

112TH CONGRESS
2D SESSION

S. 3445

To approve the Keystone XL Pipeline, to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2012

Mr. HOEVEN (for himself, Mr. McCONNELL, Ms. MURKOWSKI, Mr. BARRASSO, Mr. CORNYN, Mr. VITTER, Mr. THUNE, Mr. BLUNT, Mr. WICKER, Mrs. HUTCHISON, Mr. BURR, Mr. HELLER, Mr. RISCH, Mr. COATS, Mr. PORTMAN, Mr. KYL, Mr. SESSIONS, Mr. SHELBY, Mr. INHOFE, Mr. COCHRAN, Mr. MCCAIN, Mr. ISAKSON, Mr. CRAPO, Mr. ENZI, Mr. ROBERTS, Mr. BOOZMAN, Mr. COBURN, Mr. JOHNSON of Wisconsin, Mr. CHAMBLISS, Mr. JOHANNIS, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To approve the Keystone XL Pipeline, to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal land, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Domestic Energy and Jobs Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—KEYSTONE XL PERMIT APPROVAL

Sec. 101. Keystone XL permit approval.

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

Sec. 201. Short title.

Sec. 202. Transportation Fuels Regulatory Committee.

Sec. 203. Analyses.

Sec. 204. Reports; public comment.

Sec. 205. No final action on certain rules.

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

Sec. 207. Fuel requirements waiver and study.

TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE
 ENERGY PRODUCTION STRATEGY

Sec. 301. Short title.

Sec. 302. Onshore domestic energy production strategic plan.

TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY

Sec. 401. Short title.

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

Sec. 403. Leasing certainty and consistency.

Sec. 404. Reduction of redundant policies.

TITLE V—STREAMLINED ENERGY PERMITTING

Sec. 501. Short title.

Subtitle A—Application for Permits to Drill Process Reform

Sec. 511. Permit to drill application timeline.

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

Subtitle B—Administrative Appeal Documentation Reform

Sec. 521. Administrative appeal documentation reform.

Subtitle C—Permit Streamlining

Sec. 531. Federal energy permit coordination.

Sec. 532. Administration of current law.

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

Subtitle D—Judicial Review

Sec. 541. Definitions.

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

- Sec. 543. Timely filing.
- Sec. 544. Expedition in hearing and determining the action.
- Sec. 545. Standard of review.
- Sec. 546. Limitation on injunction and prospective relief.
- Sec. 547. Limitation on attorneys' fees.
- Sec. 548. Legal standing.

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

- Sec. 601. Short title.
- Sec. 602. Sense of Congress reaffirming national policy regarding National Petroleum Reserve in Alaska.
- Sec. 603. Competitive leasing of oil and gas.
- Sec. 604. Planning and permitting pipeline and road construction.
- Sec. 605. Departmental accountability for development.
- Sec. 606. Updated resource assessment.
- Sec. 607. Colville River Delta designation.

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

- Sec. 701. Short title.
- Sec. 702. Internet-based onshore oil and gas lease sales.

TITLE VIII—ADVANCING OFFSHORE WIND PRODUCTION

- Sec. 801. Short title.
- Sec. 802. Offshore meteorological site testing and monitoring projects.

TITLE IX—CRITICAL MINERALS

- Sec. 901. Definitions.
- Sec. 902. Designations.
- Sec. 903. Policy.
- Sec. 904. Resource assessment.
- Sec. 905. Permitting.
- Sec. 906. Recycling and alternatives.
- Sec. 907. Analysis and forecasting.
- Sec. 908. Education and workforce.
- Sec. 909. International cooperation.
- Sec. 910. Repeal, authorization, and offset.

TITLE X—MISCELLANEOUS

- Sec. 1001. Limitation on transfer of functions under the Solid Minerals Leasing Program.
- Sec. 1002. Amount of distributed qualified Outer Continental Shelf revenues.
- Sec. 1003. Lease Sale 220 and other lease sales off the coast of Virginia.
- Sec. 1004. Limitation on authority to issue regulations under the Surface Mining Control and Reclamation Act of 1977.

1 **TITLE I—KEYSTONE XL PERMIT**
2 **APPROVAL**

3 **SEC. 101. KEYSTONE XL PERMIT APPROVAL.**

4 (a) IN GENERAL.—Notwithstanding Executive Order
5 No. 13337 (3 U.S.C. 301 note), Executive Order No.
6 11423 (3 U.S.C. 301 note), section 301 of title 3, United
7 States Code, and any other Executive order or provision
8 of law, no presidential permit shall be required for the
9 pipeline described in the application filed on May 4, 2012,
10 by TransCanada Corporation to the Department of State
11 for the northern portion of the Keystone XL pipeline from
12 the Canadian border to the South Dakota/Nebraska bor-
13 der.

14 (b) ENVIRONMENTAL IMPACT STATEMENT.—The
15 final environmental impact statement issued by the Sec-
16 retary of State on August 26, 2011, regarding the pipeline
17 referred to in subsection (a), shall be considered to satisfy
18 all requirements of the National Environmental Policy Act
19 of 1969 (42 U.S.C. 4321 et seq.).

20 (c) INTRASTATE PORTION.—Nothing in this section
21 affects the ongoing work of the State of Nebraska with
22 regard to the fully intrastate portion of the Keystone XL
23 pipeline.

1 **TITLE II—IMPACTS OF EPA**
2 **RULES AND ACTIONS ON EN-**
3 **ERGY PRICES**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Gasoline Regulations
6 Act of 2012”.

7 **SEC. 202. TRANSPORTATION FUELS REGULATORY COM-**
8 **MITTEE.**

9 (a) **ESTABLISHMENT.**—The President shall establish
10 a committee, to be known as the Transportation Fuels
11 Regulatory Committee (referred to in this title as the
12 “Committee”), to analyze and report on the cumulative
13 impacts of certain rules and actions of the Environmental
14 Protection Agency on gasoline, diesel fuel, and natural gas
15 prices, in accordance with sections 203 and 204.

16 (b) **MEMBERS.**—The Committee shall be composed of
17 the following officials (or their designees):

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

20 (2) The Secretary of Transportation, acting
21 through the Administrator of the National Highway
22 Traffic Safety Administration.

23 (3) The Secretary of Commerce, acting through
24 the Chief Economist and the Under Secretary for
25 International Trade.

1 (4) The Secretary of Labor, acting through the
2 Commissioner of the Bureau of Labor Statistics.

3 (5) The Secretary of the Treasury, acting
4 through the Deputy Assistant Secretary for Environ-
5 ment and Energy of the Department of the Treas-
6 ury.

7 (6) The Secretary of Agriculture, acting
8 through the Chief Economist.

9 (7) The Administrator of the Environmental
10 Protection Agency.

11 (8) The Chairman of the United States Inter-
12 national Trade Commission, acting through the Di-
13 rector of the Office of Economics.

14 (9) The Administrator of the Energy Informa-
15 tion Administration.

16 (c) CONSULTATION BY CHAIR.—In carrying out the
17 functions of the Chair of the Committee, the Chair shall
18 consult with the other members of the Committee.

19 (d) CONSULTATION BY COMMITTEE.—In carrying
20 out this title, the Committee shall consult with the Na-
21 tional Energy Technology Laboratory.

22 (e) TERMINATION.—The Committee shall terminate
23 on the date that is 60 days after the date of submission
24 of the final report of the Committee pursuant to section
25 204(c).

1 **SEC. 203. ANALYSES.**

2 (a) DEFINITIONS.—In this section:

3 (1) COVERED ACTION.—The term “covered ac-
4 tion” means any action, to the extent that the action
5 affects facilities involved in the production, transpor-
6 tation, or distribution of gasoline, diesel fuel, or nat-
7 ural gas, taken on or after January 1, 2009, by the
8 Administrator of the Environmental Protection
9 Agency, a State, a local government, or a permitting
10 agency as a result of the application of part C of
11 title I (relating to prevention of significant deteriora-
12 tion of air quality), or title V (relating to permit-
13 ting), of the Clean Air Act (42 U.S.C. 7401 et seq.),
14 to an air pollutant that is identified as a greenhouse
15 gas in the rule entitled “Endangerment and Cause
16 or Contribute Findings for Greenhouse Gases Under
17 Section 202(a) of the Clean Air Act” (74 Fed. Reg.
18 66496 (December 15, 2009)).

19 (2) COVERED RULE.—The term “covered rule”
20 means the following rules (and includes any suc-
21 cessor or substantially similar rules):

22 (A) “Control of Air Pollution From New
23 Motor Vehicles: Tier 3 Motor Vehicle Emission
24 and Fuel Standards”, as described in the Uni-
25 fied Agenda of Federal Regulatory and Deregula-

1 latory Actions under Regulatory Identification
2 Number 2060–AQ86.

3 (B) “National Ambient Air Quality Stand-
4 ards for Ozone” (73 Fed. Reg. 16436 (March
5 27, 2008)).

6 (C) “Reconsideration of the 2008 Ozone
7 Primary and Secondary National Ambient Air
8 Quality Standards”, as described in the Unified
9 Agenda of Federal Regulatory and Deregula-
10 tory Actions under Regulatory Identification
11 Number 2060–AP98.

12 (D) Any rule proposed after March 15,
13 2012, establishing or revising a standard of
14 performance or emission standard under section
15 111 or 112 of the Clean Air Act (42 U.S.C.
16 7411, 7412) applicable to petroleum refineries.

17 (E) Any rule proposed after March 15,
18 2012, to implement any portion of the renew-
19 able fuel program under section 211(o) of the
20 Clean Air Act (42 U.S.C. 7545(o)).

21 (F) Any rule proposed after March 15,
22 2012, revising or supplementing the national
23 ambient air quality standards for ozone under
24 section 109 of the Clean Air Act (42 U.S.C.
25 7409).

1 (b) SCOPE.—The Committee shall conduct analyses,
2 for each of calendar years 2016 and 2020, of the prospec-
3 tive cumulative impact of all covered rules and covered ac-
4 tions.

5 (c) CONTENTS.—The Committee shall include in each
6 analysis conducted under this section—

7 (1) estimates of the cumulative impacts of the
8 covered rules and covered actions relating to—

9 (A) any resulting change in the national,
10 State, or regional price of gasoline, diesel fuel,
11 or natural gas;

12 (B) required capital investments and pro-
13 jected costs for operation and maintenance of
14 new equipment required to be installed;

15 (C) global economic competitiveness of the
16 United States and any loss of domestic refining
17 capacity;

18 (D) other cumulative costs and cumulative
19 benefits, including evaluation through a general
20 equilibrium model approach;

21 (E) national, State, and regional employ-
22 ment, including impacts associated with
23 changes in gasoline, diesel fuel, or natural gas
24 prices and facility closures; and

1 (F) any other matters affecting the
2 growth, stability, and sustainability of the oil
3 and gas industries of the United States, par-
4 ticularly relative to that of other nations;

5 (2) an analysis of key uncertainties and as-
6 sumptions associated with each estimate under para-
7 graph (1);

8 (3) a sensitivity analysis reflecting alternative
9 assumptions with respect to the aggregate demand
10 for gasoline, diesel fuel, or natural gas; and

11 (4) an analysis and, if feasible, an assessment
12 of—

13 (A) the cumulative impact of the covered
14 rules and covered actions on—

15 (i) consumers;

16 (ii) small businesses;

17 (iii) regional economies;

18 (iv) State, local, and tribal govern-
19 ments;

20 (v) low-income communities;

21 (vi) public health; and

22 (vii) local and industry-specific labor
23 markets; and

24 (B) key uncertainties associated with each
25 topic described in subparagraph (A).

1 (d) METHODS.—In conducting analyses under this
2 section, the Committee shall use the best available meth-
3 ods, consistent with guidance from the Office of Informa-
4 tion and Regulatory Affairs and the Office of Management
5 and Budget Circular A-4.

6 (e) DATA.—In conducting analyses under this sec-
7 tion, the Committee shall not be required to create data
8 or to use data that is not readily accessible.

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

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

17 (b) PUBLIC COMMENT PERIOD.—The Committee
18 shall accept public comments regarding the preliminary re-
19 port submitted under subsection (a) for a period of 60
20 days after the date on which the preliminary report is sub-
21 mitted.

22 (c) FINAL REPORT.—Not later than 60 days after
23 the expiration of the 60-day period described in subsection
24 (b), the Committee shall submit to Congress a final report

1 containing the analyses conducted under section 203, in-
2 cluding—

3 (1) any revisions to the analyses made as a re-
4 sult of public comments; and

5 (2) a response to the public comments.

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

7 (a) IN GENERAL.—The Administrator of the Envi-
8 ronmental Protection Agency shall not finalize any of the
9 following rules until a date (to be determined by the Ad-
10 ministrator) that is at least 180 days after the date on
11 which the Committee submits the final report under sec-
12 tion 204(c):

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

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

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

4 (b) OTHER RULES NOT AFFECTED.—Subsection (a)
5 shall not affect the finalization of any rule other than the
6 rules described in subsection (a).

7 **SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN**
8 **REVISING OR SUPPLEMENTING NATIONAL**
9 **AMBIENT AIR QUALITY STANDARDS FOR**
10 **OZONE.**

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

16 **SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.**

17 (a) WAIVER OF FUEL REQUIREMENTS.—Section
18 211(c)(4)(C) of the Clean Air Act (42 U.S.C.
19 7545(c)(4)(C)) is amended—

20 (1) in clause (ii)(II), by inserting “a problem
21 with distribution or delivery equipment necessary for
22 the transportation or delivery of fuel or fuel addi-
23 tives,” after “equipment failure,”;

24 (2) in clause (iii)(II), by inserting before the
25 semicolon at the end the following: “(except that the

1 Administrator may extend the effectiveness of a
 2 waiver for more than 20 days if the Administrator
 3 determines that the conditions under clause (ii) sup-
 4 porting a waiver determination will exist for more
 5 than 20 days”);

6 (3) by redesignating the second clause (v) (re-
 7 lating to the authority of the Administrator to ap-
 8 prove certain State implementation plans) as clause
 9 (vi); and

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

11 “(vii) PRESUMPTIVE APPROVAL.—Notwithstanding
 12 any other provision of this subparagraph, if the Adminis-
 13 trator does not approve or deny a request for a waiver
 14 under this subparagraph within 3 days after receipt of the
 15 request, the request shall be deemed to be approved as
 16 received by the Administrator and the applicable fuel
 17 standards shall be deemed to be waived for the period of
 18 time requested.”.

19 (b) FUEL SYSTEM REQUIREMENTS HARMONIZATION
 20 STUDY.—Section 1509 of the Energy Policy Act of 2005
 21 (Public Law 109–58; 119 Stat. 1083) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)(A), by inserting
 24 “biofuels,” after “oxygenated fuel,”; and

25 (B) in paragraph (2)—

- 1 (i) in subparagraph (B)—
2 (I) by redesignating clause (ii) as
3 clause (iii);
4 (II) in clause (i), by striking
5 “and” after the semicolon; and
6 (III) by inserting after clause (i)
7 the following:
8 “(ii) the renewable fuel standard;
9 and”; and
10 (ii) in subparagraph (G), by inserting
11 “or Tier III” after “Tier II”; and
12 (2) in subsection (b)(1), by striking “2008”
13 and inserting “2014”.

14 **TITLE III—QUADRENNIAL STRA-**
15 **TEGIC FEDERAL ONSHORE**
16 **ENERGY PRODUCTION STRAT-**
17 **EGY**

18 **SEC. 301. SHORT TITLE.**

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

21 **SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION**
22 **STRATEGIC PLAN.**

23 The Mineral Leasing Act is amended—

- 24 (1) by redesignating section 44 (30 U.S.C. 181
25 note) as section 45; and

1 (2) by inserting after section 43 (30 U.S.C.
2 226–3) the following:

3 **“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE**
4 **ENERGY PRODUCTION STRATEGY.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) SECRETARY.—The term ‘Secretary’ means
7 the Secretary of the Interior.

8 “(2) STRATEGIC AND CRITICAL ENERGY MIN-
9 ERALS.—The term ‘strategic and critical energy
10 minerals’ means—

11 “(A) minerals that are necessary for the
12 energy infrastructure of the United States, in-
13 cluding pipelines, refining capacity, electrical
14 power generation and transmission, and renew-
15 able energy production; and

16 “(B) minerals that are necessary to sup-
17 port domestic manufacturing, including mate-
18 rials used in energy generation, production, and
19 transportation.

20 “(3) STRATEGY.—The term ‘Strategy’ means
21 the Quadrennial Federal Onshore Energy Produc-
22 tion Strategy required under this section.

23 “(b) STRATEGY.—

24 “(1) IN GENERAL.—The Secretary, in consulta-
25 tion with the Secretary of Agriculture with regard to

1 land administered by the Forest Service, shall de-
2 velop and publish every 4 years a Quadrennial Fed-
3 eral Onshore Energy Production Strategy.

4 “(2) ENERGY SECURITY.—The Strategy shall
5 direct Federal land energy development and depart-
6 ment resource allocation to promote the energy secu-
7 rity of the United States.

8 “(c) PURPOSES.—

9 “(1) IN GENERAL.—In developing a Strategy,
10 the Secretary shall consult with the Administrator of
11 the Energy Information Administration on—

12 “(A) the projected energy demands of the
13 United States for the 30-year period beginning
14 on the date of initiation of the Strategy; and

15 “(B) how energy derived from Federal on-
16 shore land can place the United States on a
17 trajectory to meet that demand during the 4-
18 year period beginning on the date of initiation
19 of the Strategy.

20 “(2) ENERGY SECURITY.—The Secretary shall
21 consider how Federal land will contribute to ensur-
22 ing national energy security, with a goal of increas-
23 ing energy independence and production, during the
24 4-year period beginning on the date of initiation of
25 the Strategy.

1 “(d) OBJECTIVES.—The Secretary shall establish a
2 domestic strategic production objective for the develop-
3 ment of energy resources from Federal onshore land that
4 is based on commercial and scientific data relating to the
5 expected increase in—

6 “(1) domestic production of oil and natural gas
7 from the Federal onshore mineral estate, with a
8 focus on land held by the Bureau of Land Manage-
9 ment and the Forest Service;

10 “(2) domestic coal production from Federal
11 land;

12 “(3) domestic production of strategic and crit-
13 ical energy minerals from the Federal onshore min-
14 eral estate;

15 “(4) megawatts for electricity production from
16 each of wind, solar, biomass, hydropower, and geo-
17 thermal energy produced on Federal land adminis-
18 tered by the Bureau of Land Management and the
19 Forest Service;

20 “(5) unconventional energy production, such as
21 oil shale;

22 “(6) domestic production of oil, natural gas,
23 coal, and other renewable sources from tribal land
24 for any federally recognized Indian tribe that elects

1 to participate in facilitating energy production on
2 the land of the Indian tribe; and

3 “(7) domestic production of geothermal, solar,
4 wind, or other renewable energy sources on land de-
5 fined as available lands under section 203 of the Ha-
6 waiian Homes Commission Act, 1920 (42 Stat. 109,
7 chapter 42), and any other land considered by the
8 Territory or State of Hawaii, as the case may be, to
9 be available lands.

10 “(e) METHODOLOGY.—The Secretary shall consult
11 with the Administrator of the Energy Information Admin-
12 istration regarding the methodology used to arrive at the
13 estimates made by the Secretary to carry out this section.

14 “(f) EXPANSION OF PLAN.—The Secretary may ex-
15 pand a Strategy to include other energy production tech-
16 nology sources or advancements in energy production on
17 Federal land.

18 “(g) TRIBAL OBJECTIVES.—

19 “(1) IN GENERAL.—It is the sense of Congress
20 that federally recognized Indian tribes may elect to
21 set the production objectives of the Indian tribes as
22 part of a Strategy under this section.

23 “(2) COOPERATION.—The Secretary shall work
24 in cooperation with any federally recognized Indian
25 tribe that elects to participate in achieving the stra-

1 tegie energy objectives of the Indian tribe under this
2 subsection.

3 “(h) EXECUTION OF STRATEGY.—

4 “(1) DEFINITION OF SECRETARY CON-
5 CERNED.—In this subsection, the term ‘Secretary
6 concerned’ means—

7 “(A) the Secretary of Agriculture (acting
8 through the Chief of the Forest Service), with
9 respect to National Forest System land; and

10 “(B) the Secretary of the Interior, with re-
11 spect to land managed by the Bureau of Land
12 Management (including land held for the ben-
13 efit of an Indian tribe).

14 “(2) ADDITIONAL LAND.—The Secretary con-
15 cerned may make determinations regarding which
16 additional land under the jurisdiction of the Sec-
17 retary concerned will be made available in order to
18 meet the energy production objectives established by
19 a Strategy.

20 “(3) ACTIONS.—The Secretary concerned shall
21 take all necessary actions to achieve the energy pro-
22 duction objectives established under this section un-
23 less the President determines that it is not in the
24 national security and economic interests of the
25 United States—

1 “(A) to increase Federal domestic energy
2 production; and

3 “(B) to decrease dependence on foreign
4 sources of energy.

5 “(4) LEASING.—In carrying out this subsection,
6 the Secretary concerned shall only consider leasing
7 Federal land available for leasing at the time the
8 lease sale occurs.

9 “(i) STATE, FEDERALLY RECOGNIZED INDIAN
10 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In
11 developing a Strategy, the Secretary shall solicit the input
12 of affected States, federally recognized Indian tribes, local
13 governments, and the public.

14 “(j) ANNUAL REPORTS.—

15 “(1) IN GENERAL.—The Secretary shall submit
16 to the Committee on Natural Resources of the
17 House of Representatives and the Committee on En-
18 ergy and Natural Resources of the Senate an annual
19 report describing the progress made in meeting the
20 production goals of a Strategy.

21 “(2) CONTENTS.—In a report required under
22 this subsection, the Secretary shall—

23 “(A) make projections for production and
24 capacity installations;

1 “(B) describe any problems with leasing,
2 permitting, siting, or production that will pre-
3 vent meeting the production goals of a Strat-
4 egy; and

5 “(C) make recommendations to help meet
6 any shortfalls in meeting the production goals.

7 “(k) PROGRAMMATIC ENVIRONMENTAL IMPACT
8 STATEMENT.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this subsection, in accord-
11 ance with section 102(2)(C) of the National Envi-
12 ronmental Policy Act of 1969 (42 U.S.C.
13 4332(2)(C)), the Secretary shall complete a pro-
14 grammatic environmental impact statement for car-
15 rying out this section.

16 “(2) COMPLIANCE.—The programmatic envi-
17 ronmental impact statement shall be considered suf-
18 ficient to comply with all requirements under the
19 National Environmental Policy Act of 1969 (42
20 U.S.C. 4321 et seq.) for all necessary resource man-
21 agement and land use plans associated with the im-
22 plementation of a Strategy.

23 “(l) CONGRESSIONAL REVIEW.—

24 “(1) IN GENERAL.—Not later than 60 days be-
25 fore publishing a proposed Strategy under this sec-

1 tion, the Secretary shall submit to Congress and the
 2 President the proposed Strategy, together with any
 3 comments received from States, federally recognized
 4 Indian tribes, and local governments.

5 “(2) RECOMMENDATIONS.—The submission
 6 shall indicate why any specific recommendation of a
 7 State, federally recognized Indian tribe, or local gov-
 8 ernment was not accepted.

9 “(m) ADMINISTRATION.—Nothing in this section
 10 modifies or affects any multiuse plan.

11 “(n) FIRST STRATEGY.—Not later than 18 months
 12 after the date of enactment of this subsection, the Sec-
 13 retary shall submit to Congress the first Strategy.”.

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

16 **SEC. 401. SHORT TITLE.**

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

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

21 Section 17 of the Mineral Leasing Act (30 U.S.C.
 22 226) is amended—

23 (1) by striking “SEC. 17. (a) All lands” and in-
 24 serting the following:

1 **“SEC. 17. LEASE OF OIL AND GAS LAND.**

2 “(a) **AUTHORITY.**—

3 “(1) **IN GENERAL.**—All land”; and

4 (2) in subsection (a) (as amended by paragraph
5 (1)), by adding at the end the following:

6 “(2) **MINIMUM ACREAGE REQUIREMENT FOR**
7 **ONSHORE LEASE SALES.**—

8 “(A) **IN GENERAL.**—In conducting lease
9 sales under this section, each year, the Sec-
10 retary shall offer for sale not less than 25 per-
11 cent of the annual nominated acreage not pre-
12 viously made available for lease.

13 “(B) **REVIEW.**—The offering of acreage of-
14 fered for lease under this paragraph shall not
15 be subject to review.

16 “(C) **CATEGORICAL EXCLUSIONS.**—Acreage
17 offered for lease under this paragraph shall be
18 eligible for categorical exclusions under section
19 390 of the Energy Policy Act of 2005 (42
20 U.S.C. 15942), except that extraordinary cir-
21 cumstances shall not be required for a categor-
22 ical exclusion under this paragraph.

23 “(D) **LEASING.**—In carrying out this sub-
24 section, the Secretary shall only consider leas-
25 ing of Federal land that is available for leasing
26 at the time the lease sale occurs.”.

1 **SEC. 403. LEASING CERTAINTY AND CONSISTENCY.**

2 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
3 226(a)) (as amended by section 402) is amended by add-
4 ing at the end the following:

5 “(3) LEASING CERTAINTY.—

6 “(A) IN GENERAL.—The Secretary shall
7 not withdraw approval of any covered energy
8 project involving a lease under this Act without
9 finding a violation of the terms of the lease by
10 the lessee.

11 “(B) DELAY.—The Secretary shall not in-
12 fringe on lease rights under leases issued under
13 this Act by indefinitely delaying issuance of
14 project approvals, drilling and seismic permits,
15 and rights-of-way for activities under a lease.

16 “(C) AVAILABILITY OF NOMINATED
17 AREAS.—Not later than 18 months after an
18 area is designated as open under the applicable
19 land use plan, the Secretary shall make avail-
20 able nominated areas for lease under paragraph
21 (2).

22 “(D) ISSUANCE OF LEASES.—Notwith-
23 standing any other provision of law, the Sec-
24 retary shall issue all leases sold under this Act
25 not later than 60 days after the last payment
26 is made.

1 “(E) CANCELLATION OR WITHDRAWAL OF
2 LEASE PARCELS.—The Secretary shall not can-
3 cel or withdraw any lease parcel after a com-
4 petitive lease sale has occurred and a winning
5 bidder has submitted the last payment for the
6 parcel.

7 “(F) APPEALS.—

8 “(i) IN GENERAL.—The Secretary
9 shall complete the review of any appeal of
10 a lease sale under this Act not later than
11 60 days after the receipt of the appeal.

12 “(ii) CONSTRUCTIVE APPROVAL.—If
13 the review of an appeal is not conducted in
14 accordance with clause (i), the appeal shall
15 be considered approved.

16 “(G) ADDITIONAL STIPULATIONS.—The
17 Secretary may not add any additional lease
18 stipulation for a parcel after the parcel is sold
19 unless the Secretary—

20 “(i) consults with the lessee and ob-
21 tains the approval of the lessee; or

22 “(ii) determines that the stipulation is
23 an emergency action that is necessary to
24 conserve the resources of the United
25 States.

1 “(4) LEASING CONSISTENCY.—A Federal land
 2 manager shall comply with applicable resource man-
 3 agement plans and continue to actively lease in
 4 areas designated as open when resource manage-
 5 ment plans are being amended or revised, until a
 6 new record of decision is signed.”.

7 **SEC. 404. REDUCTION OF REDUNDANT POLICIES.**

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

10 **TITLE V—STREAMLINED**
 11 **ENERGY PERMITTING**

12 **SEC. 501. SHORT TITLE.**

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

15 **Subtitle A—Application for Permits**
 16 **to Drill Process Reform**

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

18 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
 19 226(p)) is amended by striking paragraph (2) and insert-
 20 ing the following:

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

23 “(A) IN GENERAL.—Subject to subpara-
 24 graph (B), the Secretary shall decide whether
 25 to issue a permit to drill not later than 30 days

1 after the date on which the application for the
2 permit is received by the Secretary.

3 “(B) EXTENSIONS.—

4 “(i) IN GENERAL.—The Secretary
5 may extend the period described in sub-
6 paragraph (A) for up to 2 periods of 15
7 days each, if the Secretary gives written
8 notice of the delay to the applicant.

9 “(ii) NOTICE.—The notice shall—

10 “(I) be in the form of a letter
11 from the Secretary or a designee of
12 the Secretary; and

13 “(II) include—

14 “(aa) the names and posi-
15 tions of the persons processing
16 the application;

17 “(bb) the specific reasons
18 for the delay; and

19 “(cc) a specific date on
20 which a final decision on the ap-
21 plication is expected.

22 “(C) NOTICE OF REASONS FOR DENIAL.—

23 If the application is denied, the Secretary shall
24 provide the applicant—

25 “(i) a written notice that provides—

1 “(I) clear and comprehensive rea-
2 sons why the application was not ac-
3 cepted; and

4 “(II) detailed information con-
5 cerning any deficiencies; and

6 “(ii) an opportunity to remedy any de-
7 ficiencies.

8 “(D) APPLICATION CONSIDERED AP-
9 PROVED.—If the Secretary has not made a de-
10 cision on the application by the end of the 60-
11 day period beginning on the date the applica-
12 tion for the permit is received by the Secretary,
13 the application shall be considered approved un-
14 less applicable reviews under the National Envi-
15 ronmental Policy Act of 1969 (42 U.S.C. 4321
16 et seq.) or the Endangered Species Act of 1973
17 (16 U.S.C. 1531 et seq.) are incomplete.

18 “(E) DENIAL OF PERMIT.—If the Sec-
19 retary decides not to issue a permit to drill
20 under this paragraph, the Secretary shall—

21 “(i) provide to the applicant a descrip-
22 tion of the reasons for the denial of the
23 permit;

24 “(ii) allow the applicant to resubmit
25 an application for a permit to drill during

1 the 10-day period beginning on the date
2 the applicant receives the description of
3 the denial from the Secretary; and

4 “(iii) issue or deny any resubmitted
5 application not later than 10 days after the
6 date the application is submitted to the
7 Secretary.

8 “(F) FEE.—

9 “(i) IN GENERAL.—Subject to clauses
10 (ii) and (iii) and notwithstanding any other
11 provision of law, the Secretary shall collect
12 a single \$6,500 permit processing fee per
13 application from each applicant at the time
14 the final decision is made whether to issue
15 a permit under this paragraph.

16 “(ii) RESUBMITTED APPLICATIONS.—
17 The fee described in clause (i) shall not
18 apply to any resubmitted application.

19 “(iii) TREATMENT OF PERMIT PROC-
20 ESSING FEE.—Subject to appropriation, of
21 all fees collected under this paragraph, 50
22 percent shall be transferred to the field of-
23 fice where the fees are collected and used
24 to process leases, permits, and appeals
25 under this Act.”.

1 **SEC. 512. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**
 2 **FORM.**

3 Notwithstanding any other provision of law, each fis-
 4 cal year, of fees collected as annual wind energy and solar
 5 energy right-of-way authorization fees required under sec-
 6 tion 504(g) of the Federal Land Policy and Management
 7 Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be re-
 8 tained by the Secretary of the Interior to be used, subject
 9 to appropriation—

10 (1) by the Bureau of Land Management to
 11 process permits, right-of-way applications, and other
 12 activities necessary for renewable development; and

13 (2) at the option of the Secretary of the Inte-
 14 rior, by the United States Fish and Wildlife Service
 15 or other Federal agencies involved in wind and solar
 16 permitting reviews to facilitate the processing of
 17 wind energy and solar energy permit applications on
 18 Bureau of Land Management land.

19 **Subtitle B—Administrative Appeal**
 20 **Documentation Reform**

21 **SEC. 521. ADMINISTRATIVE APPEAL DOCUMENTATION RE-**
 22 **FORM.**

23 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
 24 226(p)) is amended by adding at the end the following:

25 “(4) APPEAL FEE.—

1 “(A) IN GENERAL.—The Secretary shall
2 collect a \$5,000 documentation fee to accom-
3 pany each appeal of an action on a lease, right-
4 of-way, or application for permit to drill.

5 “(B) TREATMENT OF FEES.—Subject to
6 appropriation, of all fees collected under this
7 paragraph, 50 percent shall remain in the field
8 office where the fees are collected and used to
9 process appeals.”.

10 **Subtitle C—Permit Streamlining**

11 **SEC. 531. FEDERAL ENERGY PERMIT COORDINATION.**

12 (a) DEFINITIONS.—In this section:

13 (1) ENERGY PROJECTS.—The term “energy
14 projects” means oil, coal, natural gas, and renewable
15 energy projects.

16 (2) PROJECT.—The term “Project” means the
17 Federal Permit Streamlining Project established
18 under subsection (b).

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (b) ESTABLISHMENT.—The Secretary shall establish
22 a Federal Permit Streamlining Project in each Bureau of
23 Land Management field office with responsibility for
24 issuing permits for energy projects on Federal land.

25 (c) MEMORANDUM OF UNDERSTANDING.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of enactment of this Act, the Secretary
3 shall enter into a memorandum of understanding to
4 carry out this section with—

5 (A) the Secretary of Agriculture;

6 (B) the Administrator of the Environ-
7 mental Protection Agency; and

8 (C) the Secretary of the Army, acting
9 through the Chief of Engineers.

10 (2) STATE PARTICIPATION.—The Secretary
11 may request the Governor of any State with energy
12 projects on Federal land to be a signatory to the
13 memorandum of understanding.

14 (d) DESIGNATION OF QUALIFIED STAFF.—

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

24 (A) the consultations and the preparation
25 of biological opinions under section 7 of the En-

1 dangered Species Act of 1973 (16 U.S.C.
2 1536);

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

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

7 (D) planning under the National Forest
8 Management Act of 1976 (16 U.S.C. 472a et
9 seq.); and

10 (E) the preparation of analyses under the
11 National Environmental Policy Act of 1969 (42
12 U.S.C. 4321 et seq.).

13 (2) DUTIES.—Each employee assigned under
14 paragraph (1) shall—

15 (A) not later than 90 days after the date
16 of assignment, report to the Bureau of Land
17 Management Field Managers in the office to
18 which the employee is assigned;

19 (B) be responsible for all issues relating to
20 the energy projects that arise under the au-
21 thorities of the home office of the employee; and

22 (C) participate as part of the team of per-
23 sonnel working on proposed energy projects,
24 planning, and environmental analyses on Fed-
25 eral land.

1 (e) **ADDITIONAL PERSONNEL.**—The Secretary shall
2 assign to each Bureau of Land Management field office
3 identified under subsection (b) any additional personnel
4 that are necessary to ensure the effective approval and im-
5 plementation of energy projects administered by the Bu-
6 reau of Land Management field offices, including inspec-
7 tion and enforcement relating to energy development on
8 Federal land, in accordance with the multiple-use require-
9 ments of the Federal Land Policy and Management Act
10 of 1976 (43 U.S.C. 1701 et seq.).

11 (f) **FUNDING.**—Funding for the additional personnel
12 shall be derived from the Department of the Interior re-
13 forms made by sections 511, 512, and 521 and the amend-
14 ments made by those sections.

15 (g) **SAVINGS PROVISION.**—Nothing in this section af-
16 fects—

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

18 or

19 (2) any delegation of authority made by the
20 head of a Federal agency whose employees are par-
21 ticipating in the Project.

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

23 Notwithstanding any other provision of law, the Sec-
24 retary of the Interior shall not require a finding of extraor-

1 dinary circumstances in administering section 390 of the
2 Energy Policy Act of 2005 (42 U.S.C. 15942).

3 **SEC. 533. POLICIES REGARDING BUYING, BUILDING, AND**
4 **WORKING FOR AMERICA.**

5 (a) CONGRESSIONAL INTENT.—It is the intent of
6 Congress that—

7 (1) this title will support a healthy and growing
8 United States domestic energy sector that, in turn,
9 helps to reinvigorate American manufacturing,
10 transportation, and service sectors by employing the
11 vast talents of United States workers to assist in the
12 development of energy from domestic sources; and

13 (2) Congress will monitor the deployment of
14 personnel and material onshore under this title to
15 encourage the development of American technology
16 and manufacturing to enable United States workers
17 to benefit from this title through good jobs and ca-
18 reers, as well as the establishment of important in-
19 dustrial facilities to support expanded access to
20 American energy resources.

21 (b) REQUIREMENT.—The Secretary of the Interior
22 shall, when possible and practicable, encourage the use of
23 United States workers and equipment manufactured in
24 the United States in all construction related to mineral
25 resource development under this title.

1 **Subtitle D—Judicial Review**

2 **SEC. 541. DEFINITIONS.**

3 In this title:

4 (1) **COVERED CIVIL ACTION.**—The term “cov-
5 ered civil action” means a civil action containing a
6 claim under section 702 of title 5, United States
7 Code, regarding agency action (as defined for the
8 purposes of that section) affecting a covered energy
9 project on Federal land.

10 (2) **COVERED ENERGY PROJECT.**—

11 (A) **IN GENERAL.**—The term “covered en-
12 ergy project” means the leasing of Federal land
13 of the United States for the exploration, devel-
14 opment, production, processing, or transmission
15 of oil, natural gas, wind, or any other source of
16 energy, and any action under such a lease.

17 (B) **EXCLUSION.**—The term “covered en-
18 ergy project” does not include any disputes be-
19 tween the parties to a lease regarding the obli-
20 gations under the lease, including regarding any
21 alleged breach of the lease.

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

3 Venue for any covered civil action shall lie in the
4 United States district court for the district in which the
5 project or leases exist or are proposed.

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

7 To ensure timely redress by the courts, a covered civil
8 action shall be filed not later than 90 days after the date
9 of the final Federal agency action to which the covered
10 civil action relates.

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

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

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

16 In any judicial review of a covered civil action—

17 (1) administrative findings and conclusions re-
18 lating to the challenged Federal action or decision
19 shall be presumed to be correct; and

20 (2) the presumption may be rebutted only by
21 the preponderance of the evidence contained in the
22 administrative record.

1 **SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE**
2 **RELIEF.**

3 (a) IN GENERAL.—In a covered civil action, a court
4 shall not grant or approve any prospective relief unless
5 the court finds that the relief—

6 (1) is narrowly drawn;

7 (2) extends no further than necessary to correct
8 the violation of a legal requirement; and

9 (3) is the least intrusive means necessary to
10 correct the violation.

11 (b) PRELIMINARY INJUNCTIONS.—

12 (1) IN GENERAL.—A court shall limit the dura-
13 tion of a preliminary injunction to halt a covered en-
14 ergy project to not more than 60 days, unless the
15 court finds clear reasons to extend the injunction.

16 (2) EXTENSIONS.—Extensions under paragraph
17 (1) shall—

18 (A) only be in 30-day increments; and

19 (B) require action by the court to renew
20 the injunction.

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

22 (a) IN GENERAL.—Sections 504 of title 5 and 2412
23 of title 28, United States Code (commonly known as the
24 “Equal Access to Justice Act”), shall not apply to a cov-
25 ered civil action.

1 (b) ATTORNEY'S FEES AND COURT COSTS.—A party
 2 in a covered civil action shall not receive payment from
 3 the Federal Government for attorney's fees, expenses, or
 4 other court costs.

5 **SEC. 548. LEGAL STANDING.**

6 A challenger filing an appeal with the Interior Board
 7 of Land Appeals shall meet the same standing require-
 8 ments as a challenger before a United States district
 9 court.

10 **TITLE VI—EXPEDITIOUS OIL**
 11 **AND GAS LEASING PROGRAM**
 12 **IN NATIONAL PETROLEUM**
 13 **RESERVE IN ALASKA**

14 **SEC. 601. SHORT TITLE.**

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

17 **SEC. 602. SENSE OF CONGRESS REAFFIRMING NATIONAL**
 18 **POLICY REGARDING NATIONAL PETROLEUM**
 19 **RESERVE IN ALASKA.**

20 It is the sense of Congress that—

21 (1) the National Petroleum Reserve in the
 22 State of Alaska (referred to in this title as the “Re-
 23 serve”) remains explicitly designated, both in name
 24 and legal status, for purposes of providing oil and
 25 natural gas resources to the United States; and

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

6 **SEC. 603. COMPETITIVE LEASING OF OIL AND GAS.**

7 Section 107 of the Naval Petroleum Reserves Produc-
8 tion Act of 1976 (42 U.S.C. 6506a) is amended by strik-
9 ing subsection (a) and inserting the following:

10 “(a) **COMPETITIVE LEASING.**—

11 “(1) **IN GENERAL.**—The Secretary shall con-
12 duct an expeditious program of competitive leasing
13 of oil and gas in the Reserve in accordance with this
14 Act.

15 “(2) **INCLUSIONS.**—The program under this
16 subsection shall include at least 1 lease sale annually
17 in each area of the Reserve that is most likely to
18 produce commercial quantities of oil and natural gas
19 for each of calendar years 2011 through 2021.”.

20 **SEC. 604. PLANNING AND PERMITTING PIPELINE AND**
21 **ROAD CONSTRUCTION.**

22 (a) **IN GENERAL.**—Notwithstanding any other provi-
23 sion of law, the Secretary of the Interior, in consultation
24 with the Secretary of Transportation, shall facilitate and
25 ensure permits, in an environmentally responsible manner,

1 for all surface development activities, including for the
2 construction of pipelines and roads, necessary—

3 (1) to develop and bring into production any
4 areas within the Reserve that are subject to oil and
5 gas leases; and

6 (2) to transport oil and gas from and through
7 the Reserve to existing transportation or processing
8 infrastructure on the North Slope of Alaska.

9 (b) TIMELINES.—The Secretary shall ensure that any
10 Federal permitting agency shall issue permits in accord-
11 ance with the following timelines:

12 (1) EXISTING LEASES.—Each permit for con-
13 struction relating to the transportation of oil and
14 natural gas produced under existing Federal oil and
15 gas leases with respect to which the Secretary of the
16 Interior has issued a permit to drill shall be ap-
17 proved by not later than 60 days after the date of
18 enactment of this Act.

19 (2) REQUESTED PERMITS.—Each permit for
20 construction for transportation of oil and natural
21 gas produced under Federal oil and gas leases shall
22 be approved by not later than 180 days after the
23 date of submission to the Secretary of a request for
24 a permit to drill.

1 (c) PLAN.—To ensure timely future development of
2 the Reserve, not later than 270 days after the date of en-
3 actment of this Act, the Secretary of the Interior shall
4 submit to Congress a plan for approved rights-of-way for
5 a plan for pipeline, road, and any other surface infrastruc-
6 ture that may be necessary infrastructure to ensure that
7 all leasable tracts in the Reserve are located within 25
8 miles of an approved road and pipeline right-of-way that
9 can serve future development of the Reserve.

10 **SEC. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVEL-**
11 **OPMENT.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary of the Interior
14 shall promulgate regulations to establish clear require-
15 ments to ensure that the Department of the Interior is
16 supporting development of oil and gas leases in the Re-
17 serve.

18 (b) DEADLINES.—At a minimum, the regulations
19 promulgated pursuant to this section shall—

20 (1) require the Secretary of the Interior to re-
21 spond, acknowledging receipt of any permit applica-
22 tion for development, by not later than 5 business
23 days after the date of receipt of the application; and

24 (2) establish a timeline for the processing of
25 each such application that—

1 (A) specifies deadlines for decisions and
2 actions regarding permit applications; and

3 (B) provides that the period for issuing
4 each permit after the date of submission of the
5 application shall not exceed 60 days, absent the
6 concurrence of the applicant.

7 (c) ACTIONS REQUIRED FOR FAILURE TO COMPLY
8 WITH DEADLINES.—If the Secretary of the Interior fails
9 to comply with any deadline described in subsection (b)
10 with respect to a permit application, the Secretary shall
11 notify the applicant not less frequently than once every
12 5 days with specific information regarding—

13 (1) the reasons for the permit delay;

14 (2) the name of each specific office of the De-
15 partment of the Interior responsible for—

16 (A) issuing the permit; or

17 (B) monitoring the permit delay; and

18 (3) an estimate of the date on which the permit
19 will be issued.

20 (d) ADDITIONAL INFRASTRUCTURE.—Not later than
21 180 days after the date of enactment of this Act, the Sec-
22 retary of the Interior, after consultation with the State
23 of Alaska and after providing notice and an opportunity
24 for public comment, shall approve right-of-way corridors
25 for the construction of 2 separate additional bridges and

1 pipeline rights-of-way to help facilitate timely oil and gas
2 development of the Reserve.

3 **SEC. 606. UPDATED RESOURCE ASSESSMENT.**

4 (a) IN GENERAL.—The Secretary of the Interior shall
5 complete a comprehensive assessment of all technically re-
6 coverable fossil fuel resources within the Reserve, includ-
7 ing all conventional and unconventional oil and natural
8 gas.

9 (b) COOPERATION AND CONSULTATION.—The re-
10 source assessment under subsection (a) shall be carried
11 out by the United States Geological Survey in cooperation
12 and consultation with the State of Alaska and the Amer-
13 ican Association of Petroleum Geologists.

14 (c) TIMING.—The resource assessment under sub-
15 section (a) shall be completed by not later than 2 years
16 after the date of enactment of this Act.

17 (d) FUNDING.—In carrying out this section, the
18 United States Geological Survey may cooperatively use re-
19 sources and funds provided by the State of Alaska.

20 **SEC. 607. COLVILLE RIVER DELTA DESIGNATION.**

21 The designation by the Environmental Protection
22 Agency of the Colville River Delta as an aquatic resource
23 of national importance shall have no force or effect on this
24 title or an amendment made by this title.

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

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

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

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

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

11 (1) in subparagraph (A), in the third sentence,
12 by striking “Lease sales” and inserting “Except as
13 provided in subparagraph (C), lease sales”; and

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

15 “(C) In order to diversify and expand the United
16 States onshore leasing program to ensure the best return
17 to Federal taxpayers, to reduce fraud, and to secure the
18 leasing process, the Secretary may conduct onshore lease
19 sales through Internet-based bidding methods, each of
20 which shall be completed by not later than 7 days after
21 the date of initiation of the sale.”.

22 (b) **REPORT.**—Not later than 90 days after the tenth
23 Internet-based lease sale conducted pursuant to subpara-
24 graph (C) of section 17(b)(1) of the Mineral Leasing Act
25 (30 U.S.C. 226(b)(1)) (as added by subsection (a)), the

1 Secretary of the Interior shall conduct, and submit to Con-
2 gress a report describing the results of, an analysis of the
3 first 10 such lease sales, including—

4 (1) estimates of increases or decreases in the
5 lease sales, as compared to sales conducted by oral
6 bidding, in—

7 (A) the number of bidders;

8 (B) the average amount of the bids;

9 (C) the highest amount of the bids; and

10 (D) the lowest amount of the bids;

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

15 (3) an evaluation of the demonstrated or ex-
16 pected effectiveness of different structures for lease
17 sales, which may—

18 (A) provide an opportunity to better maxi-
19 mize bidder participation;

20 (B) ensure the highest return to Federal
21 taxpayers;

22 (C) minimize opportunities for fraud or
23 collusion; and

24 (D) ensure the security and integrity of
25 the leasing process.

1 fected by the project (including hazards to navi-
2 gation);

3 (2) is decommissioned not more than 5 years
4 after the date of commencement of the project, in-
5 cluding—

6 (A) removal of towers, buoys, or other tem-
7 porary ocean infrastructure from the project
8 site; and

9 (B) restoration of the project site to ap-
10 proximately the original condition of the site;
11 and

12 (3) provides meteorological information ob-
13 tained by the project to the Secretary of the Inte-
14 rior.

15 (b) OFFSHORE METEOROLOGICAL PROJECT PERMIT-
16 TING.—

17 (1) IN GENERAL.—The Secretary of the Inte-
18 rior shall require, by regulation, that any applicant
19 seeking to conduct an offshore meteorological site
20 testing and monitoring project shall obtain a permit
21 and right-of-way for the project in accordance with
22 this subsection.

23 (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND
24 CONDITIONS.—

1 (A) DEADLINE FOR APPROVAL.—The Sec-
2 retary shall decide whether to issue a permit
3 and right-of-way for an offshore meteorological
4 site testing and monitoring project by not later
5 than 30 days after the date of receipt of a rel-
6 evant application.

7 (B) PUBLIC COMMENT AND CONSULTA-
8 TION.—During the 30-day period referred to in
9 subparagraph (A) with respect to an application
10 for a permit and right-of-way under this sub-
11 section, the Secretary shall—

12 (i) provide an opportunity for submis-
13 sion of comments regarding the application
14 by the public; and

15 (ii) consult with the Secretary of De-
16 fense, the Commandant of the Coast
17 Guard, and the heads of other Federal,
18 State, and local agencies that would be af-
19 fected by the issuance of the permit and
20 right-of-way.

21 (C) DENIAL OF PERMIT; OPPORTUNITY TO
22 REMEDY DEFICIENCIES.—If an application is
23 denied under this subsection, the Secretary
24 shall provide to the applicant—

25 (i) in writing—

1 (I) a list of clear and comprehen-
 2 sive reasons why the application was
 3 denied; and

4 (II) detailed information con-
 5 cerning any deficiencies in the appli-
 6 cation; and

7 (ii) an opportunity to remedy those
 8 deficiencies.

9 (c) NEPA EXCLUSION.—Section 102(2)(C) of the
 10 National Environmental Policy Act of 1969 (42 U.S.C.
 11 4332(2)(C)) shall not apply with respect to an offshore
 12 meteorological site testing and monitoring project.

13 (d) PROTECTION OF INFORMATION.—Any informa-
 14 tion provided to the Secretary of the Interior under sub-
 15 section (a)(3) shall be—

16 (1) treated by the Secretary as proprietary in-
 17 formation; and

18 (2) protected against disclosure.

19 **TITLE IX—CRITICAL MINERALS**

20 **SEC. 901. DEFINITIONS.**

21 In this title:

22 (1) APPLICABLE COMMITTEES.—The term “ap-
 23 plicable committees” means—

24 (A) the Committee on Energy and Natural
 25 Resources of the Senate;

1 (B) the Committee on Natural Resources
2 of the House of Representatives;

3 (C) the Committee on Energy and Com-
4 merce of the House of Representatives; and

5 (D) the Committee on Science, Space, and
6 Technology of the House of Representatives.

7 (2) CLEAN ENERGY TECHNOLOGY.—The term
8 “clean energy technology” means a technology re-
9 lated to the production, use, transmission, storage,
10 control, or conservation of energy that—

11 (A) reduces the need for additional energy
12 supplies by using existing energy supplies with
13 greater efficiency or by transmitting, distrib-
14 uting, storing, or transporting energy with
15 greater effectiveness in or through the infra-
16 structure of the United States;

17 (B) diversifies the sources of energy supply
18 of the United States to strengthen energy secu-
19 rity and to increase supplies with a favorable
20 balance of environmental effects if the entire
21 technology system is considered; or

22 (C) contributes to a stabilization of atmos-
23 pheric greenhouse gas concentrations through
24 reduction, avoidance, or sequestration of en-
25 ergy-related greenhouse gas emissions.

1 (3) CRITICAL MINERAL.—

2 (A) IN GENERAL.—The term “critical min-
3 eral” means any mineral designated as a crit-
4 ical mineral pursuant to section 902.

5 (B) EXCLUSIONS.—The term “critical
6 mineral” does not include coal, oil, natural gas,
7 or any other fossil fuels.

8 (4) CRITICAL MINERAL MANUFACTURING.—The
9 term “critical mineral manufacturing” means—

10 (A) the production, processing, refining,
11 alloying, separation, concentration, magnetic
12 sintering, melting, or beneficiation of critical
13 minerals within the United States;

14 (B) the fabrication, assembly, or produc-
15 tion, within the United States, of clean energy
16 technologies (including technologies related to
17 wind, solar, and geothermal energy, efficient
18 lighting, electrical superconducting materials,
19 permanent magnet motors, batteries, and other
20 energy storage devices), military equipment,
21 and consumer electronics, or components nec-
22 essary for applications; or

23 (C) any other value-added, manufacturing-
24 related use of critical minerals undertaken with-
25 in the United States.

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

5 (6) MILITARY EQUIPMENT.—The term “mili-
6 tary equipment” means equipment used directly by
7 the Armed Forces to carry out military operations.

8 (7) RARE EARTH ELEMENT.—

9 (A) IN GENERAL.—The term “rare earth
10 element” means the chemical elements in the
11 periodic table from lanthanum (atomic number
12 57) up to and including lutetium (atomic num-
13 ber 71).

14 (B) INCLUSIONS.—The term “rare earth
15 element” includes the similar chemical elements
16 yttrium (atomic number 39) and scandium
17 (atomic number 21).

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior—

20 (A) acting through the Director of the
21 United States Geological Survey; and

22 (B) in consultation with (as appropriate)—

23 (i) the Secretary of Energy;

24 (ii) the Secretary of Defense;

25 (iii) the Secretary of Commerce;

- 1 (iv) the Secretary of State;
2 (v) the Secretary of Agriculture;
3 (vi) the United States Trade Rep-
4 resentative; and
5 (vii) the heads of other applicable
6 Federal agencies.

7 (9) STATE.—The term “State” means—

- 8 (A) a State;
9 (B) the Commonwealth of Puerto Rico;
10 and
11 (C) any other territory or possession of the
12 United States.

13 (10) VALUE-ADDED.—The term “value-added”
14 means, with respect to an activity, an activity that
15 changes the form, fit, or function of a product, serv-
16 ice, raw material, or physical good so that the result-
17 ant market price is greater than the cost of making
18 the changes.

19 (11) WORKING GROUP.—The term “Working
20 Group” means the Critical Minerals Working Group
21 established under section 905(a).

22 **SEC. 902. DESIGNATIONS.**

23 (a) DRAFT METHODOLOGY.—Not later than 30 days
24 after the date of enactment of this Act, the Secretary shall
25 publish in the Federal Register for public comment a draft

1 methodology for determining which minerals qualify as
2 critical minerals based on an assessment of whether the
3 minerals are—

4 (1) subject to potential supply restrictions (in-
5 cluding restrictions associated with foreign political
6 risk, abrupt demand growth, military conflict, and
7 anti-competitive or protectionist behaviors); and

8 (2) important in use (including clean energy
9 technology-, defense-, agriculture-, and health care-
10 related applications).

11 (b) AVAILABILITY OF DATA.—If available data is in-
12 sufficient to provide a quantitative basis for the method-
13 ology developed under this section, qualitative evidence
14 may be used.

15 (c) FINAL METHODOLOGY.—After reviewing public
16 comments on the draft methodology under subsection (a)
17 and updating the draft methodology as appropriate, the
18 Secretary shall enter into an arrangement with the Na-
19 tional Academy of Sciences and the National Academy of
20 Engineering to obtain, not later than 120 days after the
21 date of enactment of this Act—

22 (1) a review of the methodology; and

23 (2) recommendations for improving the method-
24 ology.

1 (d) FINAL METHODOLOGY.—After reviewing the rec-
2 ommendations under subsection (c), not later than 150
3 days after the date of enactment of this Act, the Secretary
4 shall publish in the Federal Register a description of the
5 final methodology for determining which minerals qualify
6 as critical minerals.

7 (e) DESIGNATIONS.—Not later than 180 days after
8 the date of enactment of this Act, the Secretary shall pub-
9 lish in the Federal Register a list of minerals designated
10 as critical, pursuant to the final methodology under sub-
11 section (d), for purposes of carrying out this title.

12 (f) SUBSEQUENT REVIEW.—The methodology and
13 designations developed under subsections (d) and (e) shall
14 be updated at least every 5 years, or in more regular inter-
15 vals if considered appropriate by the Secretary.

16 (g) NOTICE.—On finalization of the methodology
17 under subsection (d), the list under subsection (e), or any
18 update to the list under subsection (f), the Secretary shall
19 submit to the applicable committees written notice of the
20 action.

21 **SEC. 903. POLICY.**

22 (a) POLICY.—It is the policy of the United States to
23 promote an adequate, reliable, domestic, and stable supply
24 of critical minerals, produced in an environmentally re-
25 sponsible manner, in order to strengthen and sustain the

1 economic security, and the manufacturing, industrial, en-
2 ergy, technological, and competitive stature, of the United
3 States.

4 (b) COORDINATION.—The President, acting through
5 the Executive Office of the President, shall coordinate the
6 actions of Federal agencies under this and other Acts—

7 (1) to encourage Federal agencies to facilitate
8 the availability, development, and environmentally
9 responsible production of domestic resources to meet
10 national critical minerals needs;

11 (2) to minimize duplication, needless paper-
12 work, and delays in the administration of applicable
13 laws (including regulations) and the issuance of per-
14 mits and authorizations necessary to explore for, de-
15 velop, and produce critical minerals and to construct
16 and operate critical mineral manufacturing facilities
17 in an environmentally responsible manner;

18 (3) to promote the development of economically
19 stable and environmentally responsible domestic crit-
20 ical mineral production and manufacturing;

21 (4) to establish an analytical and forecasting
22 capability for identifying critical mineral demand,
23 supply, and other market dynamics relevant to policy
24 formulation so that informed actions may be taken
25 to avoid supply shortages, mitigate price volatility,

1 and prepare for demand growth and other market
2 shifts;

3 (5) to strengthen educational and research ca-
4 pabilities and workforce training;

5 (6) to bolster international cooperation through
6 technology transfer, information sharing, and other
7 means;

8 (7) to promote the efficient production, use,
9 and recycling of critical minerals;

10 (8) to develop alternatives to critical minerals;
11 and

12 (9) to establish contingencies for the production
13 of, or access to, critical minerals for which viable
14 sources do not exist within the United States.

15 **SEC. 904. RESOURCE ASSESSMENT.**

16 (a) IN GENERAL.—Not later than 4 years after the
17 date of enactment of this Act, in consultation with applica-
18 ble State (including geological surveys), local, academic,
19 industry, and other entities, the Secretary shall complete
20 a comprehensive national assessment of each critical min-
21 eral that—

22 (1) identifies and quantifies known critical min-
23 eral resources, using all available public and private
24 information and datasets, including exploration his-
25 tories;

1 (2) estimates the cost of production of the crit-
2 ical mineral resources identified and quantified
3 under this section, using all available public and pri-
4 vate information and datasets, including exploration
5 histories;

6 (3) provides a quantitative and qualitative as-
7 sessment of undiscovered critical mineral resources
8 throughout the United States, including probability
9 estimates of tonnage and grade, using all available
10 public and private information and datasets, includ-
11 ing exploration histories;

12 (4) provides qualitative information on the envi-
13 ronmental attributes of the critical mineral resources
14 identified under this section; and

15 (5) pays particular attention to the identifica-
16 tion and quantification of critical mineral resources
17 on Federal land that is open to location and entry
18 for exploration, development, and other uses.

19 (b) FIELD WORK.—If existing information and
20 datasets prove insufficient to complete the assessment
21 under this section and there is no reasonable opportunity
22 to obtain the information and datasets from nongovern-
23 mental entities, the Secretary may carry out field work
24 (including drilling, remote sensing, geophysical surveys,
25 geological mapping, and geochemical sampling and anal-

1 ysis) to supplement existing information and datasets
2 available for determining the existence of critical minerals
3 on—

4 (1) Federal land that is open to location and
5 entry for exploration, development, and other uses;

6 (2) tribal land, at the request and with the
7 written permission of the Indian tribe with jurisdic-
8 tion over the land; and

9 (3) State land, at the request and with the writ-
10 ten permission of the Governor of the State.

11 (c) TECHNICAL ASSISTANCE.—At the request of the
12 Governor of a State or an Indian tribe, the Secretary may
13 provide technical assistance to State governments and In-
14 dian tribes conducting critical mineral resource assess-
15 ments on non-Federal land.

16 (d) FINANCIAL ASSISTANCE.—The Secretary may
17 make grants to State governments, or Indian tribes and
18 economic development entities of Indian tribes, to cover
19 the costs associated with assessments of critical mineral
20 resources on State or tribal land, as applicable.

21 (e) REPORT.—Not later than 4 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the applicable committees a report describing the results
24 of the assessment conducted under this section.

25 (f) PRIORITIZATION.—

1 (1) IN GENERAL.—The Secretary may sequence
2 the completion of resource assessments for each crit-
3 ical mineral such that critical materials considered
4 to be most critical under the methodology estab-
5 lished pursuant to section 902 are completed first.

6 (2) REPORTING.—If the Secretary sequences
7 the completion of resource assessments for each crit-
8 ical material, the Secretary shall submit a report
9 under subsection (e) on an iterative basis over the
10 4-year period beginning on the date of enactment of
11 this Act.

12 (g) UPDATES.—The Secretary shall periodically up-
13 date the assessment conducted under this section based
14 on—

15 (1) the generation of new information or
16 datasets by the Federal Government; or

17 (2) the receipt of new information or datasets
18 from critical mineral producers, State geological sur-
19 veys, academic institutions, trade associations, or
20 other entities or individuals.

21 **SEC. 905. PERMITTING.**

22 (a) CRITICAL MINERALS WORKING GROUP.—

23 (1) IN GENERAL.—There is established within
24 the Department of the Interior a working group to
25 be known as the “Critical Minerals Working

1 Group”, which shall report to the President and the
2 applicable committees through the Secretary.

3 (2) COMPOSITION.—The Working Group shall
4 be composed of the following:

5 (A) The Secretary of the Interior (or a
6 designee), who shall serve as chair of the Work-
7 ing Group.

8 (B) A Presidential designee from the Exec-
9utive Office of the President, who shall serve as
10 vice-chair of the Working Group.

11 (C) The Secretary of Energy (or a des-
12 ignee).

13 (D) The Secretary of Agriculture (or a
14 designee).

15 (E) The Secretary of Defense (or a des-
16 ignee).

17 (F) The Secretary of Commerce (or a des-
18 ignee).

19 (G) The Secretary of State (or a designee).

20 (H) The United States Trade Representa-
21 tive (or a designee).

22 (I) The Administrator of the Environ-
23 mental Protection Agency (or a designee).

24 (J) The Chief of Engineers of the Corps of
25 Engineers (or a designee).

1 (b) CONSULTATION.—The Working Group shall oper-
2 ate in consultation with private sector, academic, and
3 other applicable stakeholders with experience related to—

- 4 (1) critical minerals exploration;
- 5 (2) critical minerals permitting;
- 6 (3) critical minerals production; and
- 7 (4) critical minerals manufacturing.

8 (c) DUTIES.—The Working Group shall—

9 (1) facilitate Federal agency efforts to optimize
10 efficiencies associated with the permitting of activi-
11 ties that will increase exploration and development
12 of domestic critical minerals, while maintaining envi-
13 ronmental standards;

14 (2) facilitate Federal agency review of laws (in-
15 cluding regulations) and policies that discourage in-
16 vestment in exploration and development of domestic
17 critical minerals;

18 (3) assess whether Federal policies adversely
19 impact the global competitiveness of the domestic
20 critical minerals exploration and development sector
21 (including taxes, fees, regulatory burdens, and ac-
22 cess restrictions);

23 (4) evaluate the sufficiency of existing mecha-
24 nisms for the provision of tenure on Federal land
25 and the role of the mechanisms in attracting capital

1 investment for the exploration and development of
2 domestic critical minerals; and

3 (5) generate such other information and take
4 such other actions as the Working Group considers
5 appropriate to achieve the policy described in section
6 903(a).

7 (d) REPORT.—Not later than 300 days after the date
8 of enactment of this Act, the Working Group shall submit
9 to the applicable committees a report that—

10 (1) describes the results of actions taken under
11 subsection (c);

12 (2) evaluates the amount of time typically re-
13 quired (including the range derived from minimum
14 and maximum durations, mean, median, variance,
15 and other statistical measures or representations) to
16 complete each step (including those aspects outside
17 the control of the executive branch of the Federal
18 Government, such as judicial review, applicant deci-
19 sions, or State and local government involvement)
20 associated with the processing of applications, oper-
21 ating plans, leases, licenses, permits, and other use
22 authorizations for critical mineral-related activities
23 on Federal land, which shall serve as a baseline for
24 the performance metric developed and finalized
25 under subsections (e) and (f), respectively;

1 (3) identifies measures (including regulatory
2 changes and legislative proposals) that would opti-
3 mize efficiencies, while maintaining environmental
4 standards, associated with the permitting of activi-
5 ties that will increase exploration and development
6 of domestic critical minerals; and

7 (4) identifies options (including cost recovery
8 paid by applicants) for ensuring adequate staffing of
9 divisions, field offices, or other entities responsible
10 for the consideration of applications, operating
11 plans, leases, licenses, permits, and other use au-
12 thORIZATIONS for critical mineral-related activities on
13 Federal land.

14 (e) DRAFT PERFORMANCE METRIC.—Not later than
15 330 days after the date of enactment of this Act, and on
16 completion of the report required under subsection (d), the
17 Working Group shall publish in the Federal Register for
18 public comment a draft description of a performance met-
19 ric for evaluating the progress made by the executive
20 branch of the Federal Government on matters within the
21 control of that branch towards optimizing efficiencies,
22 while maintaining environmental standards, associated
23 with the permitting of activities that will increase explo-
24 ration and development of domestic critical minerals.

1 (f) FINAL PERFORMANCE METRIC.—Not later than
2 1 year after the date of enactment of this Act, and after
3 consideration of any public comments received under sub-
4 section (e), the Working Group shall publish in the Fed-
5 eral Register a description of the final performance metric.

6 (g) ANNUAL REPORT.—Not later than 2 years after
7 the date of enactment of this Act and annually thereafter,
8 using the final performance metric under subsection (f),
9 the Working Group shall submit to the applicable commit-
10 tees, as part of the budget request of the Department of
11 the Interior for each fiscal year, each report that—

12 (1) describes the progress made by the execu-
13 tive branch of the Federal Government on matters
14 within the control of that branch towards optimizing
15 efficiencies, while maintaining environmental stand-
16 ards, associated with the permitting of activities that
17 will increase exploration and development of domes-
18 tic critical minerals; and

19 (2) compares the United States to other coun-
20 tries in terms of permitting efficiency, environmental
21 standards, and other criteria relevant to a globally
22 competitive economic sector.

23 (h) REPORT OF SMALL BUSINESS ADMINISTRA-
24 TION.—Not later than 300 days after the date of enact-
25 ment of this Act, the Administrator of the Small Business

1 Administration shall submit to the applicable committees
2 a report that assesses the performance of Federal agencies
3 in—

4 (1) complying with chapter 6 of title 5, United
5 States Code (commonly known as the “Regulatory
6 Flexibility Act”), in promulgating regulations appli-
7 cable to the critical minerals industry; and

8 (2) performing an analysis of regulations appli-
9 cable to the critical minerals industry that may be
10 outmoded, inefficient, duplicative, or excessively bur-
11 densome.

12 (i) JUDICIAL REVIEW.—

13 (1) IN GENERAL.—Nothing in this section af-
14 fects any judicial review of an agency action under
15 any other provision of law.

16 (2) CONSTRUCTION.—This section—

17 (A) is intended to improve the internal
18 management of the Federal Government; and

19 (B) does not create any right or benefit,
20 substantive or procedural, enforceable at law or
21 equity by a party against the United States (in-
22 cluding an agency, instrumentality, officer, or
23 employee) or any other person.

1 **SEC. 906. RECYCLING AND ALTERNATIVES.**

2 (a) ESTABLISHMENT.—The Secretary of Energy
3 shall conduct a program of research and development to
4 promote the efficient production, use, and recycling of,
5 and alternatives to, critical minerals.

6 (b) COOPERATION.—In carrying out the program, the
7 Secretary of Energy shall cooperate with appropriate—

- 8 (1) Federal agencies and National Laboratories;
- 9 (2) critical mineral producers;
- 10 (3) critical mineral manufacturers;
- 11 (4) trade associations;
- 12 (5) academic institutions;
- 13 (6) small businesses; and
- 14 (7) other relevant entities or individuals.

15 (c) ACTIVITIES.—Under the program, the Secretary
16 of Energy shall carry out activities that include the identi-
17 fication and development of—

- 18 (1) advanced critical mineral production or
19 processing technologies that decrease the environ-
20 mental impact, and costs of production, of such ac-
21 tivities;
- 22 (2) techniques and practices that minimize or
23 lead to more efficient use of critical minerals;
- 24 (3) techniques and practices that facilitate the
25 recycling of critical minerals, including options for

1 improving the rates of collection of post-consumer
2 products containing critical minerals;

3 (4) commercial markets, advanced storage
4 methods, energy applications, and other beneficial
5 uses of critical minerals processing byproducts; and

6 (5) alternative minerals, metals, and materials,
7 particularly those available in abundance within the
8 United States and not subject to potential supply re-
9 strictions, that lessen the need for critical minerals.

10 (d) REPORT.—Not later than 2 years after the date
11 of enactment of this Act and every 5 years thereafter, the
12 Secretaries shall submit to the applicable committees a re-
13 port summarizing the activities, findings, and progress of
14 the program.

15 **SEC. 907. ANALYSIS AND FORECASTING.**

16 (a) CAPABILITIES.—In order to evaluate existing crit-
17 ical mineral policies and inform future actions that may
18 be taken to avoid supply shortages, mitigate price vola-
19 tility, and prepare for demand growth and other market
20 shifts, the Secretary, in consultation with academic insti-
21 tutions, the Energy Information Administration, and oth-
22 ers in order to maximize the application of existing com-
23 petencies related to developing and maintaining computer-
24 models and similar analytical tools, shall conduct and pub-
25 lish the results of an annual report that includes—

1 (1) as part of the annually published Mineral
2 Commodity Summaries from the United States Geo-
3 logical Survey, a comprehensive review of critical
4 mineral production, consumption, and recycling pat-
5 terns, including—

6 (A) the quantity of each critical mineral
7 domestically produced during the preceding
8 year;

9 (B) the quantity of each critical mineral
10 domestically consumed during the preceding
11 year;

12 (C) market price data for each critical
13 mineral;

14 (D) an assessment of—

15 (i) critical mineral requirements to
16 meet the national security, energy, eco-
17 nomic, industrial, technological, and other
18 needs of the United States during the pre-
19 ceding year;

20 (ii) the reliance of the United States
21 on foreign sources to meet those needs
22 during the preceding year; and

23 (iii) the implications of any supply
24 shortages, restrictions, or disruptions dur-
25 ing the preceding year;

1 (E) the quantity of each critical mineral
2 domestically recycled during the preceding year;

3 (F) the market penetration during the pre-
4 ceding year of alternatives to each critical min-
5 eral;

6 (G) a discussion of applicable international
7 trends associated with the discovery, produc-
8 tion, consumption, use, costs of production,
9 prices, and recycling of each critical mineral as
10 well as the development of alternatives to crit-
11 ical minerals; and

12 (H) such other data, analyses, and evalua-
13 tions as the Secretary finds are necessary to
14 achieve the purposes of this section; and

15 (2) a comprehensive forecast, entitled the “An-
16 nual Critical Minerals Outlook”, of projected critical
17 mineral production, consumption, and recycling pat-
18 terns, including—

19 (A) the quantity of each critical mineral
20 projected to be domestically produced over the
21 subsequent 1-year, 5-year, and 10-year periods;

22 (B) the quantity of each critical mineral
23 projected to be domestically consumed over the
24 subsequent 1-year, 5-year, and 10-year periods;

1 (C) market price projections for each crit-
2 ical mineral, to the maximum extent practicable
3 and based on the best available information;

4 (D) an assessment of—

5 (i) critical mineral requirements to
6 meet projected national security, energy,
7 economic, industrial, technological, and
8 other needs of the United States;

9 (ii) the projected reliance of the
10 United States on foreign sources to meet
11 those needs; and

12 (iii) the projected implications of po-
13 tential supply shortages, restrictions, or
14 disruptions;

15 (E) the quantity of each critical mineral
16 projected to be domestically recycled over the
17 subsequent 1-year, 5-year, and 10-year periods;

18 (F) the market penetration of alternatives
19 to each critical mineral projected to take place
20 over the subsequent 1-year, 5-year, and 10-year
21 periods;

22 (G) a discussion of reasonably foreseeable
23 international trends associated with the dis-
24 covery, production, consumption, use, costs of
25 production, prices, and recycling of each critical

1 mineral as well as the development of alter-
2 natives to critical minerals; and

3 (H) such other projections relating to each
4 critical mineral as the Secretary determines to
5 be necessary to achieve the purposes of this sec-
6 tion.

7 (b) PROPRIETARY INFORMATION.—In preparing a re-
8 port described in subsection (a), the Secretary shall ensure
9 that—

10 (1) no person uses the information and data
11 collected for the report for a purpose other than the
12 development of or reporting of aggregate data in a
13 manner such that the identity of the person who
14 supplied the information is not discernible and is not
15 material to the intended uses of the information;

16 (2) no person discloses any information or data
17 collected for the report unless the information or
18 data has been transformed into a statistical or ag-
19 gregate form that does not allow the identification of
20 the person who supplied particular information; and

21 (3) procedures are established to require the
22 withholding of any information or data collected for
23 the report if the Secretary determines that with-
24 holding is necessary to protect proprietary informa-

1 tion, including any trade secrets or other confiden-
2 tial information.

3 **SEC. 908. EDUCATION AND WORKFORCE.**

4 (a) **WORKFORCE ASSESSMENT.**—Not later than 300
5 days after the date of enactment of this Act, the Secretary
6 of Labor (in consultation with the Secretary of the Inte-
7 rior, the Director of the National Science Foundation, and
8 employers in the critical minerals sector) shall submit to
9 Congress an assessment of the domestic availability of
10 technically trained personnel necessary for critical mineral
11 assessment, production, manufacturing, recycling, anal-
12 ysis, forecasting, education, and research, including an
13 analysis of—

14 (1) skills that are in the shortest supply as of
15 the date of the assessment;

16 (2) skills that are projected to be in short sup-
17 ply in the future;

18 (3) the demographics of the critical minerals in-
19 dustry and how the demographics will evolve under
20 the influence of factors such as an aging workforce;

21 (4) the effectiveness of training and education
22 programs in addressing skills shortages;

23 (5) opportunities to hire locally for new and ex-
24 isting critical mineral activities;

1 (6) the sufficiency of personnel within relevant
2 areas of the Federal Government for achieving the
3 policy described in section 903(a); and

4 (7) the potential need for new training pro-
5 grams to have a measurable effect on the supply of
6 trained workers in the critical minerals industry.

7 (b) CURRICULUM STUDY.—

8 (1) IN GENERAL.—The Secretary and the Sec-
9 retary of Labor shall jointly enter into an arrange-
10 ment with the National Academy of Sciences and the
11 National Academy of Engineering under which the
12 Academies shall coordinate with the National
13 Science Foundation on conducting a study—

14 (A) to design an interdisciplinary program
15 on critical minerals that will support the critical
16 mineral supply chain and improve the ability of
17 the United States to increase domestic, critical
18 mineral exploration, development, and manufac-
19 turing;

20 (B) to address undergraduate and grad-
21 uate education, especially to assist in the devel-
22 opment of graduate level programs of research
23 and instruction that lead to advanced degrees
24 with an emphasis on the critical mineral supply
25 chain or other positions that will increase do-

1 mestic, critical mineral exploration, develop-
2 ment, and manufacturing;

3 (C) to develop guidelines for proposals
4 from institutions of higher education with sub-
5 stantial capabilities in the required disciplines
6 to improve the critical mineral supply chain and
7 advance the capacity of the United States to in-
8 crease domestic, critical mineral exploration, de-
9 velopment, and manufacturing; and

10 (D) to outline criteria for evaluating per-
11 formance and recommendations for the amount
12 of funding that will be necessary to establish
13 and carry out the grant program described in
14 subsection (c).

15 (2) REPORT.—Not later than 2 years after the
16 date of enactment of this Act, the Secretary shall
17 submit to Congress a description of the results of
18 the study required under paragraph (1).

19 (c) GRANT PROGRAM.—

20 (1) ESTABLISHMENT.—The Secretary and the
21 National Science Foundation shall jointly conduct a
22 competitive grant program under which institutions
23 of higher education may apply for and receive 4-year
24 grants for—

1 (A) startup costs for newly designated fac-
2 ulty positions in integrated critical mineral edu-
3 cation, research, innovation, training, and work-
4 force development programs consistent with
5 subsection (b);

6 (B) internships, scholarships, and fellow-
7 ships for students enrolled in critical mineral
8 programs; and

9 (C) equipment necessary for integrated
10 critical mineral innovation, training, and work-
11 force development programs.

12 (2) RENEWAL.—A grant under this subsection
13 shall be renewable for up to 2 additional 3-year
14 terms based on performance criteria outlined under
15 subsection (b)(1)(D).

16 **SEC. 909. INTERNATIONAL COOPERATION.**

17 (a) ESTABLISHMENT.—The Secretary of State, in co-
18 ordination with the Secretary, shall carry out a program
19 to promote international cooperation on critical mineral
20 supply chain issues with allies of the United States.

21 (b) ACTIVITIES.—Under the program, the Secretary
22 of State may work with allies of the United States—

23 (1) to increase the global, responsible produc-
24 tion of critical minerals, if a determination is made
25 by the Secretary of State that there is no viable pro-

1 duction capacity for the critical minerals within the
2 United States;

3 (2) to improve the efficiency and environmental
4 performance of extraction techniques;

5 (3) to increase the recycling of, and deployment
6 of alternatives to, critical minerals;

7 (4) to assist in the development and transfer of
8 critical mineral extraction, processing, and manufac-
9 turing technologies that would have a beneficial im-
10 pact on world commodity markets and the environ-
11 ment;

12 (5) to strengthen and maintain intellectual
13 property protections; and

14 (6) to facilitate the collection of information
15 necessary for analyses and forecasts conducted pur-
16 suant to section 907.

17 **SEC. 910. REPEAL, AUTHORIZATION, AND OFFSET.**

18 (a) REPEAL.—

19 (1) IN GENERAL.—The National Critical Mate-
20 rials Act of 1984 (30 U.S.C. 1801 et seq.) is re-
21 pealed.

22 (2) CONFORMING AMENDMENT.—Section 3(d)
23 of the National Superconductivity and Competitive-
24 ness Act of 1988 (15 U.S.C. 5202(d)) is amended
25 in the first sentence by striking “, with the assist-

1 ance of the National Critical Materials Council as
 2 specified in the National Critical Materials Act of
 3 1984 (30 U.S.C. 1801 et seq.),”.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to carry out this title and
 6 the amendments made by this title \$30,000,000.

7 (c) AUTHORIZATION OFFSET.—Section 207(c) of the
 8 Energy Independence and Security Act of 2007 (42
 9 U.S.C. 17022(c)) is amended by inserting before the pe-
 10 riod at the end the following: “, except that the amount
 11 authorized to be appropriated to carry out this section not
 12 appropriated as of the date of enactment of the Domestic
 13 Energy and Jobs Act shall be reduced by \$30,000,000”.

14 **TITLE X—MISCELLANEOUS**

15 **SEC. 1001. LIMITATION ON TRANSFER OF FUNCTIONS**

16 **UNDER THE SOLID MINERALS LEASING PRO-** 17 **GRAM.**

18 The Secretary of the Interior may not transfer to the
 19 Office of Surface Mining Reclamation and Enforcement
 20 any responsibility or authority to perform any function
 21 performed on the day before the date of enactment of this
 22 Act under the solid minerals leasing program of the De-
 23 partment of the Interior, including—

24 (1) any function under—

1 (A) sections 2318 through 2352 of the Re-
2 vised Statutes (commonly known as the “Min-
3 ing Law of 1872”) (30 U.S.C. 21 et seq.);

4 (B) the Act of July 31, 1947 (commonly
5 known as the “Materials Act of 1947”) (30
6 U.S.C. 601 et seq.);

7 (C) the Mineral Leasing Act (30 U.S.C.
8 181 et seq.); or

9 (D) the Mineral Leasing Act for Acquired
10 Lands (30 U.S.C. 351 et seq.);

11 (2) any function relating to management of
12 mineral development on Federal land and acquired
13 land under section 302 of the Federal Land Policy
14 and Management Act of 1976 (43 U.S.C. 1732);
15 and

16 (3) any function performed under the mining
17 law administration program of the Bureau of Land
18 Management.

19 **SEC. 1002. AMOUNT OF DISTRIBUTED QUALIFIED OUTER**
20 **CONTINENTAL SHELF REVENUES.**

21 Section 105(f)(1) of the Gulf of Mexico Energy Secu-
22 rity Act of 2006 (43 U.S.C. 1331 note; Public Law 109–
23 432) is amended by striking “2055” and inserting “2022,
24 and shall not exceed \$750,000,000 for each of fiscal years
25 2023 through 2055”.

1 **SEC. 1003. LEASE SALE 220 AND OTHER LEASE SALES OFF**
2 **THE COAST OF VIRGINIA.**

3 (a) **INCLUSION IN LEASING PROGRAMS.**—The Sec-
4 retary of the Interior shall—

5 (1) as soon as practicable after, but not later
6 than 10 days after, the date of enactment of this
7 Act, revise the proposed outer Continental Shelf oil
8 and gas leasing program for the 2012–2017 period
9 to include in the program Lease Sale 220 off the
10 coast of Virginia; and

11 (2) include the outer Continental Shelf off the
12 coast of Virginia in the leasing program for each 5-
13 year period after the 2012–2017 period.

14 (b) **CONDUCT OF LEASE SALE.**—As soon as prac-
15 ticable, but not later than 1 year, after the date of enact-
16 ment of this Act, the Secretary of the Interior shall carry
17 out under section 8 of the Outer Continental Shelf Lands
18 Act (43 U.S.C. 1337) Lease Sale 220.

19 (c) **BALANCING MILITARY AND ENERGY PRODUC-**
20 **TION GOALS.**—

21 (1) **JOINT GOALS.**—In recognition that the
22 outer Continental Shelf oil and gas leasing program
23 and the domestic energy resources produced under
24 that program are integral to national security, the
25 Secretary of the Interior and the Secretary of De-

1 fense shall work jointly in implementing this sec-
2 tion—

3 (A) to preserve the ability of the Armed
4 Forces to maintain an optimum state of readi-
5 ness through their continued use of energy re-
6 sources of the outer Continental Shelf; and

7 (B) to allow effective exploration, develop-
8 ment, and production of the oil, gas, and renew-
9 able energy resources of the United States.

10 (2) PROHIBITION ON CONFLICTS WITH MILI-
11 TARY OPERATIONS.—No person may engage in any
12 exploration, development, or production of oil or nat-
13 ural gas off the coast of Virginia that would conflict
14 with any military operation, as determined in ac-
15 cordance with—

16 (A) the agreement entitled “Memorandum
17 of Agreement between the Department of De-
18 fense and the Department of the Interior on
19 Mutual Concerns on the Outer Continental
20 Shelf” signed July 20, 1983; and

21 (B) any revision to, or replacement of, the
22 agreement described in subparagraph (A) that
23 is agreed to by the Secretary of Defense and
24 the Secretary of the Interior after July 20,
25 1983, but before the date of issuance of the

1 lease under which the exploration, development,
2 or production is conducted.

3 (3) NATIONAL DEFENSE AREAS.—The United
4 States reserves the right to designate by and
5 through the Secretary of Defense, with the approval
6 of the President, national defense areas on the outer
7 Continental Shelf under section 12(d) of the Outer
8 Continental Shelf Lands Act (43 U.S.C. 1341(d)).

9 **SEC. 1004. LIMITATION ON AUTHORITY TO ISSUE REGULA-**
10 **TIONS UNDER THE SURFACE MINING CON-**
11 **TROL AND RECLAMATION ACT OF 1977.**

12 The Secretary of the Interior may not, before Decem-
13 ber 31, 2013, issue or approve any proposed or final regu-
14 lation under the Surface Mining Control and Reclamation
15 Act of 1977 (30 U.S.C. 1201 et seq.) that would—

16 (1) adversely impact employment in coal mines
17 in the United States;

18 (2) cause a reduction in revenue received by the
19 Federal Government or any State, tribal, or local
20 government, by reducing, through regulation, the
21 quantity of coal in the United States that is avail-
22 able for mining;

23 (3) reduce the quantity of coal available for do-
24 mestic consumption or for export;

1 (4) designate any area as unsuitable for surface
2 coal mining and reclamation operations; or

3 (5) expose the United States to liability for tak-
4 ing the value of privately owned coal through regula-
5 tion.

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