall have authority, as applicable and necessary,
19 to—

20 (A) accept from a refiner a consolidated
21 application for all permits that the refiner is re-
22 quired to obtain to construct and operate a re-
23 finery;

24 (B) in consultation and cooperation with
25 each Federal, State, or Indian tribal govern-

1 ment agency that is required to make any de-
2 termination to authorize the issuance of a per-
3 mit, establish a schedule under which each
4 agency shall—

5 (i) concurrently consider, to the max-
6 imum extent practicable, each determina-
7 tion to be made; and

8 (ii) complete each step in the permit-
9 ting process; and

10 (C) issue a consolidated permit that com-
11 bines all permits issued under the schedule es-
12 tablished under subparagraph (B).

13 (3) AGREEMENT BY THE STATE.—Under a re-
14 finery permitting agreement, a State or governing
15 body of an Indian tribe shall agree that—

16 (A) the Administrator shall have each of
17 the authorities described in paragraph (2); and

18 (B) each State or Indian tribal government
19 agency shall—

20 (i) in accordance with State law, make
21 such structural and operational changes in
22 the agencies as are necessary to enable the
23 agencies to carry out consolidated project-
24 wide permit reviews concurrently and in
25 coordination with the Environmental Pro-

1 tection Agency and other Federal agencies;
2 and

3 (ii) comply, to the maximum extent
4 practicable, with the applicable schedule
5 established under paragraph (2)(B).

6 (4) DEADLINES.—

7 (A) NEW REFINERIES.—In the case of a
8 consolidated permit for the construction of a
9 new refinery, the Administrator and the State
10 or governing body of an Indian tribe shall ap-
11 prove or disapprove the consolidated permit not
12 later than—

13 (i) 360 days after the date of the re-
14 ceipt of the administratively complete ap-
15 plication for the consolidated permit; or

16 (ii) on agreement of the applicant, the
17 Administrator, and the State or governing
18 body of the Indian tribe, 90 days after the
19 expiration of the deadline established
20 under clause (i).

21 (B) EXPANSION OF EXISTING REFIN-
22 ERIES.—In the case of a consolidated permit
23 for the expansion of an existing refinery, the
24 Administrator and the State or governing body

1 of an Indian tribe shall approve or disapprove
2 the consolidated permit not later than—

3 (i) 120 days after the date of the re-
4 ceipt of the administratively complete ap-
5 plication for the consolidated permit; or

6 (ii) on agreement of the applicant, the
7 Administrator, and the State or governing
8 body of the Indian tribe, 30 days after the
9 expiration of the deadline established
10 under clause (i).

11 (5) FEDERAL AGENCIES.—Each Federal agency
12 that is required to make any determination to au-
13 thorize the issuance of a permit shall comply with
14 the applicable schedule established under paragraph
15 (2)(B).

16 (6) JUDICIAL REVIEW.—Any civil action for re-
17 view of any permit determination under a refinery
18 permitting agreement shall be brought exclusively in
19 the United States district court for the district in
20 which the refinery is located or proposed to be lo-
21 cated.

22 (7) EFFICIENT PERMIT REVIEW.—In order to
23 reduce the duplication of procedures, the Adminis-
24 trator shall use State permitting and monitoring

1 procedures to satisfy substantially equivalent Fed-
2 eral requirements under this subtitle.

3 (8) SEVERABILITY.—If 1 or more permits that
4 are required for the construction or operation of a
5 refinery are not approved on or before any deadline
6 established under paragraph (4), the Administrator
7 may issue a consolidated permit that combines all
8 other permits that the refiner is required to obtain
9 other than any permits that are not approved.

10 (9) SAVINGS.—Nothing in this subsection af-
11 fects the operation or implementation of otherwise
12 applicable law regarding permits necessary for the
13 construction and operation of a refinery.

14 (10) CONSULTATION WITH LOCAL GOVERN-
15 MENTS.—Congress encourages the Administrator,
16 States, and tribal governments to consult, to the
17 maximum extent practicable, with local governments
18 in carrying out this subsection.

19 (11) EFFECT ON LOCAL AUTHORITY.—Nothing
20 in this subsection affects—

21 (A) the authority of a local government
22 with respect to the issuance of permits; or

23 (B) any requirement or ordinance of a
24 local government (such as a zoning regulation).

25 (c) FISCHER-TROPSCH FUELS.—

1 (1) IN GENERAL.—In cooperation with the Sec-
2 retary of Energy, the Secretary of Defense, the Ad-
3 ministrators of the Federal Aviation Administration,
4 Secretary of Health and Human Services, and
5 Fischer-Tropsch industry representatives, the Ad-
6 ministrators shall—

7 (A) conduct a research and demonstration
8 program to evaluate the air quality benefits of
9 ultra-clean Fischer-Tropsch transportation fuel,
10 including diesel and jet fuel;

11 (B) evaluate the use of ultra-clean Fischer-
12 Tropsch transportation fuel as a mechanism for
13 reducing engine exhaust emissions; and

14 (C) submit recommendations to Congress
15 on the most effective use and associated bene-
16 fits of these ultra-clean fuel for reducing public
17 exposure to exhaust emissions.

18 (2) GUIDANCE AND TECHNICAL SUPPORT.—The
19 Administrator shall, to the extent necessary, issue
20 any guidance or technical support documents that
21 would facilitate the effective use and associated ben-
22 efit of Fischer-Tropsch fuel and blends.

23 (3) REQUIREMENTS.—The program described
24 in paragraph (1) shall consider—

1 (A) the use of neat (100 percent) Fischer-
 2 Tropesch fuel and blends with conventional
 3 crude oil-derived fuel for heavy-duty and light-
 4 duty diesel engines and the aviation sector; and

5 (B) the production costs associated with
 6 domestic production of those ultra-clean fuel
 7 and prices for consumers.

8 (4) REPORTS.—The Administrator shall submit
 9 to the Committee on Environment and Public Works
 10 and the Committee on Energy and Natural Re-
 11 sources of the Senate and the Committee on Energy
 12 and Commerce of the House of Representatives—

13 (A) not later than 1 year after the date of
 14 enactment of this Act, an interim report on ac-
 15 tions taken to carry out this subsection; and

16 (B) not later than 2 years after the date
 17 of enactment of this Act, a final report on ac-
 18 tions taken to carry out this subsection.

19 **SEC. 312. EXISTING REFINERY PERMIT APPLICATION DEAD-**
 20 **LINE.**

21 Notwithstanding any other provision of law, applica-
 22 tions for a permit for existing refinery applications shall
 23 not be considered to be timely if submitted after 120 days
 24 after the date of enactment of this Act.

○