

112TH CONGRESS  
1ST SESSION

# H. R. 3302

To create private sector jobs by simplifying the tax code, increasing domestic energy production, reforming government regulations, and strengthening workforce training programs.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2011

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

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## A BILL

To create private sector jobs by simplifying the tax code, increasing domestic energy production, reforming government regulations, and strengthening workforce training programs.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Restore America Act of 2011”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

## TITLE I—ENERGY

Sec. 100. Findings.

### Subtitle A—Outer Continental Shelf

- Sec. 101. Leasing program considered approved.
- Sec. 102. Outer Continental Shelf lease sales.
- Sec. 103. Definitions under the Outer Continental Shelf Lands Act.
- Sec. 104. Determination of Adjacent Zones and OCS Planning Areas.
- Sec. 105. Grant of leases by Secretary.
- Sec. 106. Disposition of receipts.
- Sec. 107. Outer Continental Shelf leasing program.
- Sec. 108. Coordination with Adjacent States.
- Sec. 109. Environmental studies.
- Sec. 110. Seaward boundaries of States.
- Sec. 111. Outer Continental Shelf incompatible use.
- Sec. 112. Repurchase of certain leases.
- Sec. 113. Offsite environmental mitigation.

### Subtitle B—Arctic National Wildlife Refuge

- Sec. 121. Definitions.
- Sec. 122. Leasing program for lands within the Coastal Plain.
- Sec. 123. Lease sales.
- Sec. 124. Grant of leases by the Secretary.
- Sec. 125. Lease terms and conditions.
- Sec. 126. Coastal Plain environmental protection.
- Sec. 127. Expedited judicial review.
- Sec. 128. Federal and State distribution of revenues.
- Sec. 129. Rights-of-way across the Coastal Plain.
- Sec. 130. Conveyance.
- Sec. 131. Local government impact aid and community service assistance.

### Subtitle C—Oil Shale

Sec. 141. Oil shale.

### Subtitle D—Coal-to-Liquid

- Sec. 151. Definitions relating to coal-to-liquid fuel and facilities.
- Sec. 152. Repeal.

### Subtitle E—Nuclear

- Sec. 161. Findings and policy.
- Sec. 162. 200 operating permits by 2040.
- Sec. 163. Repeal of Office of Civilian Radioactive Waste Management.
- Sec. 164. Radiological material repository.
- Sec. 165. Independent radiological material management.
- Sec. 166. Spent nuclear fuel recycling.
- Sec. 167. Nuclear fuel supply reserve.
- Sec. 168. Public health and safety.
- Sec. 169. Streamlining Combined Construction and Operating License.
- Sec. 170. Reactor design certification.
- Sec. 171. Technology-neutral plant design specifications.

- Sec. 172. Next Generation Nuclear Plant.
- Sec. 173. Uranium mining on Federal lands.
- Sec. 174. Small and modular reactor licensing.
- Sec. 175. Limitation on regulatory time frame.
- Sec. 176. Definition.

#### TITLE II—REGULATORY REFORM

- Sec. 201. Purpose.
- Sec. 202. Congressional review of agency rulemaking.

#### TITLE III—TAX REFORM

- Sec. 301. Reduction in corporate income tax rates.
- Sec. 302. 2003 tax reductions on domestic dividends made permanent.
- Sec. 303. Small business expensing for small business made permanent.
- Sec. 304. Permanent extension of estate tax relief.
- Sec. 305. Additional savings.

#### TITLE IV—WORKFORCE INVESTMENT

- Sec. 401. Sense of Congress regarding the need to reauthorize the Workforce Investment Act of 1998.

## 1                   **TITLE I—ENERGY**

### 2   **SEC. 100. FINDINGS.**

3           The Congress finds the following:

4                   (1) The United States is blessed with abundant  
5           energy resources on the outer Continental Shelf and  
6           has developed a comprehensive framework of envi-  
7           ronmental laws and regulations and fostered the de-  
8           velopment of state-of-the-art technology that allows  
9           for the responsible development of these resources  
10          for the benefit of its citizenry.

11                   (2) Adjacent States are required by the cir-  
12          cumstances to commit significant resources in sup-  
13          port of exploration, development, and production ac-  
14          tivities for mineral resources on the outer Conti-  
15          nental Shelf, and it is fair and proper for a portion

1 of the receipts from such activities to be shared with  
2 Adjacent States and their local coastal governments.

3 (3) Development of domestic oil and gas re-  
4 sources can be accomplished in a safe and environ-  
5 mentally responsible manner.

## 6 **Subtitle A—Outer Continental** 7 **Shelf**

### 8 **SEC. 101. LEASING PROGRAM CONSIDERED APPROVED.**

9 (a) IN GENERAL.—The Draft Proposed Outer Conti-  
10 nental Shelf (OCS) Oil and Gas Leasing Program 2010–  
11 2015 released by the Secretary of the Interior (referred  
12 to in this section as the “Secretary”) in January 2009,  
13 under section 18 of the Outer Continental Shelf Lands  
14 Act (43 U.S.C. 1344), is considered to have been approved  
15 by the Secretary as a final oil and gas leasing program  
16 under that section, and is considered to be in full compli-  
17 ance with and in accordance with all requirements of the  
18 Outer Continental Shelf Lands Act, National Environ-  
19 mental Policy Act of 1969, Endangered Species Act of  
20 1973, Clean Air Act, Marine Mammal Protection Act of  
21 1972, Oil Pollution Act of 1990, and all other applicable  
22 laws.

23 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—  
24 The Secretary is considered to have issued a legally suffi-  
25 cient final environmental impact statement for the pro-

1 gram described in subsection (a) in accordance with all  
2 requirements under section 102(2)(C) of the National En-  
3 vironmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)),  
4 and all other applicable laws.

5 **SEC. 102. OUTER CONTINENTAL SHELF LEASE SALES.**

6 (a) IN GENERAL.—Except as provided in subsection  
7 (b), not later than 30 days after the date of enactment  
8 of this Act and every 270 days thereafter, the Secretary  
9 of the Interior (referred to in this section as the “Sec-  
10 retary”) shall conduct a lease sale in each outer Conti-  
11 nental Shelf area for which the Secretary determines that  
12 there is a commercial interest in purchasing Federal oil  
13 and gas leases for production on the outer Continental  
14 Shelf.

15 (b) SUBSEQUENT DETERMINATIONS AND SALES.—If  
16 the Secretary determines that there is not a commercial  
17 interest in purchasing Federal oil and gas leases for pro-  
18 duction on the outer Continental Shelf in an area under  
19 subsection (a), not later than 2 years after the date of  
20 such determination, and every 2 years thereafter, the Sec-  
21 retary shall—

22 (1) reevaluate whether there is commercial in-  
23 terest in purchasing Federal oil and gas leases for  
24 production on the outer Continental Shelf in the  
25 area; and

1           (2) if the Secretary determines that there is a  
2           commercial interest described in paragraph (1), con-  
3           duct a lease sale in the area.

4 **SEC. 103. DEFINITIONS UNDER THE OUTER CONTINENTAL**  
5 **SHELF LANDS ACT.**

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

8           (1) in the matter preceding subsection (a), by  
9           striking “When used in this Act—” and inserting  
10          “In this Act.”;

11          (2) in subsection (a), by inserting after “con-  
12          trol” the following: “, or lying within the United  
13          States exclusive economic zone adjacent to the Terri-  
14          tories of the United States”;

15          (3) by amending subsection (f) to read as fol-  
16          lows:

17          “(f) The term ‘affected State’ means the ‘Adjacent  
18          State’.”;

19          (4) by striking the semicolon at the end of each  
20          of subsections (a) through (o) and inserting a pe-  
21          riod;

22          (5) by striking “; and” at the end of subsection  
23          (p) and inserting a period; and

24          (6) by adding at the end the following:

1           “(r) The term ‘Adjacent State’ means, with respect  
2 to any program, plan, lease sale, leased tract, or other ac-  
3 tivity, proposed, conducted, or approved pursuant to the  
4 provisions of this Act, any State the laws of which are  
5 declared, pursuant to section 4(a)(2), to be the law of the  
6 United States for the portion of the outer Continental  
7 Shelf to which such program, plan, lease sale, or leased  
8 tract appertains or on which such activity is, or is pro-  
9 posed to be, conducted. For purposes of this paragraph,  
10 the term ‘State’ includes the Commonwealth of Puerto  
11 Rico, the Commonwealth of the Northern Mariana Is-  
12 lands, the Virgin Islands, American Samoa, Guam, and  
13 the other Territories of the United States.

14           “(s) The term ‘Adjacent Zone’ means, with respect  
15 to any program, plan, lease sale, leased tract, or other ac-  
16 tivity, proposed, conducted, or approved pursuant to the  
17 provisions of this Act, the portion of the outer Continental  
18 Shelf for which the laws of a particular Adjacent State  
19 are declared, pursuant to section 4(a)(2), to be the law  
20 of the United States.

21           “(t) The term ‘miles’ means statute miles.

22           “(u) The term ‘coastline’ has the same meaning as  
23 the term ‘coast line’ as defined in section 2(c) of the Sub-  
24 merged Lands Act (43 U.S.C. 1301(c)).”.

1 **SEC. 104. DETERMINATION OF ADJACENT ZONES AND OCS**  
2 **PLANNING AREAS.**

3 Section 4(a)(2)(A) of the Outer Continental Shelf  
4 Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the  
5 first sentence by striking “, and the President” and all  
6 that follows through the end of the sentence and inserting  
7 the following: “. The lines extending seaward and defining  
8 each State’s Adjacent Zone, and each OCS Planning Area,  
9 are as indicated on the maps for each outer Continental  
10 Shelf region entitled ‘Alaska OCS Region State Adjacent  
11 Zone and OCS Planning Areas’, ‘Pacific OCS Region  
12 State Adjacent Zones and OCS Planning Areas’, ‘Gulf of  
13 Mexico OCS Region State Adjacent Zones and OCS Plan-  
14 ning Areas’, and ‘Atlantic OCS Region State Adjacent  
15 Zones and OCS Planning Areas’, all of which are dated  
16 September 2005 and on file in the Office of the Director,  
17 Bureau of Ocean Energy Management, Regulation and  
18 Enforcement.”.

19 **SEC. 105. GRANT OF LEASES BY SECRETARY.**

20 Section 8 of the Outer Continental Shelf Lands Act  
21 (43 U.S.C. 1337) is amended—

22 (1) by adding at the end of subsection (b) the  
23 following:

24 “The Secretary may issue more than one lease for  
25 a given tract if each lease applies to a separate and dis-  
26 tinct range of vertical depths, horizontal surface area, or



1 a combination of the two. The Secretary may issue regula-  
2 tions that the Secretary determines are necessary to man-  
3 age such leases consistent with the purposes of this Act.”;

4 (2) by amending subsection (p)(2)(B) to read  
5 as follows:

6 “(B) The Secretary shall provide for the  
7 payment to coastal States, and their local coast-  
8 al governments, of 75 percent of Federal re-  
9 ceipts from projects authorized under this sec-  
10 tion located partially or completely within the  
11 area extending seaward of State submerged  
12 lands out to 4 marine leagues from the coast-  
13 line, and the payment to coastal States of 50  
14 percent of the receipts from projects completely  
15 located in the area more than 4 marine leagues  
16 from the coastline. Payments shall be based on  
17 a formula established by the Secretary by rule-  
18 making no later than 180 days after the date  
19 of the enactment of the Restore America Act of  
20 2011 that provides for equitable distribution,  
21 based on proximity to the project, among coast-  
22 al States that have coastline that is located  
23 within 200 miles of the geographic center of the  
24 project.”;

25 (3) by adding at the end the following:

1       “(q) REMOVAL OF RESTRICTIONS ON JOINT BIDDING  
2 IN CERTAIN AREAS OF THE OUTER CONTINENTAL  
3 SHELF.—Restrictions on joint bidders shall no longer  
4 apply to tracts located in the Alaska OCS Region. Such  
5 restrictions shall not apply to tracts in other OCS regions  
6 determined to be ‘frontier tracts’ or otherwise ‘high cost  
7 tracts’ under final regulations that shall be published by  
8 the Secretary by not later than 365 days after the date  
9 of the enactment of this subsection.

10       “(r) CONSERVATION OF RESOURCES FEES.—Not  
11 later than one year after the date of the enactment of this  
12 subsection, the Secretary by regulation shall establish a  
13 conservation of resources fee for nonproducing leases that  
14 will apply to new and existing leases which shall be set  
15 at \$3.75 per acre per year. This fee shall apply from and  
16 after January 1, 2012, and shall be treated as offsetting  
17 receipts.”;

18               (4) by striking subsection (a)(3)(A) and redesi-  
19 gnating the subsequent subparagraphs as subpara-  
20 graphs (A) and (B), respectively;

21               (5) in subsection (a)(3)(A) (as so redesignated)  
22 by striking “In the Western” and all that follows  
23 through “the Secretary” the first place it appears  
24 and inserting “The Secretary”; and

1 (6) effective January 1, 2012, in subsection

2 (g)—

3 (A) by striking all after “(g)”, except para-  
4 graph (3);

5 (B) by striking the last sentence of para-  
6 graph (3); and

7 (C) by striking “(3)”.

8 **SEC. 106. DISPOSITION OF RECEIPTS.**

9 Section 9 of the Outer Continental Shelf Lands Act  
10 (43 U.S.C. 1338) is amended—

11 (1) by designating the existing text as sub-  
12 section (a);

13 (2) in subsection (a) (as so designated) by in-  
14 serting “, if not paid as otherwise provided in this  
15 title” after “receipts”; and

16 (3) by adding the following:

17 “(b) TREATMENT OF OCS RECEIPTS FROM TRACTS  
18 COMPLETELY WITHIN 100 MILES OF THE COASTLINE.—

19 “(1) DEPOSIT.—The Secretary shall deposit  
20 into a separate account in the Treasury the portion  
21 of OCS Receipts for each fiscal year that will be  
22 shared under paragraphs (2), (3), and (4).

23 “(2) PHASED-IN RECEIPTS SHARING.—

1           “(A) Beginning January 1, 2012, the Sec-  
2           retary shall share OCS Receipts derived from  
3           the following areas:

4                   “(i) Lease tracts located on portions  
5                   of the Gulf of Mexico OCS Region com-  
6                   pletely beyond 4 marine leagues from any  
7                   coastline and completely within 100 miles  
8                   of any coastline that were available for  
9                   leasing under the 2002–2007 5-Year OCS  
10                  Oil and Gas Leasing Program.

11                   “(ii) Lease tracts in production prior  
12                  to January 1, 2012, completely beyond 4  
13                  marine leagues from any coastline and  
14                  completely within 100 miles of any coast-  
15                  line located on portions of the OCS that  
16                  were not available for leasing under the  
17                  2002–2007 5-Year OCS Oil and Gas Leas-  
18                  ing Program.

19                   “(iii) Lease tracts for which leases are  
20                  issued prior to January 1, 2012, located in  
21                  the Alaska OCS Region completely beyond  
22                  4 marine leagues from any coastline and  
23                  completely within 100 miles of the coast-  
24                  line.

1           “(B) The Secretary shall share the fol-  
2           lowing percentages of OCS Receipts from the  
3           leases described in subparagraph (A) derived  
4           during the fiscal year indicated:

5                   “(i) For fiscal year 2012, 5 percent.

6                   “(ii) For fiscal year 2013, 8 percent.

7                   “(iii) For fiscal year 2014, 11 per-  
8                   cent.

9                   “(iv) For fiscal year 2015, 14 percent.

10                  “(v) For fiscal year 2016, 17 percent.

11                  “(vi) For fiscal year 2017, 20 percent.

12                  “(vii) For fiscal year 2018, 23 per-  
13                  cent.

14                  “(viii) For fiscal year 2019, 26 per-  
15                  cent.

16                  “(ix) For fiscal year 2020, 29 percent.

17                  “(x) For fiscal year 2021, 32 percent.

18                  “(xi) For fiscal year 2022, 35 percent.

19                  “(xii) For fiscal year 2023 and each  
20                  subsequent fiscal year, 37.5 percent.

21           “(3) IMMEDIATE RECEIPTS SHARING.—Begin-  
22           ning January 1, 2012, the Secretary shall share  
23           37.50 percent of OCS Receipts derived from all  
24           leases located completely beyond 4 marine leagues  
25           from any coastline and completely within 100 miles

1 of any coastline not included within the provisions of  
2 paragraph (2), and the balance shall be deposited in  
3 the Treasury.

4 “(4) RECEIPTS SHARING FROM TRACTS WITHIN  
5 4 MARINE LEAGUES OF ANY COASTLINE.—

6 “(A) AREAS DESCRIBED IN PARAGRAPH  
7 (2).—Beginning January 1, 2012, and con-  
8 tinuing through September 30, 2013, the Sec-  
9 retary shall share 25 percent of OCS Receipts  
10 derived from all leases located within 4 marine  
11 leagues from any coastline within areas de-  
12 scribed in paragraph (2). For each fiscal year  
13 after September 30, 2013, the Secretary shall  
14 increase the percent shared in 5 percent incre-  
15 ments each fiscal year until the sharing rate for  
16 all leases located within 4 marine leagues from  
17 any coastline within areas described in para-  
18 graph (2) becomes 75 percent.

19 “(B) AREAS NOT DESCRIBED IN PARA-  
20 GRAPH (2).—Beginning January 1, 2012, the  
21 Secretary shall share 75 percent of OCS re-  
22 cepts derived from all leases located completely  
23 or partially within 4 marine leagues from any  
24 coastline within areas not described paragraph  
25 (2).

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

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

9                   “(B) ROYALTIES.—Deposits derived from  
10                  royalties from a leased tract, including interest  
11                  thereon, shall be allocated at the end of each  
12                  fiscal year to the Adjacent State and any other  
13                  producing State or States with a leased tract  
14                  within its Adjacent Zone within 100 miles of its  
15                  coastline that generated royalties during the fis-  
16                  cal year, if the other producing State or States  
17                  have a coastline point within 300 miles of any  
18                  portion of the leased tract, in which case the  
19                  amount allocated for the leased tract shall be—

20                           “(i) one-third to the Adjacent State;

21                           and

22                           “(ii) two-thirds to each producing  
23                           State, including the Adjacent State, in-  
24                           versely proportional to the distance be-  
25                           tween the nearest point on the coastline of

1           the producing State and the geographic  
2           center of the leased tract.

3           “(c) TREATMENT OF OCS RECEIPTS FROM TRACTS  
4 PARTIALLY OR COMPLETELY BEYOND 100 MILES OF THE  
5 COASTLINE.—

6           “(1) DEPOSIT.—The Secretary shall deposit  
7           into a separate account in the Treasury the portion  
8           of OCS Receipts for each fiscal year that will be  
9           shared under paragraphs (2) and (3).

10           “(2) PHASED-IN RECEIPTS SHARING.—

11           “(A) Beginning January 1, 2012, the Sec-  
12           retary shall share OCS Receipts derived from  
13           the following areas:

14           “(i) Lease tracts located on portions  
15           of the Gulf of Mexico OCS Region partially  
16           or completely beyond 100 miles of any  
17           coastline that were available for leasing  
18           under the 2002–2007 5-Year OCS Oil and  
19           Gas Leasing Program.

20           “(ii) Lease tracts in production prior  
21           to January 1, 2012, partially or completely  
22           beyond 100 miles of any coastline located  
23           on portions of the OCS that were not  
24           available for leasing under the 2002–2007



1           5-Year OCS Oil and Gas Leasing Pro-  
2           gram.

3           “(iii) Lease tracts for which leases are  
4           issued prior to January 1, 2012, located in  
5           the Alaska OCS Region partially or com-  
6           pletely beyond 100 miles of the coastline.

7           “(B) The Secretary shall share the fol-  
8           lowing percentages of OCS Receipts from the  
9           leases described in subparagraph (A) derived  
10          during the fiscal year indicated:

11           “(i) For fiscal year 2012, 5 percent.

12           “(ii) For fiscal year 2013, 8 percent.

13           “(iii) For fiscal year 2014, 11 per-  
14          cent.

15           “(iv) For fiscal year 2015, 14 percent.

16           “(v) For fiscal year 2016, 17 percent.

17           “(vi) For fiscal year 2017, 20 percent.

18           “(vii) For fiscal year 2018, 23 per-  
19          cent.

20           “(viii) For fiscal year 2019, 26 per-  
21          cent.

22           “(ix) For fiscal year 2020, 29 percent.

23           “(x) For fiscal year 2021, 32 percent.

24           “(xi) For fiscal year 2022, 35 percent.

1                   “(xii) For fiscal year 2023 and each  
2                   subsequent fiscal year, 37.5 percent.

3                   “(3) IMMEDIATE RECEIPTS SHARING.—Begin-  
4                   ning January 1, 2012, the Secretary shall share  
5                   37.5 percent of OCS Receipts derived on and after  
6                   January 1, 2012, from all leases located partially or  
7                   completely beyond 100 miles of any coastline not in-  
8                   cluded within the provisions of paragraph (2), except  
9                   that the Secretary shall only share 25 percent of  
10                  such OCS Receipts derived from all such leases  
11                  within a State’s Adjacent Zone if no leasing is al-  
12                  lowed within any portion of that State’s Adjacent  
13                  Zone located completely within 100 miles of any  
14                  coastline.

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

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

23                         “(B) ROYALTIES.—Deposits derived from  
24                         royalties from a leased tract, including interest  
25                         thereon, shall be allocated at the end of each

1 fiscal year to the Adjacent State and any other  
2 producing State or States with a leased tract  
3 within its Adjacent Zone partially or completely  
4 beyond 100 miles of its coastline that generated  
5 royalties during the fiscal year, if the other pro-  
6 ducing State or States have a coastline point  
7 within 300 miles of any portion of the leased  
8 tract, in which case the amount allocated for  
9 the leased tract shall be—

10 “(i) one-third to the Adjacent State;

11 and

12 “(ii) two-thirds to each producing  
13 State, including the Adjacent State, in-  
14 versely proportional to the distance be-  
15 tween the nearest point on the coastline of  
16 the producing State and the geographic  
17 center of the leased tract.

18 “(d) TRANSMISSION OF ALLOCATIONS.—Not later  
19 than 90 days after the end of each fiscal year, the Sec-  
20 retary shall transmit to each State 100 percent of such  
21 State’s allocations under subsections (b)(5)(A), (b)(5)(B),  
22 (c)(4)(A), and (c)(4)(B) for the immediate prior fiscal  
23 year.

24 “(e) EFFECT OF FUTURE LAWS.—Enactment of any  
25 future Federal statute that has the effect, as determined

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

16 “(f) DEFINITIONS.—In this section:

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

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

1           “(3) PRODUCING STATE.—The term ‘producing  
2           State’ means an Adjacent State having an Adjacent  
3           Zone containing leased tracts from which OCS Re-  
4           ceipts were derived.

5           “(4) OCS RECEIPTS.—The term ‘OCS Receipts’  
6           means bonus bids, royalties, and conservation of re-  
7           sources fees.”.

8   **SEC. 107. OUTER CONTINENTAL SHELF LEASING PROGRAM.**

9           Section 18 of the Outer Continental Shelf Lands Act  
10          (43 U.S.C. 1344) is amended—

11           (1) in subsection (a), by adding at the end of  
12          paragraph (3) the following: “The Secretary shall, in  
13          each 5-Year Program, include lease sales that when  
14          viewed as a whole propose to offer for oil and gas  
15          leasing at least 75 percent of the available unleased  
16          acreage within each OCS Planning Area. Available  
17          unleased acreage is that portion of the outer Conti-  
18          nental Shelf that is not under lease at the time of  
19          the proposed lease sale, and has not otherwise been  
20          made unavailable for leasing by law.”;

21           (2) in subsection (c), by striking so much as  
22          precedes paragraph (3) and inserting the following:

23          “(c)(1) During the preparation of any proposed leas-  
24          ing program under this section, the Secretary shall con-  
25          sider and analyze leasing throughout the entire outer Con-

1 tinal Shelf without regard to any other law affecting  
2 such leasing. During this preparation, the Secretary shall  
3 invite and consider suggestions from any interested Fed-  
4 eral agency, including the Attorney General, in consulta-  
5 tion with the Federal Trade Commission, and from the  
6 Governor of any coastal State. The Secretary may also in-  
7 vite or consider any suggestions from the executive of any  
8 local government in a coastal State that have been pre-  
9 viously submitted to the Governor of such State, and from  
10 any other person. Further, the Secretary shall consult  
11 with the Secretary of Defense regarding military oper-  
12 ational needs in the outer Continental Shelf. The Sec-  
13 retary shall work with the Secretary of Defense to resolve  
14 any conflicts that might arise regarding offering any area  
15 of the outer Continental Shelf for oil and gas leasing. If  
16 the Secretaries are not able to resolve all such conflicts,  
17 any unresolved issues shall be elevated to the President  
18 for resolution.

19 “(2) After the consideration and analysis required by  
20 paragraph (1), including the consideration of the sugges-  
21 tions received from any interested Federal agency, the  
22 Federal Trade Commission, the Governor of any coastal  
23 State, any local government of a coastal State, and any  
24 other person, the Secretary shall publish in the Federal  
25 Register a proposed leasing program accompanied by a

1 draft environmental impact statement prepared pursuant  
2 to the National Environmental Policy Act of 1969. After  
3 the publishing of the proposed leasing program and during  
4 the comment period provided for on the draft environ-  
5 mental impact statement, the Secretary shall submit a  
6 copy of the proposed program to the Governor of each af-  
7 fected State for review and comment. The Governor may  
8 solicit comments from those executives of local govern-  
9 ments in the Governor's State that the Governor, in the  
10 discretion of the Governor, determines will be affected by  
11 the proposed program. If any comment by such Governor  
12 is received by the Secretary at least 15 days prior to sub-  
13 mission to the Congress pursuant to paragraph (3) and  
14 includes a request for any modification of such proposed  
15 program, the Secretary shall reply in writing, granting or  
16 denying such request in whole or in part, or granting such  
17 request in such modified form as the Secretary considers  
18 appropriate, and stating the Secretary's reasons therefor.  
19 All such correspondence between the Secretary and the  
20 Governor of any affected State, together with any addi-  
21 tional information and data relating thereto, shall accom-  
22 pany such proposed program when it is submitted to the  
23 Congress."; and

24 (3) by adding at the end the following:

1       “(i) PROJECTION OF STATE ADJACENT ZONE RE-  
2 SOURCES AND STATE AND LOCAL GOVERNMENT SHARES  
3 OF OCS RECEIPTS.—Concurrent with the publication of  
4 the scoping notice at the beginning of the development of  
5 each 5-Year Outer Continental Shelf Oil and Gas Leasing  
6 Program, or as soon thereafter as possible, the Secretary  
7 shall—

8               “(1) provide to each Adjacent State a current  
9 estimate of proven and potential oil and gas re-  
10 sources located within the State’s Adjacent Zone;  
11 and

12               “(2) provide to each Adjacent State, and coast-  
13 al political subdivisions thereof, a best efforts projec-  
14 tion of the OCS Receipts that the Secretary expects  
15 will be shared with each Adjacent State, and its  
16 coastal political subdivisions, using the assumption  
17 that the unleased tracts within the State’s Adjacent  
18 Zone are fully made available for leasing, including  
19 long-term projected OCS Receipts. In addition, the  
20 Secretary shall include a macroeconomic estimate of  
21 the impact of such leasing on the national economy  
22 and each State’s economy, including investment,  
23 jobs, revenues, personal income, and other cat-  
24 egories.”.



1 **SEC. 108. COORDINATION WITH ADJACENT STATES.**

2 Section 19 of the Outer Continental Shelf Lands Act  
3 (43 U.S.C. 1345) is amended—

4 (1) in subsection (a) in the first sentence by in-  
5 serting “, for any tract located within the Adjacent  
6 State’s Adjacent Zone,” after “government”; and

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

8 “(f)(1) No Federal agency may permit or otherwise  
9 approve, without the concurrence of the Adjacent State,  
10 the construction of a crude oil or petroleum products (or  
11 both) pipeline within the part of the Adjacent State’s Ad-  
12 jacent Zone that is withdrawn from oil and gas leasing,  
13 except that such a pipeline may be approved, without such  
14 Adjacent State’s concurrence, to pass through such Adja-  
15 cent Zone if at least 50 percent of the production pro-  
16 jected to be carried by the pipeline within its first 10 years  
17 of operation is from areas of the Adjacent State’s Adja-  
18 cent Zone.

19 “(2) No State may prohibit the construction within  
20 its Adjacent Zone or its State waters of a natural gas pipe-  
21 line that will transport natural gas produced from the  
22 outer Continental Shelf. However, an Adjacent State may  
23 prevent a proposed natural gas pipeline landing location  
24 if it proposes two alternate landing locations in the Adja-  
25 cent State, acceptable to the Adjacent State, located with-

1 in 50 miles on either side of the proposed landing loca-  
2 tion.”.

3 **SEC. 109. ENVIRONMENTAL STUDIES.**

4 Section 20(d) of the Outer Continental Shelf Lands  
5 Act (43 U.S.C. 1346(d)) is amended—

6 (1) by inserting “(1)” after “(d)”; and

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

8 “(2) For all programs, lease sales, leases, and  
9 actions under this Act, the following shall apply re-  
10 garding the application of the National Environ-  
11 mental Policy Act of 1969:

12 “(A) Granting or directing lease suspen-  
13 sions and the conduct of all preliminary activi-  
14 ties on outer Continental Shelf tracts, including  
15 seismic activities, are categorically excluded  
16 from the need to prepare either an environ-  
17 mental assessment or an environmental impact  
18 statement, and the Secretary shall not be re-  
19 quired to analyze whether any exceptions to a  
20 categorical exclusion apply for activities con-  
21 ducted under the authority of this Act.

22 “(B) The environmental impact statement  
23 developed in support of each 5-Year Oil and  
24 Gas Leasing Program provides the environ-  
25 mental analysis for all lease sales to be con-

1           ducted under the program, and such sales shall  
2           not be subject to further environmental anal-  
3           ysis.

4           “(C) Exploration plans shall not be subject  
5           to any requirement to prepare an environmental  
6           impact statement, and the Secretary may find  
7           that exploration plans are eligible for categor-  
8           ical exclusion due to the impacts already being  
9           considered within an environmental impact  
10          statement or due to mitigation measures in-  
11          cluded within the plan.

12          “(D) Within each OCS Planning Area,  
13          after the preparation of the first development  
14          and production plan environmental impact  
15          statement for a leased tract within the Area, fu-  
16          ture development and production plans for  
17          leased tracts within the Area shall only require  
18          the preparation of an environmental assessment  
19          unless the most recent development and produc-  
20          tion plan environmental impact statement with-  
21          in the Area was finalized more than 10 years  
22          prior to the date of the approval of the plan, in  
23          which case an environmental impact statement  
24          shall be required.”.

1 **SEC. 110. SEAWARD BOUNDARIES OF STATES.**

2 Section 4 of the Submerged Lands Act (43 U.S.C.  
3 1312) is amended—

4 (1) in the first sentence by striking “original”,  
5 and in the same sentence by striking “three geo-  
6 graphical” and inserting “twelve nautical”; and

7 (2) by striking all after the first sentence and  
8 inserting the following: “Extension and delineation  
9 of lateral offshore State boundaries under the provi-  
10 sions of this Act shall follow the lines used to deter-  
11 mine the Adjacent Zones of coastal States under the  
12 Outer Continental Shelf Lands Act to the extent  
13 such lines extend twelve nautical miles for the near-  
14 est coastline.”.

15 **SEC. 111. OUTER CONTINENTAL SHELF INCOMPATIBLE**  
16 **USE.**

17 (a) IN GENERAL.—No Federal agency may permit  
18 construction or operation (or both) of any facility, or des-  
19 ignate or maintain a restricted transportation corridor or  
20 operating area on the Federal outer Continental Shelf or  
21 in State waters, that will be incompatible with, as deter-  
22 mined by the Secretary of the Interior, oil and gas leasing  
23 and substantially full exploration and production of tracts  
24 that are geologically prospective for oil or natural gas (or  
25 both).

1 (b) EXCEPTIONS.—Subsection (a) shall not apply to  
2 any facility, transportation corridor, or operating area the  
3 construction, operation, designation, or maintenance of  
4 which is or will be—

5 (1) located in an area of the outer Continental  
6 Shelf that is unavailable for oil and gas leasing by  
7 operation of law;

8 (2) used for a military readiness activity (as de-  
9 fined in section 315(f) of Public Law 107–314; 16  
10 U.S.C. 703 note); or

11 (3) required in the national interest, as deter-  
12 mined by the President.

13 **SEC. 112. REPURCHASE OF CERTAIN LEASES.**

14 (a) AUTHORITY TO REPURCHASE AND CANCEL CER-  
15 TAIN LEASES.—The Secretary of the Interior may repur-  
16 chase and cancel any Federal oil and gas, geothermal,  
17 coal, oil shale, tar sands, or other mineral lease, whether  
18 onshore or offshore, but not including any outer Conti-  
19 nental Shelf oil and gas leases that were subject to litiga-  
20 tion in the Court of Federal Claims on January 1, 2006,  
21 if the Secretary finds that such lease qualifies for repur-  
22 chase and cancellation under the regulations authorized  
23 by this section.

24 (b) REGULATIONS.—Not later than 365 days after  
25 the date of the enactment of this Act, the Secretary shall

1 publish a final regulation stating the conditions under  
2 which a lease referred to in subsection (a) would qualify  
3 for repurchase and cancellation, and the process to be fol-  
4 lowed regarding such repurchase and cancellation.

5 (c) NO PREJUDICE.—This section shall not be inter-  
6 preted to prejudice any other rights that the lessee would  
7 have in the absence of this section.

8 **SEC. 113. OFFSITE ENVIRONMENTAL MITIGATION.**

9 Notwithstanding any other provision of law, any per-  
10 son conducting activities under the Mineral Leasing Act  
11 (30 U.S.C. 181 et seq.), the Geothermal Steam Act of  
12 1970 (30 U.S.C. 1001 et seq.), the Mineral Leasing Act  
13 for Acquired Lands (30 U.S.C. 351 et seq.), the Act of  
14 March 1, 1911 (commonly known as the Weeks Law) (36  
15 Stat. 961; ch. 186), the Act of May 10, 1872 (commonly  
16 known as the General Mining Act of 1872) (17 Stat. 91;  
17 30 U.S.C. 22 et seq.), the Act of July 31, 1947 (commonly  
18 known as the Materials Act of 1947) (61 Stat. 681; 30  
19 U.S.C. 601 et seq.), or the Outer Continental Shelf Lands  
20 Act (43 U.S.C. 1331 et seq.), may in satisfying any miti-  
21 gation requirements associated with such activities pro-  
22 pose mitigation measures on a site away from the area  
23 impacted, and the Secretary of the Interior shall accept  
24 these proposed measures if the Secretary finds that they

1 generally achieve the purposes for which mitigation meas-  
2 ures appertained.

### 3 **Subtitle B—Arctic National Wildlife** 4 **Refuge**

#### 5 **SEC. 121. DEFINITIONS.**

6 In this subtitle:

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

10 (2) SECRETARY.—The term “Secretary”, except  
11 as otherwise provided, means the Secretary of the  
12 Interior or the Secretary’s designee.

#### 13 **SEC. 122. LEASING PROGRAM FOR LANDS 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 and acting through the Director of  
19 the Bureau of Land Management in consultation  
20 with the Director of the United States Fish and  
21 Wildlife Service, a competitive oil and gas leasing  
22 program that will result in an environmentally sound  
23 program for the exploration, development, and pro-  
24 duction of the oil and gas resources of the Coastal  
25 Plain; and

1           (2) to administer the provisions of this subtitle  
2 through regulations, lease terms, conditions, restric-  
3 tions, prohibitions, stipulations, and other provisions  
4 that ensure the oil and gas exploration, development,  
5 and production activities on the Coastal Plain will  
6 result in no significant adverse effect on fish and  
7 wildlife, their habitat, subsistence resources, and the  
8 environment, including, in furtherance of this goal,  
9 by requiring the application of the best commercially  
10 available technology for oil and gas exploration, de-  
11 velopment, and production to all exploration, devel-  
12 opment, and production operations under this sub-  
13 title in a manner that ensures the receipt of fair  
14 market value by the public for the mineral resources  
15 to be leased.

16 (b) REPEAL.—

17           (1) REPEAL.—Section 1003 of the Alaska Na-  
18 tional Interest Lands Conservation Act (16 U.S.C.  
19 3143) is repealed.

20           (2) CONFORMING AMENDMENT.—The table of  
21 contents in section 1 of such Act is amended in the  
22 item relating to section 1003 by striking “Prohibi-  
23 tion on development” and inserting “Repealed”.

24 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-  
25 TAIN OTHER LAWS.—



1           (1) COMPATIBILITY.—For purposes of the Na-  
2           tional Wildlife Refuge System Administration Act of  
3           1966 (16 U.S.C. 668dd et seq.), the oil and gas  
4           leasing program and activities authorized by this  
5           section in the Coastal Plain are deemed to be com-  
6           patible with the purposes for which the Arctic Na-  
7           tional Wildlife Refuge was established, and no fur-  
8           ther findings or decisions are required to implement  
9           this determination.

10           (2) ADEQUACY OF THE DEPARTMENT OF THE  
11           INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT  
12           STATEMENT.—The “Final Legislative Environ-  
13           mental Impact Statement” (April 1987) on the  
14           Coastal Plain prepared pursuant to section 1002 of  
15           the Alaska National Interest Lands Conservation  
16           Act (16 U.S.C. 3142) and section 102(2)(C) of the  
17           National Environmental Policy Act of 1969 (42  
18           U.S.C. 4332(2)(C)) is deemed to satisfy the require-  
19           ments under the National Environmental Policy Act  
20           of 1969 that apply with respect to prelease activities,  
21           including actions authorized to be taken by the Sec-  
22           retary to develop and promulgate the regulations for  
23           the establishment of a leasing program authorized  
24           by this subtitle before the conduct of the first lease  
25           sale.

1           (3) COMPLIANCE WITH NEPA FOR OTHER AC-  
2           TIONS.—Before conducting the first lease sale under  
3           this subtitle, the Secretary shall prepare an environ-  
4           mental impact statement under the National Envi-  
5           ronmental Policy Act of 1969 with respect to the ac-  
6           tions authorized by this subtitle that are not re-  
7           ferred to in paragraph (2). Notwithstanding any  
8           other law, the Secretary is not required to identify  
9           nonleasing alternative courses of action or to analyze  
10          the environmental effects of such courses of action.  
11          The Secretary shall only identify a preferred action  
12          for such leasing and a single leasing alternative, and  
13          analyze the environmental effects and potential miti-  
14          gation measures for those two alternatives. The  
15          identification of the preferred action and related  
16          analysis for the first lease sale under this subtitle  
17          shall be completed not later than 18 months after  
18          the date of enactment of this Act. The Secretary  
19          shall only consider public comments that specifically  
20          address the Secretary’s preferred action and that are  
21          filed within 20 days after publication of an environ-  
22          mental analysis. Notwithstanding any other law,  
23          compliance with this paragraph is deemed to satisfy  
24          all requirements for the analysis and consideration

1 of the environmental effects of proposed leasing  
2 under this subtitle.

3 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-  
4 ITY.—Nothing in this subtitle shall be considered to ex-  
5 pand or limit State or local regulatory authority.

6 (e) SPECIAL AREAS.—

7 (1) IN GENERAL.—The Secretary, after con-  
8 sultation with the State of Alaska, the city of  
9 Kaktovik, and the North Slope Borough, may des-  
10 ignate up to a total of 45,000 acres of the Coastal  
11 Plain as a Special Area if the Secretary determines  
12 that the Special Area is of such unique character  
13 and interest so as to require special management  
14 and regulatory protection. The Secretary shall des-  
15 ignate as such a Special Area the Sadlerochit Spring  
16 area, comprising approximately 4,000 acres.

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

21 (3) EXCLUSION FROM LEASING OR SURFACE  
22 OCCUPANCY.—The Secretary may exclude any Spe-  
23 cial Area from leasing. The Secretary may only lease  
24 a Special Area, or any subtitle thereof, for purposes  
25 of oil and gas exploration, development, production,

1 or related activities, if there is no surface occupancy  
2 of the lands comprising the Special Area.

3 (4) DIRECTIONAL DRILLING.—Notwithstanding  
4 the other provisions of this subsection, the Secretary  
5 may lease all or a portion of a Special Area under  
6 terms that permit the use of horizontal drilling tech-  
7 nology from sites on leases located outside the Spe-  
8 cial Area.

9 (f) LIMITATION ON CLOSED AREAS.—The Sec-  
10 retary's sole authority to close lands within the Coastal  
11 Plain to oil and gas leasing and to exploration, develop-  
12 ment, or production is that authority set forth in this sub-  
13 title.

14 (g) REGULATIONS.—

15 (1) IN GENERAL.—The Secretary shall pre-  
16 scribe such regulations as may be necessary to carry  
17 out this subtitle, including rules and regulations re-  
18 lating to protection of the fish and wildlife, their  
19 habitat, the subsistence resources, and the environ-  
20 ment of the Coastal Plain, by not later than 15  
21 months after the date of enactment of this Act.

22 (2) REVISION OF REGULATIONS.—The Sec-  
23 retary shall periodically review and, if appropriate,  
24 revise the rules and regulations issued under sub-  
25 section (a) to reflect any significant biological, envi-

1       ronmental, or engineering data that come to the Sec-  
2       retary's attention.

3       **SEC. 123. LEASE SALES.**

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

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

10               (1) receipt and consideration of sealed nomina-  
11               tions for any area in the Coastal Plain for inclusion  
12               in, or exclusion (as provided in subsection (c)) from,  
13               a lease sale;

14               (2) the holding of lease sales after such nomina-  
15               tion process; and

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

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

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

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

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

5 (1) conduct the first lease sale under this sub-  
6 title not later than 22 months after the date of the  
7 enactment of this Act;

8 (2) evaluate the bids in such sale and issue  
9 leases resulting from such sale, not later than 90  
10 days after the date of the completion of such sale;  
11 and

12 (3) conduct additional sales so long as sufficient  
13 interest in development exists to warrant, in the Sec-  
14 retary's judgment, the conduct of such sales.

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

16 (a) **IN GENERAL.**—The Secretary may grant to the  
17 highest responsible qualified bidder in a lease sale con-  
18 ducted pursuant to section 123 any lands to be leased on  
19 the Coastal Plain upon payment by the lessee of such  
20 bonus as may be accepted by the Secretary.

21 (b) **SUBSEQUENT TRANSFERS.**—No lease issued  
22 under this subtitle may be sold, exchanged, assigned, sub-  
23 let, or otherwise transferred except with the approval of  
24 the Secretary. Prior to any such approval, the Secretary

1 shall consult with, and give due consideration to the views  
2 of, the Attorney General.

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

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

6 (1) provide for the payment of a royalty of not  
7 less than 12½ percent in amount or value of the  
8 production removed or sold from the lease, as deter-  
9 mined by the Secretary under the regulations appli-  
10 cable to other Federal oil and gas leases;

11 (2) provide that the Secretary may close, on a  
12 seasonal basis, portions of the Coastal Plain to ex-  
13 ploratory drilling activities as necessary to protect  
14 caribou calving areas and other species of fish and  
15 wildlife;

16 (3) require that the lessee of lands within the  
17 Coastal Plain shall be fully responsible and liable for  
18 the reclamation of lands within the Coastal Plain  
19 and any other Federal lands that are adversely af-  
20 fected in connection with exploration, development,  
21 production, or transportation activities conducted  
22 under the lease and within the Coastal Plain by the  
23 lessee or by any of the subcontractors or agents of  
24 the lessee;

1           (4) provide that the lessee may not delegate or  
2 convey, by contract or otherwise, the reclamation re-  
3 sponsibility and liability to another person without  
4 the express written approval of the Secretary;

5           (5) provide that the standard of reclamation for  
6 lands required to be reclaimed under this subtitle  
7 shall be, as nearly as practicable, a condition capable  
8 of supporting the uses which the lands were capable  
9 of supporting prior to any exploration, development,  
10 or production activities, or upon application by the  
11 lessee, to a higher or better use as approved by the  
12 Secretary;

13           (6) provide that the lessee, its agents, and its  
14 contractors use best efforts to provide a fair share,  
15 as determined by the level of obligation previously  
16 agreed to in the 1974 agreement implementing sec-  
17 tion 29 of the Federal Agreement and Grant of  
18 Right of Way for the Operation of the Trans-Alaska  
19 Pipeline, of employment and contracting for Alaska  
20 Natives and Alaska Native Corporations from  
21 throughout the State;

22           (7) prohibit the export of oil produced under  
23 the lease; and

24           (8) contain such other provisions as the Sec-  
25 retary determines necessary to ensure compliance



1 with the provisions of this subtitle and the regula-  
2 tions issued under this subtitle.

3 **SEC. 126. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

4 (a) NO SIGNIFICANT ADVERSE EFFECT STANDARD  
5 TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—

6 The Secretary shall, consistent with the requirements of  
7 section 122, administer the provisions of this subtitle  
8 through regulations, lease terms, conditions, restrictions,  
9 prohibitions, stipulations, and other provisions that—

10 (1) ensure the oil and gas exploration, develop-  
11 ment, and production activities on the Coastal Plain  
12 will result in no significant adverse effect on fish  
13 and wildlife, their habitat, and the environment;

14 (2) require the application of the best commer-  
15 cially available technology for oil and gas explo-  
16 ration, development, and production on all new ex-  
17 ploration, development, and production operations;  
18 and

19 (3) ensure that the maximum amount of sur-  
20 face acreage covered by production and support fa-  
21 cilities, including airstrips and any areas covered by  
22 gravel berms or piers for support of pipelines, does  
23 not exceed 2,000 acres on the Coastal Plain.

1 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

2 The Secretary shall also require, with respect to any pro-  
3 posed drilling and related activities, that—

4 (1) a site-specific analysis be made of the pos-  
5 sible significant adverse effects, if any, that the drill-  
6 ing or related activities will have on fish and wildlife,  
7 their habitat, subsistence resources, and the environ-  
8 ment;

9 (2) if the analysis under paragraph (1) results  
10 in a finding that a significant adverse effect prohib-  
11 ited by subsection (a)(1) is likely to occur as a result  
12 of the proposed drilling or related activity, a plan be  
13 developed and implemented to avoid, minimize, and  
14 mitigate (in that order and to the extent practicable)  
15 the significant adverse effect in order to comply with  
16 such subsection; and

17 (3) the development of a plan under paragraph  
18 (2) shall occur after consultation with the agency or  
19 agencies having jurisdiction over matters covered by  
20 the plan.

21 (c) REGULATIONS TO PROTECT COASTAL PLAIN  
22 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,  
23 AND THE ENVIRONMENT.—Before implementing the leas-  
24 ing program authorized by this subtitle, the Secretary  
25 shall prepare and promulgate regulations, lease terms,

1 conditions, restrictions, prohibitions, stipulations, and  
2 other measures designed to ensure that the activities un-  
3 dertaken on the Coastal Plain under this subtitle are con-  
4 ducted in a manner consistent with the purposes and envi-  
5 ronmental requirements of this subtitle.

6 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-  
7 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The  
8 proposed regulations, lease terms, conditions, restrictions,  
9 prohibitions, and stipulations for the leasing program  
10 under this subtitle shall require compliance with all appli-  
11 cable provisions of Federal and State environmental law,  
12 and shall also require the following:

13 (1) Standards at least as effective as the safety  
14 and environmental mitigation measures set forth in  
15 items 1 through 29 at pages 167 through 169 of the  
16 “Final Legislative Environmental Impact State-  
17 ment” (April 1987) on the Coastal Plain.

18 (2) Seasonal limitations on exploration, develop-  
19 ment, and related activities, where necessary, to  
20 avoid significant adverse effects during periods of  
21 concentrated fish and wildlife breeding, denning,  
22 nesting, spawning, and migration.

23 (3) That exploration activities, except for sur-  
24 face geological studies, be limited to the period be-  
25 tween approximately November 1 and May 1 each

1 year and that exploration activities shall be sup-  
2 ported, if necessary, by ice roads, winter trails with  
3 adequate snow cover, ice pads, ice airstrips, and air  
4 transport methods, except that such exploration ac-  
5 tivities may occur at other times if the Secretary  
6 finds that such exploration will have no significant  
7 adverse effect on the fish and wildlife, their habitat,  
8 and the environment of the Coastal Plain.

9 (4) Design safety and construction standards  
10 for all pipelines and any access and service roads,  
11 that—

12 (A) minimize, to the maximum extent pos-  
13 sible, adverse effects upon the passage of mi-  
14 gratory species such as caribou; and

15 (B) minimize adverse effects upon the flow  
16 of surface water by requiring the use of cul-  
17 verts, bridges, and other structural devices.

18 (5) Prohibitions on general public access and  
19 use on all pipeline access and service roads.

20 (6) Stringent reclamation and rehabilitation re-  
21 quirements, consistent with the standards set forth  
22 in this subtitle, requiring the removal from the  
23 Coastal Plain of all oil and gas development and  
24 production facilities, structures, and equipment upon  
25 completion of oil and gas production operations, ex-

1       cept that the Secretary may exempt from the re-  
2       quirements of this paragraph those facilities, struc-  
3       tures, or equipment that the Secretary determines  
4       would assist in the management of the Arctic Na-  
5       tional Wildlife Refuge and that are donated to the  
6       United States for that purpose.

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

9               (8) Appropriate prohibitions or restrictions on  
10      sand and gravel extraction.

11              (9) Consolidation of facility siting.

12              (10) Appropriate prohibitions or restrictions on  
13      use of explosives.

14              (11) Avoidance, to the extent practicable, of  
15      springs, streams, and river systems; the protection  
16      of natural surface drainage patterns, wetlands, and  
17      riparian habitats; and the regulation of methods or  
18      techniques for developing or transporting adequate  
19      supplies of water for exploratory drilling.

20              (12) Avoidance or minimization of air traffic-re-  
21      lated disturbance to fish and wildlife.

22              (13) Treatment and disposal of hazardous and  
23      toxic wastes, solid wastes, reserve pit fluids, drilling  
24      muds and cuttings, and domestic wastewater, includ-  
25      ing an annual waste management report, a haz-

1 arduous materials tracking system, and a prohibition  
2 on chlorinated solvents, in accordance with applica-  
3 ble Federal and State environmental law.

4 (14) Fuel storage and oil spill contingency plan-  
5 ning.

6 (15) Research, monitoring, and reporting re-  
7 quirements.

8 (16) Field crew environmental briefings.

9 (17) Avoidance of significant adverse effects  
10 upon subsistence hunting, fishing, and trapping by  
11 subsistence users.

12 (18) Compliance with applicable air and water  
13 quality standards.

14 (19) Appropriate seasonal and safety zone des-  
15 ignations around well sites, within which subsistence  
16 hunting and trapping shall be limited.

17 (20) Reasonable stipulations for protection of  
18 cultural and archeological resources.

19 (21) All other protective environmental stipula-  
20 tions, restrictions, terms, and conditions deemed  
21 necessary by the Secretary.

22 (e) CONSIDERATIONS.—In preparing and promul-  
23 gating regulations, lease terms, conditions, restrictions,  
24 prohibitions, and stipulations under this section, the Sec-  
25 retary shall consider the following:

1           (1) The stipulations and conditions that govern  
2 the National Petroleum Reserve-Alaska leasing pro-  
3 gram, as set forth in the 1999 Northeast National  
4 Petroleum Reserve-Alaska Final Integrated Activity  
5 Plan/Environmental Impact Statement.

6           (2) The environmental protection standards  
7 that governed the initial Coastal Plain seismic explo-  
8 ration program under parts 37.31 to 37.33 of title  
9 50, Code of Federal Regulations.

10          (3) The land use stipulations for exploratory  
11 drilling on the KIC-ASRC private lands that are set  
12 forth in appendix 2 of the August 9, 1983, agree-  
13 ment between Arctic Slope Regional Corporation and  
14 the United States.

15 (f) FACILITY CONSOLIDATION PLANNING.—

16          (1) IN GENERAL.—The Secretary shall, after  
17 providing for public notice and comment, prepare  
18 and update periodically a plan to govern, guide, and  
19 direct the siting and construction of facilities for the  
20 exploration, development, production, and transpor-  
21 tation of Coastal Plain oil and gas resources.

22          (2) OBJECTIVES.—The plan shall have the fol-  
23 lowing objectives:

24                 (A) Avoiding unnecessary duplication of fa-  
25 cilities and activities.

1 (B) Encouraging consolidation of common  
2 facilities and activities.

3 (C) Locating or confining facilities and ac-  
4 tivities to areas that will minimize impact on  
5 fish and wildlife, their habitat, and the environ-  
6 ment.

7 (D) Utilizing existing facilities wherever  
8 practicable.

9 (E) Enhancing compatibility between wild-  
10 life values and development activities.

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

13 (1) manage public lands in the Coastal Plain in  
14 accordance with subsections (a) and (b) of section  
15 811 of the Alaska National Interest Lands Con-  
16 servation Act (16 U.S.C. 3121); and

17 (2) ensure that local residents shall have rea-  
18 sonable access to public lands in the Coastal Plain  
19 for traditional uses.

20 **SEC. 127. EXPEDITED JUDICIAL REVIEW.**

21 (a) FILING OF COMPLAINT.—

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



1 (A) except as provided in subparagraph  
2 (B), within the 60-day period beginning on the  
3 date of the action being challenged; or

4 (B) in the case of a complaint based solely  
5 on grounds arising after such period, within 60  
6 days after the complainant knew or reasonably  
7 should have known of the grounds for the com-  
8 plaint.

9 (2) VENUE.—Any complaint seeking judicial re-  
10 view of any provision of this subtitle or any action  
11 of the Secretary under this subtitle may be filed only  
12 in the United States District Court for the District  
13 of Columbia.

14 (3) LIMITATION ON SCOPE OF CERTAIN RE-  
15 VIEW.—Judicial review of a Secretarial decision to  
16 conduct a lease sale under this subtitle, including  
17 the environmental analysis thereof, shall be limited  
18 to whether the Secretary has complied with the  
19 terms of this subtitle and shall be based upon the  
20 administrative record of that decision. The Sec-  
21 retary's identification of a preferred course of action  
22 to enable leasing to proceed and the Secretary's  
23 analysis of environmental effects under this subtitle  
24 shall be presumed to be correct unless shown other-

1 wise by clear and convincing evidence to the con-  
2 trary.

3 (b) LIMITATION ON OTHER REVIEW.—Actions of the  
4 Secretary with respect to which review could have been  
5 obtained under this section shall not be subject to judicial  
6 review in any civil or criminal proceeding for enforcement.

7 **SEC. 128. FEDERAL AND STATE DISTRIBUTION OF REVE-**  
8 **NUES.**

9 (a) IN GENERAL.—Notwithstanding any other provi-  
10 sion of law, of the amount of adjusted bonus, rental, and  
11 royalty revenues from Federal oil and gas leasing and op-  
12 erations authorized under this subtitle—

13 (1) 50 percent shall be paid to the State of  
14 Alaska; and

15 (2) except as provided in section 131(d), the  
16 balance shall be deposited in the Treasury.

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

19 **SEC. 129. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

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

23 (1) except as provided in paragraph (2), under  
24 section 28 of the Mineral Leasing Act (30 U.S.C.  
25 185), without regard to title XI of the Alaska Na-

1 tional Interest Lands Conservation Act (30 U.S.C.  
2 3161 et seq.); and

3 (2) under title XI of the Alaska National Inter-  
4 est Lands Conservation Act (30 U.S.C. 3161 et  
5 seq.), for access authorized by sections 1110 and  
6 1111 of that Act (16 U.S.C. 3170 and 3171).

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

16 (c) REGULATIONS.—The Secretary shall include in  
17 regulations under section 122(g) provisions regarding the  
18 granting of rights-of-way and easements described in sub-  
19 section (a) of this section.

20 **SEC. 130. CONVEYANCE.**

21 In order to maximize Federal revenues by removing  
22 clouds on title to lands and clarifying land ownership pat-  
23 terns within the Coastal Plain, the Secretary, notwith-  
24 standing the provisions of section 1302(h)(2) of the Alas-

1 ka National Interest Lands Conservation Act (16 U.S.C.  
2 3192(h)(2)), shall convey—

3 (1) to the Kaktovik Inupiat Corporation the  
4 surface estate of the lands described in paragraph 1  
5 of Public Land Order 6959, to the extent necessary  
6 to fulfill the Corporation's entitlement under sec-  
7 tions 12 and 14 of the Alaska Native Claims Settle-  
8 ment Act (43 U.S.C. 1611 and 1613) in accordance  
9 with the terms and conditions of the Agreement be-  
10 tween the Department of the Interior, the United  
11 States Fish and Wildlife Service, the Bureau of  
12 Land Management, and the Kaktovik Inupiat Cor-  
13 poration effective January 22, 1993; and

14 (2) to the Arctic Slope Regional Corporation  
15 the remaining subsurface estate to which it is enti-  
16 tled pursuant to the August 9, 1983, agreement be-  
17 tween the Arctic Slope Regional Corporation and the  
18 United States of America.

19 **SEC. 131. LOCAL GOVERNMENT IMPACT AID AND COMMU-**  
20 **NITY SERVICE ASSISTANCE.**

21 (a) FINANCIAL ASSISTANCE AUTHORIZED.—

22 (1) IN GENERAL.—The Secretary may use  
23 amounts available from the Coastal Plain Local Gov-  
24 ernment Impact Aid Assistance Fund established by  
25 subsection (d) to provide timely financial assistance

1 to entities that are eligible under paragraph (2) and  
2 that are directly impacted by the exploration for or  
3 production of oil and gas on the Coastal Plain under  
4 this subtitle.

5 (2) ELIGIBLE ENTITIES.—The North Slope  
6 Borough, the city of Kaktovik, and any other bor-  
7 ough, municipal subdivision, village, or other com-  
8 munity in the State of Alaska that is directly im-  
9 pacted by exploration for, or the production of, oil  
10 or gas on the Coastal Plain under this subtitle, as  
11 determined by the Secretary, shall be eligible for fi-  
12 nancial assistance under this section.

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

15 (1) planning for mitigation of the potential ef-  
16 fects of oil and gas exploration and development on  
17 environmental, social, cultural, recreational, and sub-  
18 sistence values;

19 (2) implementing mitigation plans and main-  
20 taining mitigation projects;

21 (3) developing, carrying out, and maintaining  
22 projects and programs that provide new or expanded  
23 public facilities and services to address needs and  
24 problems associated with such effects, including fire-

1 fighting, police, water, waste treatment, medivac,  
2 and medical services; and

3 (4) establishment of a coordination office, by  
4 the North Slope Borough, in the city of Kaktovik,  
5 which shall—

6 (A) coordinate with and advise developers  
7 on local conditions, impact, and history of the  
8 areas utilized for development; and

9 (B) provide to the Committee on Natural  
10 Resources of the House of Representatives and  
11 the Committee on Energy and Natural Re-  
12 sources of the Senate an annual report on the  
13 status of coordination between developers and  
14 the communities affected by development.

15 (c) APPLICATION.—

16 (1) IN GENERAL.—Any community that is eligi-  
17 ble for assistance under this section may submit an  
18 application for such assistance to the Secretary, in  
19 such form and under such procedures as the Sec-  
20 retary may prescribe by regulation.

21 (2) NORTH SLOPE BOROUGH COMMUNITIES.—A  
22 community located in the North Slope Borough may  
23 apply for assistance under this section either directly  
24 to the Secretary or through the North Slope Bor-  
25 ough.

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

6           (d) ESTABLISHMENT OF FUND.—

7           (1) IN GENERAL.—There is established in the  
8 Treasury the Coastal Plain Local Government Im-  
9 pact Aid Assistance Fund.

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

13           (3) DEPOSITS.—Subject to paragraph (4), there  
14 shall be deposited into the fund amounts received by  
15 the United States as revenues derived from adjusted  
16 bonus, rental, and royalty revenues from Federal oil  
17 and gas leasing and operations authorized under this  
18 subtitle.

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

21           (5) INVESTMENT OF BALANCES.—The Sec-  
22 retary of the Treasury shall invest amounts in the  
23 fund in interest-bearing government securities.

24           (e) AUTHORIZATION OF APPROPRIATIONS.—To pro-  
25 vide financial assistance under this section, there is au-

1 thORIZED to be appropriated to the Secretary from the  
2 Coastal Plain Local Government Impact Aid Assistance  
3 Fund \$5,000,000 for each fiscal year.

## 4 **Subtitle C—Oil Shale**

### 5 **SEC. 141. OIL SHALE.**

6 (a) FINDINGS.—The Congress finds the following:

7 (1) The Office of Naval Petroleum and Oil  
8 Shale Reserves at the Department of Energy has es-  
9 timated that oil shale resources located on Federal  
10 lands hold 2 trillion undiscovered technically recover-  
11 able barrels of oil.

12 (2) Oil shale is a strategically important domes-  
13 tic resource that should be developed to reduce the  
14 growing dependence of the United States on politi-  
15 cally and economically unstable sources of foreign oil  
16 imports.

17 (3) The development of oil shale for research  
18 and commercial development should be conducted in  
19 an environmentally sound manner, using practices  
20 that minimize impacts.

21 (4) Development of such strategic unconven-  
22 tional fuel should occur, with an emphasis on sus-  
23 tainability, to benefit the United States while taking  
24 into account affected States and communities.



1           (5) Oil shale is one of the best resources avail-  
2           able for advancing American technology and creating  
3           American jobs.

4           (6) Oil shale will be a critically important com-  
5           ponent of the Nation's transportation fuel sector in  
6           particular, by providing a secure domestic source of  
7           aviation fuel for both commercial and military uses.

8           (b) **ADDITIONAL RESEARCH AND DEVELOPMENT**  
9 **LEASE SALES.**—The Secretary of the Interior shall hold  
10 a lease sale not later than 180 days after the date of en-  
11 actment of this Act offering an additional 10 parcels for  
12 lease for research, development, and demonstration of oil  
13 shale resources, under the terms offered in the solicitation  
14 of bids for such leases published on January 15, 2009 (74  
15 Fed. Reg. 2611).

16          (c) **APPLICATION OF REGULATIONS.**—The oil shale  
17 management final rules published by the Department of  
18 the Interior on November 18, 2008 (73 Fed. Reg. 69414),  
19 shall apply to all commercial leasing for the management  
20 of federally owned oil shale, and any associated minerals,  
21 located on Federal lands.

22          (d) **REDUCED PAYMENTS TO ENSURE PRODUC-**  
23 **TION.**—The Secretary of the Interior may temporarily re-  
24 duce royalties, fees, rentals, bonus bids, or other payments  
25 for leases of Federal lands for the development and pro-

1 duction of oil shale resources as necessary to give incen-  
2 tives for and encourage development of such resources, if  
3 the Secretary determines that the royalties, fees, rentals,  
4 bonus bids, and other payments otherwise authorized by  
5 law are hindering production of such resources.

## 6 **Subtitle D—Coal-to-Liquid**

### 7 **SEC. 151. DEFINITIONS RELATING TO COAL-TO-LIQUID** 8 **FUEL AND FACILITIES.**

9 For purposes of this subtitle:

10 (1) **COAL-TO-LIQUID FUEL.**—The term “coal-to-  
11 liquid fuel” means any transportation-grade liquid  
12 fuel derived primarily from coal (including peat).

13 (2) **QUALIFIED COAL-TO-LIQUID FACILITY.**—  
14 The term “qualified coal-to-liquid facility” means a  
15 manufacturing facility that has the capacity to  
16 produce at least 10,000 barrels per day of coal-to-  
17 liquid fuel from a feedstock that is primarily domes-  
18 tic coal (including peat and any property which al-  
19 lows for the capture, transportation, or sequestration  
20 of byproducts resulting from such process, including  
21 carbon emissions).

### 22 **SEC. 152. REPEAL.**

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

## Subtitle E—Nuclear

### 2 SEC. 161. FINDINGS AND POLICY.

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

4 (1) nuclear power is a safe, reliable, efficient,  
5 and affordable source of energy;

6 (2) there are 104 nuclear reactors currently op-  
7 erating in the United States, providing 20 percent of  
8 the electricity of the United States, slightly less than  
9 the electricity generated by natural gas;

10 (3) nuclear power plants virtually eliminate  
11 emissions of greenhouse gases and criteria pollutants  
12 associated with acid rain, smog, or ozone;

13 (4) long lead times for nuclear power plant li-  
14 censing, permitting, and construction indicate that  
15 action to stimulate the nuclear power industry  
16 should not be delayed;

17 (5) there are 17 combined operating license ap-  
18 plications currently pending before the Nuclear Reg-  
19 ulatory Commission for 26 new reactors in the  
20 United States, with 4 applications inactive due to  
21 regulatory uncertainty;

22 (6) increasing nuclear power threefold will cre-  
23 ate 480,000 construction jobs, 140,000 permanent  
24 jobs, and \$20,000,000,000 in local, State, and Fed-  
25 eral tax revenue each year;

1           (7) increasing nuclear power threefold will  
2 produce 320 gigawatts of electricity to power  
3 237,000,000 households and constitute 52 percent of  
4 the United States electricity portfolio by 2030;

5           (8) the Nuclear Waste Policy Act of 1982 re-  
6 quires the Federal Government to take ownership of  
7 high-level radioactive waste and spent nuclear fuel  
8 and build a permanent geologic repository in which  
9 to store this waste;

10          (9) the Nuclear Waste Policy Act of 1982, as  
11 amended in 1987, selected the Yucca Mountain site  
12 to be the sole geologic repository in which to store  
13 high-level radioactive waste and spent nuclear fuel;

14          (10) the Congress reaffirmed Yucca Mountain  
15 as the sole candidate site for a geologic repository in  
16 2001;

17          (11) despite the foregoing laws, the Government  
18 has failed to accept high-level radioactive waste and  
19 spent nuclear fuel from utilities and has delayed  
20 construction of the Yucca Mountain repository; and

21          (12) the failure of the Federal Government to  
22 accept high-level radioactive waste and spent nuclear  
23 fuel from utilities is a significant barrier to the fu-  
24 ture development of additional nuclear power.

1 (b) STATEMENT OF POLICY.—It is the policy of the  
2 United States, given the importance of making a transi-  
3 tion to a clean energy, low-carbon economy, to facilitate  
4 the continued development and growth of a safe and clean  
5 nuclear energy industry through reductions in financial,  
6 regulatory, and technical barriers to construction and op-  
7 eration.

8 **SEC. 162. 200 OPERATING PERMITS BY 2040.**

9 Subject to the requirements of this subtitle and in  
10 accordance with existing law, the Nuclear Regulatory  
11 Commission shall issue operating permits for 200 new  
12 commercial nuclear reactors, enough to triple current  
13 megawatt capacity, by 2040, if there are a sufficient num-  
14 ber of qualified applicants.

15 **SEC. 163. REPEAL OF OFFICE OF CIVILIAN RADIOACTIVE**  
16 **WASTE MANAGEMENT.**

17 Section 304 of the Nuclear Waste Policy Act of 1982  
18 (42 U.S.C. 10224) is repealed.

19 **SEC. 164. RADIOLOGICAL MATERIAL REPOSITORY.**

20 (a) REPOSITORY REQUIRED.—The Federal Govern-  
21 ment shall site and permit at least one radiological mate-  
22 rial geologic repository for the disposal of radiological ma-  
23 terial.

24 (b) YUCCA MOUNTAIN.—

1           (1) IN GENERAL.—The repository site at Yucca  
2 Mountain shall remain the site for the Nation’s radi-  
3 ological material repository unless it is determined  
4 unsuitable, based on technical and scientific analysis,  
5 by the Nuclear Regulatory Commission following full  
6 statutory review of the Department of Energy’s li-  
7 cense application to construct the Yucca Mountain  
8 repository.

9           (2) APPLICATION.—The Nuclear Regulatory  
10 Commission shall continue to review the Department  
11 of Energy’s pending license application to construct  
12 the repository at Yucca Mountain until a determina-  
13 tion is made on the merits of the application.

14           (3) DEADLINES.—

15           (A) SUITABILITY DETERMINATION.—Not  
16 later than 90 days after the enactment of this  
17 Act, the Nuclear Regulatory Commission shall  
18 make a determination regarding the suitability  
19 of Yucca Mountain under paragraph (1).

20           (B) ACTION ON APPLICATION.—Not later  
21 than 180 days after the enactment of this Act,  
22 the Nuclear Regulatory Commission shall ap-  
23 prove or deny the application under paragraph  
24 (2).

1           (4) LIMITATIONS ON AMOUNT OF RADIO-  
2           LOGICAL MATERIAL.—All statutory limitations on  
3           the amount of radiological material that can be  
4           placed in Yucca Mountain are hereby removed and  
5           shall be replaced by the Nuclear Regulatory Com-  
6           mission with new limits based on scientific and tech-  
7           nical analysis of the full capacity of Yucca Mountain  
8           for the storage of radiological material.

9           (c) ALTERNATIVE REPOSITORY.—

10           (1) IN GENERAL.—Should the Nuclear Regu-  
11           latory Commission determine under subsection (b)  
12           that Yucca Mountain is not a suitable location to  
13           place a radiological material repository, the Sec-  
14           retary shall be responsible for, not later than 1 year  
15           after the date on which such determination is made,  
16           locating and submitting an application for an alter-  
17           native geologic repository that provides at least  
18           120,000 tons of storage capacity.

19           (2) ACTION ON APPLICATION.—Not later than  
20           2 years after the date on which an application is  
21           submitted under paragraph (1) or (3), the Nuclear  
22           Regulatory Commission shall approve or deny such  
23           application.

24           (3) FURTHER APPLICATION SUBMISSIONS.—If  
25           an application is denied under paragraph (2), the

1 Secretary shall submit a new application in accord-  
2 ance with paragraph (1) not later than 1 year after  
3 the date of such denial.

4 (4) REQUIREMENTS.—For the purposes of this  
5 subtitle and the Nuclear Waste Policy Act of 1982  
6 (42 U.S.C. 10101 et seq.), an alternative repository  
7 permitted under this subsection shall be subject to  
8 the same requirements as Yucca Mountain.

9 **SEC. 165. INDEPENDENT RADIOLOGICAL MATERIAL MAN-**  
10 **AGEMENT.**

11 (a) REPORT.—Not later than 180 days after the date  
12 of enactment of this Act, the Secretary of Energy shall  
13 submit to Congress a report regarding the following:

14 (1) The feasibility of establishing an inde-  
15 pendent radiological material management program  
16 that would meet the guidelines in subsection (b).

17 (2) Legislative and regulatory action necessary  
18 to phase out the fee structure contained in section  
19 302 of the Nuclear Waste Policy Act of 1982 (42  
20 U.S.C. 10222) in order to allow a fee structure de-  
21 scribed in subsection (b)(5)(F) to be implemented if  
22 a program meeting the guidelines in subsection (b)  
23 is established.

24 (b) GUIDELINES.—



1           (1) IN GENERAL.—Under a program estab-  
2           lished in accordance with this subsection, the Sec-  
3           retary may award a contract, based on a competitive  
4           bidding process, to an eligible entity to manage the  
5           Nation’s activities related to one or more radiological  
6           material repositories.

7           (2) ELIGIBLE ENTITY.—For the purposes of  
8           this subsection, the term “eligible entity” means a  
9           non-Federal organization that demonstrates the abil-  
10          ity to meet the requirements of a program estab-  
11          lished in accordance with this subsection.

12          (3) APPLICATION CONTENTS.—The Secretary  
13          may require an eligible entity seeking to be awarded  
14          a contract under a program established in accord-  
15          ance with this subsection to submit to the Secretary  
16          an application containing the following:

17                 (A) A complete description of the fee  
18                 structure the eligible entity will use to fund the  
19                 maintenance and operation of repositories, in  
20                 accordance with paragraph (5)(F).

21                 (B) Such other materials as the Secretary  
22                 may require.

23          (4) TRANSFER OF CONTROL.—The Secretary  
24          may transfer to an eligible entity awarded a contract  
25          under a program established in accordance with this

1 subsection control and ownership of all Nuclear Reg-  
2 ulatory Commission-issued licenses, allowances, and  
3 responsibilities necessary for the operation of the nu-  
4 clear materials repository at Yucca Mountain.

5 (5) RESPONSIBILITIES.—The Secretary may re-  
6 quire an eligible entity awarded a contract under a  
7 program established in accordance with this sub-  
8 section to be responsible for the following:

9 (A) Providing technical and other informa-  
10 tion to the Nuclear Regulatory Commission as  
11 it reviews the Department of Energy’s permit  
12 application for the Yucca Mountain repository.

13 (B) Seeking all other necessary regulatory  
14 approvals and permits to construct and operate  
15 the Yucca Mountain repository.

16 (C) Managing construction of one or more  
17 radiological material repositories upon Nuclear  
18 Regulatory Commission approval, including con-  
19 ducting all necessary design and engineering  
20 work to support construction of the repository.

21 (D) Radiological material repository oper-  
22 ations.

23 (E) Undertaking all infrastructure activi-  
24 ties necessary to support the construction or

1 operation of the repository or transportation to  
2 the site of radiological material, including—

3 (i) safety upgrades;

4 (ii) site preparation;

5 (iii) construction of a rail line to con-  
6 nect the repository site with the national  
7 rail network, including any facilities to fa-  
8 cilitate rail operations; and

9 (iv) construction, upgrade, acquisition,  
10 or operation of electrical grids or facilities,  
11 other utilities, communication facilities, ac-  
12 cess roads, rail lines, and nonnuclear sup-  
13 port facilities.

14 (F) Creating a fee structure for the geo-  
15 logic storage of radiological material. The fees  
16 may not exceed the amount necessary to main-  
17 tain and operate repositories and shall be the  
18 primary mechanism for accessing repositories,  
19 and in setting the fees the eligible entity shall  
20 take into consideration multiple variables, in-  
21 cluding—

22 (i) volume;

23 (ii) toxicity;

24 (iii) heat load; and

25 (iv) repository operation costs.

1 (c) CONGRESSIONAL AUTHORIZATION REQUIRED.—  
2 The Secretary may not establish an independent radio-  
3 logical material management program under this section  
4 unless authorized by a law enacted after the date of enact-  
5 ment of this Act.

6 **SEC. 166. SPENT NUCLEAR FUEL RECYCLING.**

7 (a) PROHIBITION.—The President is prohibited from  
8 blocking or hindering spent nuclear fuel recycling activi-  
9 ties.

10 (b) RULEMAKING FOR LICENSING OF SPENT NU-  
11 CLEAR FUEL RECYCLING FACILITIES.—Not later than 2  
12 years after the date of enactment of this Act, the Chair-  
13 man of the Nuclear Regulatory Commission shall complete  
14 a rulemaking establishing a process for the licensing by  
15 the Nuclear Regulatory Commission, under the Atomic  
16 Energy Act of 1954, of facilities for the recycling of spent  
17 nuclear fuel.

18 **SEC. 167. NUCLEAR FUEL SUPPLY RESERVE.**

19 (a) INVENTORY.—The Secretary of Energy shall con-  
20 duct an inventory of all materials owned by the Depart-  
21 ment of Energy that could, either without or with further  
22 processing, be used to power commercial nuclear reactors.

23 (b) ESTABLISHMENT OF RESERVE.—The Secretary  
24 shall establish a nuclear fuel supply reserve consisting of  
25 materials identified as available for such purposes from

1 the inventory conducted under subsection (a). The Sec-  
2 retary shall establish appropriate procedures to ensure  
3 that the reserve can protect United States energy pro-  
4 ducers from shortages of nuclear fuel.

5 (c) PLAN.—The Secretary shall transmit to the Con-  
6 gress a long-term plan for introducing nuclear fuel sup-  
7 plies from the reserve into the market.

8 **SEC. 168. PUBLIC HEALTH AND SAFETY.**

9 Nothing in this subtitle shall supersede, mitigate, de-  
10 tract from, or in any way decrease the Nuclear Regulatory  
11 Commission's ability to maintain the highest possible lev-  
12 els of public health and safety standards, consistent with  
13 the provisions of the Atomic Energy Act of 1954. No au-  
14 thority granted by this subtitle shall be executed in a man-  
15 ner that jeopardizes, minimizes, reduces, or lessens public  
16 health and safety standards.

17 **SEC. 169. STREAMLINING COMBINED CONSTRUCTION AND**  
18 **OPERATING LICENSE.**

19 (a) IN GENERAL.—The Nuclear Regulatory Commis-  
20 sion shall establish and implement an expedited procedure  
21 for issuing a Combined Construction and Operating Li-  
22 cense.

23 (b) QUALIFICATIONS.—To qualify for the expedited  
24 procedure under this section, an applicant shall—

1           (1) apply for construction of a reactor based on  
2 a design certified (or provisionally certified under  
3 section 170) by the Nuclear Regulatory Commission;

4           (2) construct the new reactor on or adjacent to  
5 a site where an operating nuclear power plant al-  
6 ready exists;

7           (3) not be subject to a Nuclear Regulatory  
8 Commission order to modify, suspend, or revoke a li-  
9 cense under section 2.202 of title 10, Code of Fed-  
10 eral Regulations; and

11           (4) submit a complete Combined Construction  
12 and Operating License application that is docketed  
13 by the Commission.

14       (c) EXPEDITED PROCEDURE.—With respect to a li-  
15 cense for which the applicant has satisfied the require-  
16 ments of subsection (b) and seeks expedited consideration,  
17 the Nuclear Regulatory Commission shall follow the fol-  
18 lowing procedures:

19           (1) Undertake an expedited environmental re-  
20 view process and issue a draft environmental impact  
21 statement not later than 12 months after the appli-  
22 cation is accepted for docketing.

23           (2) Begin public licensing hearings when a  
24 draft environmental impact statement has been  
25 issued, and complete any such hearings and related

1 processes not later than 24 months after accepting  
2 for docketing the expedited Combined Construction  
3 and Operating License application.

4 (3) Complete the technical review process and  
5 issue the Safety Evaluation Report and the final en-  
6 vironmental impact statement not later than 18  
7 months after the application is accepted for dock-  
8 eting.

9 (4) Make a final decision on whether to issue  
10 the Combined Construction and Operating License  
11 not later than 25 months after docketing the appli-  
12 cation.

13 (d) GOALS.—The Chairman of the Nuclear Regu-  
14 latory Commission shall present recommendations to Con-  
15 gress not later than 90 days after the date of enactment  
16 of this Act for procedures that would further facilitate the  
17 licensing of new nuclear reactors in a timely manner.

18 **SEC. 170. REACTOR DESIGN CERTIFICATION.**

19 (a) PROVISIONAL CERTIFICATION.—

20 (1) AUTHORITY.—The Nuclear Regulatory  
21 Commission may provide to an applicant a provi-  
22 sional certification of a proposed nuclear reactor de-  
23 sign.

24 (2) EFFECT OF PROVISIONAL CERTIFI-  
25 CATION.—Approval of a provisional design certifi-

1 cation under this subsection shall not eliminate, re-  
2 duce, or otherwise affect any requirement for reactor  
3 design approval or certification by the Nuclear Reg-  
4 ulatory Commission or any other agency under Fed-  
5 eral law.

6 (3) TIMING.—

7 (A) IN GENERAL.—Except as provided in  
8 subparagraph (B), a provisional certification  
9 shall be provided or denied under this sub-  
10 section not later than 60 days after the date of  
11 application therefor.

12 (B) EXTENSION.—The Nuclear Regulatory  
13 Commission may extend the time period under  
14 subparagraph (A) for an additional 30 days if  
15 necessary to enable certification.

16 (4) CRITERIA.—In determining whether to ap-  
17 prove a provisional certification application under  
18 this subsection, the Nuclear Regulatory Commission  
19 shall consider whether the proposed design—

20 (A) is based on existing and commercially  
21 proven technology;

22 (B) has been approved by internationally  
23 recognized regulators; and

24 (C) is safely operating or under construc-  
25 tion in other nations.



1           (5) SUPPLEMENTAL INFORMATION.—An appli-  
2           cation for provisional certification under this sub-  
3           section may include supplemental information pro-  
4           vided by potential future applicants for approval of  
5           the same or a similar design.

6           (b) EXPEDITED CERTIFICATION PROCESS.—Not  
7           later than one year after the date of enactment of this  
8           Act, the Chairman of the Nuclear Regulatory Commission  
9           shall develop and submit to the Congress an expedited  
10          process for certifying reactor designs, including those de-  
11          signs under consideration for certification by the Commis-  
12          sion on the date of enactment of this Act, that signifi-  
13          cantly reduces the time necessary to achieve such certifi-  
14          cation.

15       **SEC. 171. TECHNOLOGY-NEUTRAL PLANT DESIGN SPECI-**  
16                               **FICATIONS.**

17          Not later than one year after the date of enactment  
18          of this Act, the Chairman of the Nuclear Regulatory Com-  
19          mission shall submit to the Congress a report regarding  
20          recommendations for the development of technology-neu-  
21          tral plant design specifications.

22       **SEC. 172. NEXT GENERATION NUCLEAR PLANT.**

23          The Secretary of Energy and the Chairman of the  
24          Nuclear Regulatory Commission shall review the Next  
25          Generation Nuclear Plant Licensing Strategy report sub-

1 mitted to Congress in August 2008, as required by section  
2 644 of the Energy Policy Act of 2005 (42 U.S.C. 16024),  
3 with the purpose of reevaluating and significantly accel-  
4 erating the Next Generation Nuclear Power Plant sched-  
5 ule. Not later than 180 days after the date of enactment  
6 of this Act, the Secretary shall submit to the Congress  
7 a report including a revised schedule and funding require-  
8 ments that would allow for program completion as near  
9 as is possible to the date that is 5 years after the date  
10 of enactment of this Act.

11 **SEC. 173. URANIUM MINING ON FEDERAL LANDS.**

12       The Secretary of the Interior may not use the Fed-  
13 eral Land Policy and Management Act of 1976 (43 U.S.C.  
14 1701 et seq.) to prevent uranium mining from taking place  
15 on Federal lands unless the Secretary makes findings ex-  
16 plaining the reason for such prevention. No Federal agen-  
17 cy may collect additional leasing fees that have not been  
18 authorized to be collected before the date of enactment  
19 of this Act to mine uranium on Federal lands. Any fees  
20 collected in association with commercial uranium mining  
21 on Federal lands that should be applied for remediation  
22 purposes shall only be applied to the remediation of sites  
23 that incurred damage as a result of commercial nuclear  
24 activities. Such fees shall not be applied to the remediation

1 of any sites that incurred damage as a result of Govern-  
2 ment or Government-sponsored activities.

3 **SEC. 174. SMALL AND MODULAR REACTOR LICENSING.**

4 (a) REPORT.—Not later than 90 days after the date  
5 of enactment of this Act, the Chairman of the Nuclear  
6 Regulatory Commission shall transmit to the Congress a  
7 report containing recommendations, including the per-  
8 sonnel and resource requirements necessary to implement  
9 the recommendations, for streamlined licensing procedures  
10 for small and modular nuclear reactors.

11 (b) REGULATIONS.—Not later than one year after the  
12 date of enactment of this Act, the Chairman of the Nu-  
13 clear Regulatory Commission shall promulgate regulations  
14 to implement the recommendations transmitted under  
15 subsection (a).

16 **SEC. 175. LIMITATION ON REGULATORY TIME FRAME.**

17 In establishing standards for or otherwise regulating  
18 the storage of radioactive material under section 121(a)  
19 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.  
20 10141(a)) or any other Federal law, the Administrator of  
21 the Environmental Protection Agency may not consider  
22 environmental effects that could occur more than 10,000  
23 years after the date of such regulatory action.

1 **SEC. 176. DEFINITION.**

2 In this subtitle, the term “radiological material”  
3 means radioactive material that is a byproduct of the pro-  
4 duction of nuclear power, including high-level nuclear  
5 waste and spent nuclear fuel, as those terms are defined  
6 in section 2 of the Nuclear Waste Policy Act of 1982 (42  
7 U.S.C. 10101), but not including low-level radiological  
8 material as that term is defined in such section.

9 **TITLE II—REGULATORY REFORM**

10 **SEC. 201. PURPOSE.**

11 The purpose of this title is to increase accountability  
12 for and transparency in the Federal regulatory process.  
13 Section 1 of article I of the United States Constitution  
14 grants all legislative powers to Congress. Over time, Con-  
15 gress has excessively delegated its constitutional charge  
16 while failing to conduct appropriate oversight and retain  
17 accountability for the content of the laws it passes. By  
18 requiring a vote in Congress, this title will result in more  
19 carefully drafted and detailed legislation, an improved reg-  
20 ulatory process, and a legislative branch that is truly ac-  
21 countable to the American people for the laws imposed  
22 upon them.

23 **SEC. 202. CONGRESSIONAL REVIEW OF AGENCY RULE-**  
24 **MAKING.**

25 Chapter 8 of title 5, United States Code, is amended  
26 to read as follows:

1    **“CHAPTER 8—CONGRESSIONAL REVIEW**  
2                   **OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

3    **“§ 801. Congressional review**

4           “(a)(1)(A) Before a rule may take effect, the Federal  
5 agency promulgating such rule shall submit to each House  
6 of the Congress and to the Comptroller General a report  
7 containing—

8                   “(i) a copy of the rule;

9                   “(ii) a concise general statement relating to the  
10 rule;

11                   “(iii) a classification of the rule as a major or  
12 nonmajor rule, including an explanation of the clas-  
13 sification specifically addressing each criteria for a  
14 major rule contained within sections 804(2)(A),  
15 804(2)(B), and 804(2)(C);

16                   “(iv) a list of any other related regulatory ac-  
17 tions intended to implement the same statutory pro-  
18 vision or regulatory objective as well as the indi-  
19 vidual and aggregate economic effects of those ac-  
20 tions; and

21                   “(v) the proposed effective date of the rule.

1       “(B) On the date of the submission of the report  
2 under subparagraph (A), the Federal agency promulgating  
3 the rule shall submit to the Comptroller General and make  
4 available to each House of Congress—

5           “(i) a complete copy of the cost-benefit analysis  
6 of the rule, if any;

7           “(ii) the agency’s actions pursuant to title 5 of  
8 the United States Code, sections 603, 604, 605,  
9 607, and 609;

10          “(iii) the agency’s actions pursuant to title 2 of  
11 the United States Code, sections 1532, 1533, 1534,  
12 and 1535; and

13          “(iv) any other relevant information or require-  
14 ments under any other Act and any relevant Execu-  
15 tive orders.

16       “(C) Upon receipt of a report submitted under sub-  
17 paragraph (A), each House shall provide copies of the re-  
18 port to the chairman and ranking member of each stand-  
19 ing committee with jurisdiction under the rules of the  
20 House of Representatives or the Senate to report a bill  
21 to amend the provision of law under which the rule is  
22 issued.

23       “(2)(A) The Comptroller General shall provide a re-  
24 port on each major rule to the committees of jurisdiction  
25 by the end of 15 calendar days after the submission or

1 publication date as provided in section 802(b)(2). The re-  
2 port of the Comptroller General shall include an assess-  
3 ment of the agency's compliance with procedural steps re-  
4 quired by paragraph (1)(B).

5 “(B) Federal agencies shall cooperate with the Comp-  
6 troller General by providing information relevant to the  
7 Comptroller General's report under subparagraph (A).

8 “(3) A major rule relating to a report submitted  
9 under paragraph (1) shall take effect upon enactment of  
10 a joint resolution of approval described in section 802 or  
11 as provided for in the rule following enactment of a joint  
12 resolution of approval described in section 802, whichever  
13 is later.

14 “(4) A nonmajor rule shall take effect as provided  
15 by section 803 after submission to Congress under para-  
16 graph (1).

17 “(5) If a joint resolution of approval relating to a  
18 major rule is not enacted within the period provided in  
19 subsection (b)(2), then a joint resolution of approval relat-  
20 ing to the same rule may not be considered under this  
21 chapter in the same Congress by either the House of Rep-  
22 resentatives or the Senate.

23 “(b)(1) A major rule shall not take effect unless the  
24 Congress enacts a joint resolution of approval described  
25 under section 802.

1           “(2) If a joint resolution described in subsection (a)  
2 is not enacted into law by the end of 70 session days or  
3 legislative days, as applicable, beginning on the date on  
4 which the report referred to in section 801(a)(1)(A) is re-  
5 ceived by Congress (excluding days either House of Con-  
6 gress is adjourned for more than 3 days during a session  
7 of Congress), then the rule described in that resolution  
8 shall be deemed not to be approved and such rule shall  
9 not take effect.

10           “(c)(1) Notwithstanding any other provision of this  
11 section (except subject to paragraph (3)), a major rule  
12 may take effect for one 90-calendar-day period if the  
13 President makes a determination under paragraph (2) and  
14 submits written notice of such determination to the Con-  
15 gress.

16           “(2) Paragraph (1) applies to a determination made  
17 by the President by Executive order that the major rule  
18 should take effect because such rule is—

19                   “(A) necessary because of an imminent threat  
20 to health or safety or other emergency;

21                   “(B) necessary for the enforcement of criminal  
22 laws;

23                   “(C) necessary for national security; or

24                   “(D) issued pursuant to any statute imple-  
25 menting an international trade agreement.



1       “(3) An exercise by the President of the authority  
2 under this subsection shall have no effect on the proce-  
3 dures under section 802.

4       “(d)(1) In addition to the opportunity for review oth-  
5 erwise provided under this chapter, in the case of any rule  
6 for which a report was submitted in accordance with sub-  
7 section (a)(1)(A) during the period beginning on the date  
8 occurring—

9               “(A) in the case of the Senate, 60 session days,  
10       or

11               “(B) in the case of the House of Representa-  
12       tives, 60 legislative days,

13 before the date the Congress is scheduled to adjourn a  
14 session of Congress through the date on which the same  
15 or succeeding Congress first convenes its next session, sec-  
16 tions 802 and 803 shall apply to such rule in the suc-  
17 ceeding session of Congress.

18       “(2)(A) In applying sections 802 and 803 for pur-  
19 poses of such additional review, a rule described under  
20 paragraph (1) shall be treated as though—

21               “(i) such rule were published in the Federal  
22       Register on—

23               “(I) in the case of the Senate, the 15th  
24       session day, or

1                   “(II) in the case of the House of Rep-  
2                   representatives, the 15th legislative day,  
3                   after the succeeding session of Congress first con-  
4                   venes; and

5                   “(ii) a report on such rule were submitted to  
6                   Congress under subsection (a)(1) on such date.

7                   “(B) Nothing in this paragraph shall be construed  
8                   to affect the requirement under subsection (a)(1) that a  
9                   report shall be submitted to Congress before a rule can  
10                   take effect.

11                   “(3) A rule described under paragraph (1) shall take  
12                   effect as otherwise provided by law (including other sub-  
13                   sections of this section).

14                   **“§ 802. Congressional approval procedure for major**  
15                   **rules**

16                   “(a) For purposes of this section, the term ‘joint res-  
17                   olution’ means only a joint resolution introduced on or  
18                   after the date on which the report referred to in section  
19                   801(a)(1)(A) is received by Congress (excluding days ei-  
20                   ther House of Congress is adjourned for more than 3 days  
21                   during a session of Congress), the matter after the resolv-  
22                   ing clause of which is as follows: ‘That Congress approves  
23                   the rule submitted by the \_\_\_ \_\_\_ relating to \_\_\_ \_\_\_.’ (The  
24                   blank spaces being appropriately filled in).

1           “(1) In the House, the majority leader of the  
2           House of Representatives (or his designee) and the  
3           minority leader of the House of Representatives (or  
4           his designee) shall introduce such joint resolution  
5           described in subsection (a) (by request), within 3  
6           legislative days after Congress receives the report re-  
7           ferred to in section 801(a)(1)(A).

8           “(2) In the Senate, the majority leader of the  
9           Senate (or his designee) and the minority leader of  
10          the Senate (or his designee) shall introduce such  
11          joint resolution described in subsection (a) (by re-  
12          quest), within 3 session days after Congress receives  
13          the report referred to in section 801(a)(1)(A).

14          “(b)(1) A joint resolution described in subsection (a)  
15          shall be referred to the committees in each House of Con-  
16          gress with jurisdiction under the rules of the House of  
17          Representatives or the Senate to report a bill to amend  
18          the provision of law under which the rule is issued.

19          “(2) For purposes of this section, the term ‘submis-  
20          sion date’ means the date on which the Congress receives  
21          the report submitted under section 801(a)(1).

22          “(c) In the Senate, if the committee or committees  
23          to which a joint resolution described in subsection (a) has  
24          been referred have not reported it at the end of 15 session  
25          days after its introduction, such committee or committees

1 shall be automatically discharged from further consider-  
2 ation of the resolution and it shall be placed on the cal-  
3 endar. A vote on final passage of the resolution shall be  
4 taken on or before the close of the 15th session day after  
5 the resolution is reported by the committee or committees  
6 to which it was referred, or after such committee or com-  
7 mittees have been discharged from further consideration  
8 of the resolution.

9       “(d)(1) In the Senate, when the committee or com-  
10 mittees to which a joint resolution is referred have re-  
11 ported, or when a committee or committees are discharged  
12 (under subsection (c)) from further consideration of a  
13 joint resolution described in subsection (a), it is at any  
14 time thereafter in order (even though a previous motion  
15 to the same effect has been disagreed to) for a motion  
16 to proceed to the consideration of the joint resolution, and  
17 all points of order against the joint resolution (and against  
18 consideration of the joint resolution) are waived. The mo-  
19 tion is not subject to amendment, or to a motion to post-  
20 pone, or to a motion to proceed to the consideration of  
21 other business. A motion to reconsider the vote by which  
22 the motion is agreed to or disagreed to shall not be in  
23 order. If a motion to proceed to the consideration of the  
24 joint resolution is agreed to, the joint resolution shall re-

1 main the unfinished business of the Senate until disposed  
2 of.

3 “(2) In the Senate, debate on the joint resolution,  
4 and on all debatable motions and appeals in connection  
5 therewith, shall be limited to not more than 2 hours, which  
6 shall be divided equally between those favoring and those  
7 opposing the joint resolution. A motion to further limit  
8 debate is in order and not debatable. An amendment to,  
9 or a motion to postpone, or a motion to proceed to the  
10 consideration of other business, or a motion to recommit  
11 the joint resolution is not in order.

12 “(3) In the Senate, immediately following the conclu-  
13 sion of the debate on a joint resolution described in sub-  
14 section (a), and a single quorum call at the conclusion of  
15 the debate if requested in accordance with the rules of the  
16 Senate, the vote on final passage of the joint resolution  
17 shall occur.

18 “(4) Appeals from the decisions of the Chair relating  
19 to the application of the rules of the Senate to the proce-  
20 dure relating to a joint resolution described in subsection  
21 (a) shall be decided without debate.

22 “(e)(1) In the House of Representatives, if the com-  
23 mittee or committees to which a joint resolution described  
24 in subsection (a) has been referred have not reported it  
25 at the end of 15 legislative days after its introduction,

1 such committee or committees shall be automatically dis-  
2 charged from further consideration of the resolution and  
3 it shall be placed on the appropriate calendar. A vote on  
4 final passage of the resolution shall be taken on or before  
5 the close of the 15th legislative day after the resolution  
6 is reported by the committee or committees to which it  
7 was referred, or after such committee or committees have  
8 been discharged from further consideration of the resolu-  
9 tion.

10 “(2)(A) A motion in the House of Representatives to  
11 proceed to the consideration of a resolution shall be privi-  
12 leged and not debatable. An amendment to the motion  
13 shall not be in order, nor shall it be in order to move to  
14 reconsider the vote by which the motion is agreed to or  
15 disagreed to.

16 “(B) Debate in the House of Representatives on a  
17 resolution shall be limited to not more than two hours,  
18 which shall be divided equally between those favoring and  
19 those opposing the resolution. A motion to further limit  
20 debate shall not be debatable. No amendment to, or mo-  
21 tion to recommit, the resolution shall be in order. It shall  
22 not be in order to reconsider the vote by which a resolution  
23 is agreed to or disagreed to.

24 “(C) Motions to postpone, made in the House of Rep-  
25 resentatives with respect to the consideration of a resolu-

1 tion, and motions to proceed to the consideration of other  
2 business, shall be decided without debate.

3 “(D) All appeals from the decisions of the Chair re-  
4 lating to the application of the Rules of the House of Rep-  
5 resentatives to the procedure relating to a resolution shall  
6 be decided without debate.

7 “(f) If, before the passage by one House of a joint  
8 resolution of that House described in subsection (a), that  
9 House receives from the other House a joint resolution  
10 described in subsection (a), then the following procedures  
11 shall apply with respect to a joint resolution described in  
12 subsection (a) of the House receiving the joint resolu-  
13 tion—

14 “(1) the procedure in that House shall be the  
15 same as if no joint resolution had been received from  
16 the other House; but

17 “(2) the vote on final passage shall be on the  
18 joint resolution of the other House.

19 “(g) The enactment of a resolution of approval does  
20 not serve as a grant or modification of statutory authority  
21 by Congress for the promulgation of a rule, does not extin-  
22 guish or affect any claim, whether substantive or proce-  
23 dural, against any alleged defect in a rule, and shall not  
24 form part of the record before the court in any judicial  
25 proceeding concerning a rule.

1 “(h) This section and section 803 are enacted by  
2 Congress—

3 “(1) as an exercise of the rulemaking power of  
4 the Senate and House of Representatives, respec-  
5 tively, and as such it is deemed a part of the rules  
6 of each House, respectively, but applicable only with  
7 respect to the procedure to be followed in that  
8 House in the case of a joint resolution described in  
9 subsection (a), and it supersedes other rules only to  
10 the extent that it is inconsistent with such rules; and

11 “(2) with full recognition of the constitutional  
12 right of either House to change the rules (so far as  
13 relating to the procedure of that House) at any time,  
14 in the same manner, and to the same extent as in  
15 the case of any other rule of that House.

16 **“§ 803. Congressional disapproval procedure for**  
17 **nonmajor rules**

18 “(a) For purposes of this section, the term ‘joint res-  
19 olution’ means only a joint resolution introduced in the  
20 period beginning on the date on which the report referred  
21 to in section 801(a)(1)(A) is received by Congress and  
22 ending 60 days thereafter (excluding days either House  
23 of Congress is adjourned for more than 3 days during a  
24 session of Congress), the matter after the resolving clause  
25 of which is as follows: ‘That Congress disapproves the



1 nonmajor rule submitted by the \_\_\_ \_\_\_ relating to \_\_\_ \_\_\_,  
2 and such rule shall have no force or effect.’ (The blank  
3 spaces being appropriately filled in).

4 “(b)(1) A joint resolution described in subsection (a)  
5 shall be referred to the committees in each House of Con-  
6 gress with jurisdiction.

7 “(2) For purposes of this section, the term submis-  
8 sion or publication date means the later of the date on  
9 which—

10 “(A) the Congress receives the report submitted  
11 under section 801(a)(1); or

12 “(B) the nonmajor rule is published in the Fed-  
13 eral Register, if so published.

14 “(c) In the Senate, if the committee to which is re-  
15 ferred a joint resolution described in subsection (a) has  
16 not reported such joint resolution (or an identical joint  
17 resolution) at the end of 15 session days after the date  
18 of introduction of the joint resolution, such committee may  
19 be discharged from further consideration of such joint res-  
20 olution upon a petition supported in writing by 30 Mem-  
21 bers of the Senate, and such joint resolution shall be  
22 placed on the calendar.

23 “(d)(1) In the Senate, when the committee to which  
24 a joint resolution is referred has reported, or when a com-  
25 mittee is discharged (under subsection (c)) from further

1 consideration of a joint resolution described in subsection  
2 (a), it is at any time thereafter in order (even though a  
3 previous motion to the same effect has been disagreed to)  
4 for a motion to proceed to the consideration of the joint  
5 resolution, and all points of order against the joint resolu-  
6 tion (and against consideration of the joint resolution) are  
7 waived. The motion is not subject to amendment, or to  
8 a motion to postpone, or to a motion to proceed to the  
9 consideration of other business. A motion to reconsider the  
10 vote by which the motion is agreed to or disagreed to shall  
11 not be in order. If a motion to proceed to the consideration  
12 of the joint resolution is agreed to, the joint resolution  
13 shall remain the unfinished business of the Senate until  
14 disposed of.

15       “(2) In the Senate, debate on the joint resolution,  
16 and on all debatable motions and appeals in connection  
17 therewith, shall be limited to not more than 10 hours,  
18 which shall be divided equally between those favoring and  
19 those opposing the joint resolution. A motion to further  
20 limit debate is in order and not debatable. An amendment  
21 to, or a motion to postpone, or a motion to proceed to  
22 the consideration of other business, or a motion to recom-  
23 mit the joint resolution is not in order.

24       “(3) In the Senate, immediately following the conclu-  
25 sion of the debate on a joint resolution described in sub-

1 section (a), and a single quorum call at the conclusion of  
2 the debate if requested in accordance with the rules of the  
3 Senate, the vote on final passage of the joint resolution  
4 shall occur.

5 “(4) Appeals from the decisions of the Chair relating  
6 to the application of the rules of the Senate to the proce-  
7 dure relating to a joint resolution described in subsection  
8 (a) shall be decided without debate.

9 “(e) In the Senate the procedure specified in sub-  
10 section (c) or (d) shall not apply to the consideration of  
11 a joint resolution respecting a nonmajor rule—

12 “(1) after the expiration of the 60 session days  
13 beginning with the applicable submission or publica-  
14 tion date, or

15 “(2) if the report under section 801(a)(1)(A)  
16 was submitted during the period referred to in sec-  
17 tion 801(d)(1), after the expiration of the 60 session  
18 days beginning on the 15th session day after the  
19 succeeding session of Congress first convenes.

20 “(f) If, before the passage by one House of a joint  
21 resolution of that House described in subsection (a), that  
22 House receives from the other House a joint resolution  
23 described in subsection (a), then the following procedures  
24 shall apply:

1           “(1) The joint resolution of the other House  
2 shall not be referred to a committee.

3           “(2) With respect to a joint resolution described  
4 in subsection (a) of the House receiving the joint  
5 resolution—

6                   “(A) the procedure in that House shall be  
7 the same as if no joint resolution had been re-  
8 ceived from the other House; but

9                   “(B) the vote on final passage shall be on  
10 the joint resolution of the other House.

11 **“§ 804. Definitions**

12           “For purposes of this chapter—

13                   “(1) The term ‘Federal agency’ means any  
14 agency as that term is defined in section 551(1).

15                   “(2) The term ‘major rule’ means any rule, in-  
16 cluding an interim final rule, that the Administrator  
17 of the Office of Information and Regulatory Affairs  
18 of the Office of Management and Budget finds has  
19 resulted in or is likely to result in—

20                           “(A) an annual effect on the economy of  
21 \$100,000,000 or more;

22                           “(B) a major increase in costs or prices for  
23 consumers, individual industries, Federal,  
24 State, or local government agencies, or geo-  
25 graphic regions; or

1           “(C) significant adverse effects on competi-  
2           tion, employment, investment, productivity, in-  
3           novation, or on the ability of United States-  
4           based enterprises to compete with foreign-based  
5           enterprises in domestic and export markets.

6           “(3) The term ‘nonmajor rule’ means any rule  
7           that is not a major rule.

8           “(4) The term ‘rule’ has the meaning given  
9           such term in section 551, except that such term does  
10          not include—

11           “(A) any rule of particular applicability,  
12           including a rule that approves or prescribes for  
13           the future rates, wages, prices, services, or al-  
14           lowances therefore, corporate or financial struc-  
15           tures, reorganizations, mergers, or acquisitions  
16           thereof, or accounting practices or disclosures  
17           bearing on any of the foregoing;

18           “(B) any rule relating to agency manage-  
19           ment or personnel; or

20           “(C) any rule of agency organization, pro-  
21           cedure, or practice that does not substantially  
22           affect the rights or obligations of non-agency  
23           parties.

1 **“§ 805. Judicial review**

2 “(a) No determination, finding, action, or omission  
3 under this chapter shall be subject to judicial review.

4 “(b) Notwithstanding subsection (a), a court may de-  
5 termine whether a Federal agency has completed the nec-  
6 essary requirements under this chapter for a rule to take  
7 effect.

8 **“§ 806. Exemption for monetary policy**

9 “Nothing in this chapter shall apply to rules that con-  
10 cern monetary policy proposed or implemented by the  
11 Board of Governors of the Federal Reserve System or the  
12 Federal Open Market Committee.

13 **“§ 807. Effective date of certain rules**

14 “Notwithstanding section 801—

15 “(1) any rule that establishes, modifies, opens,  
16 closes, or conducts a regulatory program for a com-  
17 mercial, recreational, or subsistence activity related  
18 to hunting, fishing, or camping; or

19 “(2) any rule other than a major rule which an  
20 agency for good cause finds (and incorporates the  
21 finding and a brief statement of reasons therefore in  
22 the rule issued) that notice and public procedure  
23 thereon are impracticable, unnecessary, or contrary  
24 to the public interest,

25 shall take effect at such time as the Federal agency pro-  
26 mulgating the rule determines.”.

**TITLE III—TAX REFORM****SEC. 301. REDUCTION IN CORPORATE INCOME TAX RATES.**

(a) IN GENERAL.—Paragraph (1) of section 11(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) RATES OF TAX.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amount of the tax imposed by subsection (a) shall be the sum of—

“(i) 15 percent of so much of the taxable income as does not exceed \$50,000, and

“(ii) 25 percent of so much of the taxable income as exceeds \$50,000.

“(B) SPECIAL RULES FOR 2011.—In the case of any taxable year beginning in 2011, the amount of the tax imposed by subsection (a) shall be the sum of—

“(i) 15 percent of so much of the taxable income as does not exceed \$50,000, and

“(ii) 25 percent of so much of the taxable income as exceeds \$50,000 but does not exceed \$75,000, and

1 “(iii) 30 percent of so much of the  
2 taxable income as exceeds \$75,000.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 11(b)(2) of such Code is amended  
5 by striking “35 percent” and inserting “the maximum  
6 rate of tax in effect under section 11(b)(1)”.

7 (2) Section 280C(c)(3)(B)(ii)(II) of such Code  
8 is amended by inserting “in effect” after “maximum  
9 rate of tax”.

10 (3) Section 904(b)(3)(D)(ii) of such Code is  
11 amended by striking “(determined without regard to  
12 the last sentence of section 11(b)(1))”.

13 (4) Section 1201(a) of such Code is amended—

14 (A) by striking “35 percent (determined  
15 without regard to the last 2 sentences of section  
16 11(b)(1))” and inserting “the maximum rate of  
17 tax in effect under section 11(b)(1)”, and

18 (B) by striking “35 percent” in paragraph  
19 (2) and inserting “the maximum rate of tax in  
20 effect under section 11(b)(1)”.

21 (5) Section 1561(a) of such Code is amended  
22 by striking the fourth sentence.

23 (c) EFFECTIVE DATE.—The amendments made by  
24 this section shall apply to taxable years beginning after  
25 December 31, 2010.



1 **SEC. 302. 2003 TAX REDUCTIONS ON DOMESTIC DIVIDENDS**  
2 **MADE PERMANENT.**

3 Effective for taxable years beginning after December  
4 31, 2011, section 303 of the Jobs and Growth Tax Relief  
5 Reconciliation Act of 2003 is hereby repealed.

6 **SEC. 303. SMALL BUSINESS EXPENSING FOR SMALL BUSI-**  
7 **NESS MADE PERMANENT.**

8 (a) IN GENERAL.—Paragraph (1) of section 179(b)  
9 of the Internal Revenue Code of 1986 is amended by strik-  
10 ing “exceed—” and all that follows and inserting “exceed  
11 \$500,000.”.

12 (b) THRESHOLD FOR REDUCTION IN LIMITATION.—  
13 Paragraph (2) of section 179(b) of such Code is amended  
14 by striking “exceed—” and inserting “exceed  
15 \$2,000,000.”.

16 (c) INFLATION ADJUSTMENTS.—Section 179(b)(6) of  
17 such Code is amended—

18 (1) in subparagraph (A) in the matter pre-  
19 ceding clause (i) by striking “the \$125,000 and  
20 \$500,000 amounts in paragraphs (1)(C) and  
21 (2)(C)” and inserting “the \$500,000 and  
22 \$2,000,000 amounts in paragraphs (1) and (2)”,  
23 and

24 (2) in subparagraph (A)(ii) by striking “2006”  
25 and inserting “2011”.

1 (d) REVOCATION OF ELECTION.—Section 179(e)(2)  
2 of such Code is amended by striking “and before 2013”.

3 (e) COMPUTER SOFTWARE.—Section  
4 179(d)(1)(A)(ii) of such Code is amended by striking “and  
5 before 2012”.

6 (f) EFFECTIVE DATE.—The amendments made by  
7 this section shall take effect on the date of the enactment  
8 of this Act.

9 **SEC. 304. PERMANENT EXTENSION OF ESTATE TAX RELIEF.**

10 (a) IN GENERAL.—Section 901 of the Economic  
11 Growth and Tax Relief Reconciliation Act of 2001 shall  
12 not apply to the provisions of, and amendments made by,  
13 title V of such Act.

14 (b) CONFORMING AMENDMENT.—The Tax Relief,  
15 Unemployment Insurance Reauthorization, and Job Cre-  
16 ation Act of 2010 is amended by striking section 304.

17 (c) EFFECTIVE DATE.—Subsection (a) and the  
18 amendments made by subsection (b) shall apply to years  
19 beginning after December 31, 2012.

20 **SEC. 305. ADDITIONAL SAVINGS.**

21 The Committee on Ways and Means of the House  
22 of Representatives shall prioritize reporting out legislation  
23 that would provide significant reforms to the Internal Rev-  
24 enue Code of 1986 that would—

1           (1) simplify the Internal Revenue Code of 1986  
2           for individuals and businesses to reduce the burden  
3           of compliance;

4           (2) eliminate deductions that unjustly benefit  
5           corporations and special interests (and report out  
6           the savings resulting from these eliminations); and

7           (3) consider proposals that will disincentivize  
8           and eliminate tax shelters.

9                           **TITLE IV—WORKFORCE**  
10                           **INVESTMENT**

11 **SEC. 401. SENSE OF CONGRESS REGARDING THE NEED TO**  
12                           **REAUTHORIZE THE WORKFORCE INVEST-**  
13                           **MENT ACT OF 1998.**

14           It is the sense of Congress that Congress should ur-  
15           gently reauthorize the Workforce Investment Act of 1998  
16           (29 U.S.C. 2801 et seq.) in order to—

17           (1) improve and expand the job training and  
18           other employment-related programs under the Act;  
19           and

20           (2) modernize such programs to better train  
21           workers for the highly skilled jobs in the modern  
22           economy.

○