

112TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, 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 “3-  
5 D, Domestic Jobs, Domestic Energy, and Deficit Reduc-  
6 tion Act of 2011”.

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—OUTER CONTINENTAL SHELF LEASING

Sec. 101. Leasing program considered approved.

Sec. 102. Lease sales.

Sec. 103. Applications for permits to drill.

TITLE II—LEASING PROGRAM FOR LAND WITHIN COASTAL PLAIN

Sec. 201. Definitions.

Sec. 202. Leasing program for land within the Coastal Plain.

Sec. 203. Lease sales.

Sec. 204. Grant of leases by the Secretary.

Sec. 205. Lease terms and conditions.

Sec. 206. Coastal plain environmental protection.

Sec. 207. Expedited judicial review.

Sec. 208. Rights-of-way across the Coastal plain.

Sec. 209. Conveyance.

Sec. 210. ANWR Alternative Energy Trust Fund.

TITLE III—REGULATORY STREAMLINING

Sec. 301. Commercial leasing program for oil shale resources on public land.

Sec. 302. Jurisdiction over covered energy projects.

Sec. 303. Environmental impact statements.

Sec. 304. Clean air regulation.

Sec. 305. Employment effects of actions under Clean Air Act.

Sec. 306. Endangered species.

Sec. 307. Reissuance of permits and leases.

Sec. 308. Central Valley Project.

Sec. 309. Keystone XL Pipeline Project.

Sec. 310. Beaufort Sea oil drilling project.

Sec. 311. Environmental legal fees.

3 **TITLE I—OUTER CONTINENTAL**  
 4 **SHELF LEASING**

5 **SEC. 101. LEASING PROGRAM CONSIDERED APPROVED.**

6 (a) IN GENERAL.—The Draft Proposed Outer Conti-  
 7 nental Shelf Oil and Gas Leasing Program 2010–2015  
 8 issued by the Secretary of the Interior (referred to in this  
 9 section as the “Secretary”) under section 18 of the Outer  
 10 Continental Shelf Lands Act (43 U.S.C. 1344) is consid-

1 ered to have been approved by the Secretary as a final  
2 oil and gas leasing program under that section.

3 (b) FINAL ENVIRONMENTAL IMPACT STATEMENT.—

4 The Secretary is considered to have issued a final environ-  
5 mental impact statement for the program described in  
6 subsection (a) in accordance with all requirements under  
7 section 102(2)(C) of the National Environmental Policy  
8 Act of 1969 (42 U.S.C. 4332(2)(C)).

9 **SEC. 102. LEASE SALES.**

10 (a) OUTER CONTINENTAL SHELF.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), not later than 30 days after the date of  
13 enactment of this Act and every 270 days thereafter,  
14 the Secretary of the Interior (referred to in this sec-  
15 tion as the “Secretary”) shall conduct a lease sale  
16 in each outer Continental Shelf planning area for  
17 which the Secretary determines that there is a com-  
18 mercial interest in purchasing Federal oil and gas  
19 leases for production on the outer Continental Shelf.

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

1 actment of the determination and every 2 years  
2 thereafter, the Secretary shall—

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

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

11 (3) PETITIONS.—If a person petitions the Sec-  
12 retary to conduct a lease sale for an outer Conti-  
13 nental Shelf planning area in which the person has  
14 a commercial interest, not later than 60 days after  
15 the date of receipt of the petition, the Secretary  
16 shall conduct a lease sale for the area.

17 (b) RENEWABLE ENERGY AND MARICULTURE.—The  
18 Secretary may conduct commercial lease sales of resources  
19 owned by United States—

20 (1) to produce renewable energy (as defined in  
21 section 203(b) of the Energy Policy Act of 2005 (42  
22 U.S.C. 15852(b))); or

23 (2) to cultivate marine organisms in the natural  
24 habitat of the organisms.

1 **SEC. 103. APPLICATIONS FOR PERMITS TO DRILL.**

2 Section 5 of the Outer Continental Shelf Lands Act  
3 (43 U.S.C. 1334) is amended by adding at the end the  
4 following:

5 “(k) APPLICATIONS FOR PERMITS TO DRILL.—

6 “(1) IN GENERAL.—Subject to paragraph (2),  
7 the Secretary shall approve or disapprove an applica-  
8 tion for a permit to drill submitted under this Act  
9 not later than 20 days after the date the application  
10 is submitted to the Secretary.

11 “(2) DISAPPROVAL.—If the Secretary dis-  
12 approves an application for a permit to drill sub-  
13 mitted under paragraph (1), the Secretary shall—

14 “(A) provide to the applicant a description  
15 of the reasons for the disapproval of the appli-  
16 cation;

17 “(B) allow the applicant to resubmit an  
18 application during the 10-day period beginning  
19 on the date of the receipt of the description by  
20 the applicant; and

21 “(C) approve or disapprove any resub-  
22 mitted application not later than 10 days after  
23 the date the application is submitted to the Sec-  
24 retary.”.

1 **TITLE II—LEASING PROGRAM**  
2 **FOR LAND WITHIN COASTAL**  
3 **PLAIN**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

6 (1) **COASTAL PLAIN.**—The term “Coastal  
7 Plain” means that area identified as the “1002  
8 Coastal Plain Area” on the map.

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

16 (3) **FINAL STATEMENT.**—The term “Final  
17 Statement” means the final legislative environmental  
18 impact statement on the Coastal Plain, dated April  
19 1987, and prepared pursuant to section 1002 of the  
20 Alaska National Interest Lands Conservation Act  
21 (16 U.S.C. 3142) and section 102(2)(C) of the Na-  
22 tional Environmental Policy Act of 1969 (42 U.S.C.  
23 4332(2)(C)).

24 (4) **MAP.**—The term “map” means the map en-  
25 titled “Arctic National Wildlife Refuge”, dated Sep-

1           tember 2005, and prepared by the United States Ge-  
2           ological Survey.

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

9   **SEC. 202. LEASING PROGRAM FOR LAND WITHIN THE**  
10                                   **COASTAL PLAIN.**

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

13           (1) to establish and implement, in accordance  
14           with this title, a competitive oil and gas leasing pro-  
15           gram that will result in an environmentally sound  
16           program for the exploration, development, and pro-  
17           duction of the oil and gas resources of the Coastal  
18           Plain; and

19           (2) to administer this title through regulations,  
20           lease terms, conditions, restrictions, prohibitions,  
21           stipulations, and other provisions that—

22                           (A) ensure the oil and gas exploration, de-  
23                           velopment, and production activities on the  
24                           Coastal Plain will result in no significant ad-

1           verse effect on fish and wildlife, their habitat,  
2           subsistence resources, and the environment; and

3                   (B) require the application of the best  
4           commercially available technology for oil and  
5           gas exploration, development, and production to  
6           all exploration, development, and production op-  
7           erations under this title in a manner that en-  
8           sures the receipt of fair market value by the  
9           public for the mineral resources to be leased.

10       (b) REPEAL.—

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

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

18           (3) COMPLIANCE WITH NEPA FOR OTHER AC-  
19       TIONS.—

20                   (A) IN GENERAL.—Before conducting the  
21       first lease sale under this title, the Secretary  
22       shall prepare an environmental impact state-  
23       ment in accordance with the National Environ-  
24       mental Policy Act of 1969 (42 U.S.C. 4321 et  
25       seq.) with respect to the actions authorized by

1 this title that are not referred to in paragraph  
2 (2).

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

7 (i) to identify nonleasing alternative  
8 courses of action; or

9 (ii) to analyze the environmental ef-  
10 fects of those courses of action.

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

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

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

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

1           (E) EFFECT OF COMPLIANCE.—Notwith-  
2 standing any other provision of law, compliance  
3 with this paragraph shall be considered to sat-  
4 isfy all requirements for the analysis and con-  
5 sideration of the environmental effects of pro-  
6 posed leasing under this title.

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

10          (d) SPECIAL AREAS.—

11           (1) DESIGNATION.—

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

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

1           (2) MANAGEMENT.—The Secretary shall man-  
2           age each special area designated under this sub-  
3           section in a manner that preserves the unique and  
4           diverse character of the area, including fish, wildlife,  
5           subsistence resources, and cultural values of the  
6           area.

7           (3) EXCLUSION FROM LEASING OR SURFACE  
8           OCCUPANCY.—

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

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

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

24           (e) LIMITATION ON CLOSED AREAS.—The Secretary  
25           may not close land within the Coastal Plain to oil and gas

1 leasing or to exploration, development, or production ex-  
2 cept in accordance with this title.

3 (f) REGULATIONS.—

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

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

17 **SEC. 203. LEASE SALES.**

18 (a) IN GENERAL.—Land may be leased pursuant to  
19 this title to any person qualified to obtain a lease for de-  
20 posits of oil and gas under the Mineral Leasing Act (30  
21 U.S.C. 181 et seq.).

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

24 (1) receipt and consideration of sealed nomina-  
25 tions for any area in the Coastal Plain for inclusion

1 in, or exclusion (as provided in subsection (c)) from,  
2 a lease sale;

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

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

8 (c) LEASE SALE BIDS.—Bidding for leases under  
9 this title shall be by sealed competitive cash bonus bids.

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

16 (e) TIMING OF LEASE SALES.—The Secretary  
17 shall—

18 (1) not later than 22 months after the date of  
19 enactment of this Act, conduct the first lease sale  
20 under this title;

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

24 (3) conduct additional sales at appropriate in-  
25 tervals if sufficient interest in exploration or devel-

1       opment exists to warrant the conduct of the addi-  
2       tional sales.

3       **SEC. 204. GRANT OF LEASES BY THE SECRETARY.**

4       (a) IN GENERAL.—On payment by a lessee of such  
5       bonus as may be accepted by the Secretary, the Secretary  
6       may grant to the highest responsible qualified bidder in  
7       a lease sale conducted pursuant to section 203 a lease for  
8       any land on the Coastal Plain.

9       (b) SUBSEQUENT TRANSFERS.—

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

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

18       **SEC. 205. LEASE TERMS AND CONDITIONS.**

19       An oil or gas lease issued pursuant to this title  
20       shall—

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

1           (2) provide that the Secretary may close, on a  
2           seasonal basis, such portions of the Coastal Plain to  
3           exploratory drilling activities as are necessary to  
4           protect caribou calving areas and other species of  
5           fish and wildlife;

6           (3) require that each lessee of land within the  
7           Coastal Plain shall be fully responsible and liable for  
8           the reclamation of land within the Coastal Plain and  
9           any other Federal land that is adversely affected in  
10          connection with exploration, development, produc-  
11          tion, or transportation activities within the Coastal  
12          Plain conducted by the lessee or by any of the sub-  
13          contractors or agents of the lessee;

14          (4) provide that the lessee may not delegate or  
15          convey, by contract or otherwise, that reclamation  
16          responsibility and liability to another person without  
17          the express written approval of the Secretary;

18          (5) provide that the standard of reclamation for  
19          land required to be reclaimed under this title shall  
20          be, to the maximum extent practicable—

21                 (A) a condition capable of supporting the  
22                 uses that the land was capable of supporting  
23                 prior to any exploration, development, or pro-  
24                 duction activities; or

1 (B) on application by the lessee, to a high-  
2 er or better standard, as approved by the Sec-  
3 retary;

4 (6) contain terms and conditions relating to  
5 protection of fish and wildlife, fish and wildlife habi-  
6 tat, subsistence resources, and the environment as  
7 required under section 202(a)(2);

8 (7) provide that each lessee, and each agent  
9 and contractor of a lessee, use their best efforts to  
10 provide a fair share of employment and contracting  
11 for Alaska Natives and Alaska Native Corporations  
12 from throughout the State of Alaska, as determined  
13 by the level of obligation previously agreed to in the  
14 Federal Agreement; and

15 (8) contain such other provisions as the Sec-  
16 retary determines to be necessary to ensure compli-  
17 ance with this title and the regulations promulgated  
18 under this title.

19 **SEC. 206. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

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

22 In accordance with section 202, the Secretary shall admin-  
23 ister this title through regulations, lease terms, conditions,  
24 restrictions, prohibitions, stipulations, or other provisions  
25 that—

1           (1) ensure, to the maximum extent practicable,  
2           that oil and gas exploration, development, and pro-  
3           duction activities on the Coastal Plain will result in  
4           no significant adverse effect on fish and wildlife, fish  
5           and wildlife habitat, and the environment; and

6           (2) require the application of the best commer-  
7           cially available technology for oil and gas explo-  
8           ration, development, and production on all new ex-  
9           ploration, development, and production operations.

10          (b) **SITE-SPECIFIC ASSESSMENT AND MITIGATION.**—

11         The Secretary shall require, with respect to any proposed  
12         drilling and related activities on the Coastal Plain, that—

13                 (1) a site-specific analysis be made of the prob-  
14                 able effects, if any, that the drilling or related activi-  
15                 ties will have on fish and wildlife, fish and wildlife  
16                 habitat, subsistence resources, subsistence uses, and  
17                 the environment;

18                 (2) a plan be implemented to avoid, minimize,  
19                 and mitigate (in that order and to the maximum ex-  
20                 tent practicable) any significant adverse effect iden-  
21                 tified under paragraph (1); and

22                 (3) the development of the plan shall occur  
23                 after consultation with the 1 or more agencies hav-  
24                 ing jurisdiction over matters mitigated by the plan.

1           (c) REGULATIONS TO PROTECT COASTAL PLAIN  
2 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,  
3 AND THE ENVIRONMENT.—Before implementing the leas-  
4 ing program authorized by this title, the Secretary shall  
5 prepare and issue regulations, lease terms, conditions, re-  
6 strictions, prohibitions, stipulations, or other measures de-  
7 signed to ensure, to the maximum extent practicable, that  
8 the activities carried out on the Coastal Plain under this  
9 title are conducted in a manner consistent with the pur-  
10 poses and environmental requirements of this title.

11           (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-  
12 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The  
13 proposed regulations, lease terms, conditions, restrictions,  
14 prohibitions, and stipulations for the leasing program  
15 under this title shall require—

16           (1) compliance with all applicable provisions of  
17 Federal and State environmental law (including reg-  
18 ulations);

19           (2) implementation of and compliance with—

20           (A) standards that are at least as effective  
21 as the safety and environmental mitigation  
22 measures, as described in items 1 through 29  
23 on pages 167 through 169 of the Final State-  
24 ment, on the Coastal Plain;

1 (B) seasonal limitations on exploration, de-  
2 velopment, and related activities, as necessary,  
3 to avoid significant adverse effects during peri-  
4 ods of concentrated fish and wildlife breeding,  
5 denning, nesting, spawning, and migration;

6 (C) design safety and construction stand-  
7 ards for all pipelines and any access and service  
8 roads that minimize, to the maximum extent  
9 practicable, adverse effects on—

10 (i) the passage of migratory species  
11 (such as caribou); and

12 (ii) the flow of surface water by re-  
13 quiring the use of culverts, bridges, or  
14 other structural devices;

15 (D) prohibitions on general public access  
16 to, and use of, all pipeline access and service  
17 roads;

18 (E) stringent reclamation and rehabilita-  
19 tion requirements in accordance with this title  
20 for the removal from the Coastal Plain of all oil  
21 and gas development and production facilities,  
22 structures, and equipment on completion of oil  
23 and gas production operations, except in a case  
24 in which the Secretary determines that those  
25 facilities, structures, or equipment—

1 (i) would assist in the management of  
2 the Arctic National Wildlife Refuge; and

3 (ii) are donated to the United States  
4 for that purpose;

5 (F) appropriate prohibitions or restrictions  
6 on—

7 (i) access by all modes of transpor-  
8 tation;

9 (ii) sand and gravel extraction; and

10 (iii) use of explosives;

11 (G) reasonable stipulations for protection  
12 of cultural and archaeological resources;

13 (H) measures to protect groundwater and  
14 surface water, including—

15 (i) avoidance, to the maximum extent  
16 practicable, of springs, streams, and river  
17 systems;

18 (ii) the protection of natural surface  
19 drainage patterns and wetland and ripar-  
20 ian habitats; and

21 (iii) the regulation of methods or tech-  
22 niques for developing or transporting ade-  
23 quate supplies of water for exploratory  
24 drilling; and

1 (I) research, monitoring, and reporting re-  
2 quirements.

3 (3) that exploration activities (except surface  
4 geological studies) be limited to the period between  
5 approximately November 1 and May 1 of each year  
6 and be supported, if necessary, by ice roads, winter  
7 trails with adequate snow cover, ice pads, ice air-  
8 strips, and air transport methods (except that those  
9 exploration activities may be permitted at other  
10 times if the Secretary determines that the explo-  
11 ration will have no significant adverse effect on fish  
12 and wildlife, fish and wildlife habitat, and the envi-  
13 ronment of the Coastal Plain);

14 (4) consolidation of facility siting;

15 (5) avoidance or reduction of air traffic-related  
16 disturbance to fish and wildlife;

17 (6) treatment and disposal of hazardous and  
18 toxic wastes, solid wastes, reserve pit fluids, drilling  
19 muds and cuttings, and domestic wastewater, includ-  
20 ing, in accordance with applicable Federal and State  
21 environmental laws (including regulations)—

22 (A) preparation of an annual waste man-  
23 agement report;

24 (B) development and implementation of a  
25 hazardous materials tracking system; and

1 (C) prohibition on the use of chlorinated  
2 solvents;

3 (7) fuel storage and oil spill contingency plan-  
4 ning;

5 (8) conduct of periodic field crew environmental  
6 briefings;

7 (9) avoidance of significant adverse effects on  
8 subsistence hunting, fishing, and trapping;

9 (10) compliance with applicable air and water  
10 quality standards;

11 (11) appropriate seasonal and safety zone des-  
12 ignations around well sites, within which subsistence  
13 hunting and trapping shall be limited; and

14 (12) development and implementation of such  
15 other protective environmental requirements, restric-  
16 tions, terms, or conditions as the Secretary deter-  
17 mines to be necessary.

18 (e) CONSIDERATIONS.—In preparing and issuing reg-  
19 ulations, lease terms, conditions, restrictions, prohibitions,  
20 or stipulations under this section, the Secretary shall take  
21 into consideration—

22 (1) the stipulations and conditions that govern  
23 the National Petroleum Reserve-Alaska leasing pro-  
24 gram, as set forth in the 1999 Northeast National

1 Petroleum Reserve-Alaska Final Integrated Activity  
2 Plan/Environmental Impact Statement;

3 (2) the environmental protection standards that  
4 governed the initial Coastal Plain seismic exploration  
5 program under parts 37.31 through 37.33 of title  
6 50, Code of Federal Regulations (or successor regu-  
7 lations); and

8 (3) the land use stipulations for exploratory  
9 drilling on the KIC-ASRC private land described in  
10 Appendix 2 of the agreement between Arctic Slope  
11 Regional Corporation and the United States dated  
12 August 9, 1983.

13 (f) FACILITY CONSOLIDATION PLANNING.—

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

21 (2) OBJECTIVES.—The objectives of the plan  
22 shall be—

23 (A) the avoidance of unnecessary duplica-  
24 tion of facilities and activities;

1 (B) the encouragement of consolidation of  
2 common facilities and activities;

3 (C) the location or confinement of facilities  
4 and activities to areas that will minimize impact  
5 on fish and wildlife, fish and wildlife habitat,  
6 subsistence resources, and the environment;

7 (D) the use of existing facilities, to the  
8 maximum extent practicable; and

9 (E) the enhancement of compatibility be-  
10 tween wildlife values and development activities.

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

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

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

20 **SEC. 207. EXPEDITED JUDICIAL REVIEW.**

21 (a) FILING OF COMPLAINTS.—

22 (1) DEADLINE.—A complaint seeking judicial  
23 review of a provision of this title or an action of the  
24 Secretary under this title shall be filed—

1 (A) except as provided in subparagraph  
2 (B), during the 90-day period beginning on the  
3 date on which the action being challenged was  
4 carried out; or

5 (B) in the case of a complaint based solely  
6 on grounds arising after the 90-day period de-  
7 scribed in subparagraph (A), by not later than  
8 90 days after the date on which the complain-  
9 ant knew or reasonably should have known  
10 about the grounds for the complaint.

11 (2) VENUE.—A complaint seeking judicial re-  
12 view of a provision of this title or an action of the  
13 Secretary under this title shall be filed in the United  
14 States Court of Appeals for the District of Columbia  
15 Circuit.

16 (3) SCOPE.—

17 (A) IN GENERAL.—Judicial review of a de-  
18 cision of the Secretary relating to a lease sale  
19 under this title (including an environmental  
20 analysis of such a lease sale) shall be—

21 (i) limited to a review of whether the  
22 decision is in accordance with this title;  
23 and

24 (ii) based on the administrative record  
25 of the decision.



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

10 (c) REGULATIONS.—The Secretary shall include in  
11 regulations under section 202(f) provisions granting  
12 rights-of-way and easements described in subsection (a).

13 **SEC. 209. CONVEYANCE.**

14 Notwithstanding section 1302(h)(2) of the Alaska  
15 National Interest Lands Conservation Act (16 U.S.C.  
16 3192(h)(2)), to remove any cloud on title to land, and to  
17 clarify land ownership patterns in the Coastal Plain, the  
18 Secretary shall—

19 (1) to the extent necessary to fulfill the entitle-  
20 ment of the Kaktovik Inupiat Corporation under sec-  
21 tions 12 and 14 of the Alaska Native Claims Settle-  
22 ment Act (43 U.S.C. 1611, 1613), as determined by  
23 the Secretary, convey to that Corporation the sur-  
24 face estate of the land described in paragraph (1) of  
25 Public Land Order 6959, in accordance with the

1 terms and conditions of the agreement between the  
2 Secretary, the United States Fish and Wildlife Serv-  
3 ice, the Bureau of Land Management, and the  
4 Kaktovik Inupiat Corporation, dated January 22,  
5 1993; and

6 (2) convey to the Arctic Slope Regional Cor-  
7 poration the remaining subsurface estate to which  
8 that Corporation is entitled under the agreement be-  
9 tween that corporation and the United States, dated  
10 August 9, 1983.

11 **SEC. 210. ANWR ALTERNATIVE ENERGY TRUST FUND.**

12 (a) SOURCE OF FUNDS.—

13 (1) IN GENERAL.—Subject to paragraph (2)  
14 and notwithstanding any other provision of law, of  
15 the amount of adjusted bonus, rental, and royalty  
16 revenues from Federal oil and gas leasing and oper-  
17 ations authorized under this title for each fiscal  
18 year, 50 percent shall be paid to the ANWR Alter-  
19 native Energy Trust Fund established under sub-  
20 section (b).

21 (2) TRANSFERS.—

22 (A) IN GENERAL.—A transfer to the  
23 ANWR Alternative Energy Trust Fund shall be  
24 made for a fiscal year under paragraph (1) only  
25 if the total amount of revenues in the Federal

1 budget for the fiscal year exceeds the total  
2 amount of expenditures under the budget for  
3 the fiscal year.

4 (B) DEBT REDUCTION.—If the total  
5 amount of revenues in the Federal budget for  
6 a fiscal year exceeds the total amount of ex-  
7 penditures under the budget for the fiscal year,  
8 all adjusted bonus, rental, and royalty revenues  
9 from Federal oil and gas leasing and operations  
10 authorized under this title for the fiscal year—

11 (i) shall be used to reduce the Federal  
12 budget deficit; and

13 (ii) shall not be used to offset any  
14 other expenditures.

15 (b) ESTABLISHMENT OF TRUST FUND.—There is es-  
16 tablished in the Treasury of the United States a trust fund  
17 to be known as the “ANWR Alternative Energy Trust  
18 Fund”, consisting of such amounts as may be transferred  
19 to the ANWR Alternative Energy Trust Fund as provided  
20 in subsection (a).

21 (c) EXPENDITURES FROM ANWR ALTERNATIVE EN-  
22 ERGY TRUST FUND.—

23 (1) IN GENERAL.—Amounts in the ANWR Al-  
24 ternative Energy Trust Fund shall be available with-  
25 out further appropriation to carry out specified pro-

1 visions of the Energy Policy Act of 2005 (Public  
 2 Law 109–58; referred to in this section as  
 3 “EPAAct2005”) and the Energy Independence and  
 4 Security Act of 2007 (Public Law 110–140; referred  
 5 to in this section as “EISAct2007”) as follows:

**The following per-  
 centage of annual  
 receipts to the  
 ANWR Alternative  
 Energy Trust Fund,  
 but not to exceed  
 the limit on  
 amount authorized,  
 if any:**

**To carry out the provisions of:**

EPAAct2005:	
Section 210 .....	1.5 percent
Section 242 .....	1.0 percent
Section 369 .....	2.0 percent
Section 401 .....	6.0 percent
Section 812 .....	6.0 percent
Section 931 .....	19.0 percent
Section 942 .....	1.5 percent
Section 962 .....	3.0 percent
Section 968 .....	1.5 percent
Section 1704 .....	6.0 percent
EISAct2007:	
Section 207 .....	15.0 percent
Section 607 .....	1.5 percent
Title VI, Subtitle B .....	3.0 percent
Title VI, Subtitle C .....	1.5 percent
Section 641 .....	9.0 percent
Title VII, Subtitle A .....	10.0 percent
Section 1112 .....	1.5 percent
Section 1304 .....	11.0 percent.

6 (2) APPORTIONMENT OF EXCESS AMOUNT.—  
 7 Notwithstanding paragraph (1), any amounts allo-  
 8 cated under paragraph (1) that are in excess of the  
 9 amounts authorized in the applicable cited section or  
 10 subtitle of EPAAct2005 and EISAct2007 shall be re-  
 11 allocated to the remaining sections and subtitles  
 12 cited in paragraph (1), up to the amounts otherwise

1 authorized by law to carry out those sections and  
2 subtitles, in proportion to the amounts authorized by  
3 law to be appropriated for those other sections and  
4 subtitles.

5 **TITLE III—REGULATORY**  
6 **STREAMLINING**

7 **SEC. 301. COMMERCIAL LEASING PROGRAM FOR OIL SHALE**  
8 **RESOURCES ON PUBLIC LAND.**

9 Subsection (e) of the Oil Shale, Tar Sands, and Other  
10 Strategic Unconventional Fuels Act of 2005 (42 U.S.C.  
11 15927(e)) is amended—

12 (1) in the first sentence, by striking “Not later”  
13 and inserting the following:

14 “(1) IN GENERAL.—Not later”;

15 (2) in the second sentence—

16 (A) by striking “If the Secretary” and in-  
17 serting the following:

18 “(2) LEASE SALES.—

19 “(A) IN GENERAL.—If the Secretary”; and

20 (B) by striking “may” and inserting  
21 “shall”;

22 (3) in the last sentence, by striking “Evidence  
23 of interest” and inserting the following:

24 “(B) EVIDENCE OF INTEREST.—Evidence  
25 of interest”; and

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

2 “(C) SUBSEQUENT LEASE SALES.—During  
3 any period for which the Secretary determines  
4 that there is sufficient support and interest in  
5 a State in the development of tar sands and oil  
6 shale resources, the Secretary shall—

7 “(i) at least annually, consult with the  
8 persons described in paragraph (1) to ex-  
9 pedite the commercial leasing program for  
10 oil shale resources on public land in the  
11 State; and

12 “(ii) at least once every 270 days,  
13 conduct a lease sale in the State under the  
14 commercial leasing program regulations.”.

15 **SEC. 302. JURISDICTION OVER COVERED ENERGY**  
16 **PROJECTS.**

17 (a) DEFINITION OF COVERED ENERGY PROJECT.—

18 In this section, the term “covered energy project” means  
19 any action or decision by a Federal official regarding—

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

1           (2) any action under such a lease, except that  
2           this section and Act shall not apply to a dispute be-  
3           tween the parties to a lease entered into a provision  
4           of law authorizing the lease regarding obligations  
5           under the lease or the alleged breach of the lease.

6           (b) EXCLUSIVE JURISDICTION OVER CAUSES AND  
7 CLAIMS RELATING TO COVERED ENERGY PROJECTS.—  
8 Notwithstanding any other provision of law, the United  
9 States District Court for the District of Columbia shall  
10 have exclusive jurisdiction to hear all causes and claims  
11 under this section or any other Act that arise from any  
12 covered energy project.

13           (c) TIME FOR FILING COMPLAINT.—

14           (1) IN GENERAL.—Each case or claim described  
15           in subsection (b) shall be filed not later than the end  
16           of the 60-day period beginning on the date of the ac-  
17           tion or decision by a Federal official that constitutes  
18           the covered energy project concerned.

19           (2) PROHIBITION.—Any cause or claim de-  
20           scribed in subsection (b) that is not filed within the  
21           time period described in paragraph (1) shall be  
22           barred.

23           (d) DISTRICT COURT FOR THE DISTRICT OF COLUM-  
24 BIA DEADLINE.—

1           (1) IN GENERAL.—Each proceeding that is sub-  
2           ject to subsection (b) shall—

3                   (A) be resolved as expeditiously as prac-  
4                   ticable and in any event not more than 180  
5                   days after the cause or claim is filed; and

6                   (B) take precedence over all other pending  
7                   matters before the district court.

8           (2) FAILURE TO COMPLY WITH DEADLINE.—If  
9           an interlocutory or final judgment, decree, or order  
10          has not been issued by the district court by the  
11          deadline required under this section, the cause or  
12          claim shall be dismissed with prejudice and all rights  
13          relating to the cause or claim shall be terminated.

14          (e) ABILITY TO SEEK APPELLATE REVIEW.—An in-  
15          terlocutory or final judgment, decree, or order of the dis-  
16          trict court under this section may be reviewed by no other  
17          court except the Supreme Court.

18          (f) DEADLINE FOR APPEAL TO THE SUPREME  
19          COURT.—If a writ of certiorari has been granted by the  
20          Supreme Court pursuant to subsection (e), the interlocu-  
21          tory or final judgment, decree, or order of the district  
22          court shall be resolved as expeditiously as practicable and  
23          in any event not more than 180 days after the interlocu-  
24          tory or final judgment, decree, order of the district court  
25          is issued.

1 **SEC. 303. ENVIRONMENTAL IMPACT STATEMENTS.**

2 Title I of the National Environmental Policy Act of  
3 1969 (42 U.S.C. 4331 et seq.) is amended by adding at  
4 the end the following:

5 **“SEC. 106. COMPLETION AND REVIEW OF ENVIRONMENTAL**  
6 **IMPACT STATEMENTS.**

7 “(a) COMPLETION.—

8 “(1) IN GENERAL.—Notwithstanding any other  
9 provision of law, each review carried out under sec-  
10 tion 102(2)(C) with respect to any action taken  
11 under any provision of law, or for which funds are  
12 made available under any provision of law, shall be  
13 completed not later than the date that is 270 days  
14 after the commencement of the review.

15 “(2) FAILURE TO COMPLETE REVIEW.—If a re-  
16 view described in paragraph (1) has not been com-  
17 pleted for an action subject to section 102(2)(C) by  
18 the date specified in paragraph (1)—

19 “(A) the action shall be considered to have  
20 no significant impact described in section  
21 102(2)(C); and

22 “(B) that classification shall be considered  
23 to be a final agency action.

24 “(3) UNEMPLOYMENT RATE.—If the national  
25 unemployment rate is 5 percent or more, the lead  
26 agency conducting a review of an action under this

1 section shall use the most expeditious means author-  
2 ized under this title to conduct the review.

3 “(b) LEAD AGENCY.—The lead agency for a review  
4 of an action under this section shall be the Federal agency  
5 to which funds are made available for the action.

6 “(c) REVIEW.—

7 “(1) ADMINISTRATIVE APPEALS.—There shall  
8 be a single administrative appeal for each review  
9 carried out pursuant to section 102(2)(C).

10 “(2) JUDICIAL REVIEW.—

11 “(A) IN GENERAL.—On resolution of the  
12 administrative appeal, judicial review of the  
13 final agency decision after exhaustion of admin-  
14 istrative remedies shall lie with the United  
15 States Court of Appeals for the District of Co-  
16 lumbia Circuit.

17 “(B) ADMINISTRATIVE RECORD.—An ap-  
18 peal to the court described in subparagraph (A)  
19 shall be based only on the administrative  
20 record.

21 “(C) PENDENCY OF JUDICIAL REVIEW.—  
22 After an agency has made a final decision with  
23 respect to a review carried out under this sub-  
24 section, the decision shall be effective during

1 the course of any subsequent appeal to a court  
2 described in subparagraph (A).

3 “(3) CIVIL ACTION.—Each civil action covered  
4 by this section shall be considered to arise under the  
5 laws of the United States.”.

6 **SEC. 304. CLEAN AIR REGULATION.**

7 (a) REGULATION OF GREENHOUSE GASES.—Section  
8 302(g) of the Clean Air Act (42 U.S.C. 7602(g)) is  
9 amended—

10 (1) by striking “(g) The term” and inserting  
11 the following:

12 “(g) AIR POLLUTANT.—

13 “(1) IN GENERAL.—The term”;

14 (2) by striking “Such term” and inserting the  
15 following:

16 “(2) INCLUSIONS.—The term ‘air pollutant’”;

17 and

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

19 “(3) EXCLUSIONS.—The term ‘air pollutant’  
20 does not include carbon dioxide, methane from agri-  
21 culture or livestock, or water vapor.”.

22 (b) EMISSION WAIVERS.—The Administrator of the  
23 Environmental Protection Agency shall not grant to any  
24 State any waiver of Federal preemption of motor vehicle  
25 standards under section 209(b) of the Clean Air Act (42

1 U.S.C. 7543(b)) for preemption under that Act for any  
2 regulation of the State to control greenhouse gas emis-  
3 sions from motor vehicles.

4 **SEC. 305. EMPLOYMENT EFFECTS OF ACTIONS UNDER**  
5 **CLEAN AIR ACT.**

6 Section 321(b) of the Clean Air Act (42 U.S.C.  
7 7621(b)) is amended—

8 (1) by designating the first through eighth sen-  
9 tences as paragraphs (1) through (8), respectively;  
10 and

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

12 “(9) ECONOMIC ANALYSIS.—Not later than 30  
13 days before conducting a public hearing or providing  
14 notice of a determination that a hearing is not nec-  
15 essary with respect to a requirement described in  
16 paragraph (1), the Administrator shall—

17 “(A) conduct a full economic analysis of  
18 the requirement; and

19 “(B) make the results of the analysis avail-  
20 able to the public.”.

21 **SEC. 306. ENDANGERED SPECIES.**

22 (a) EMERGENCIES.—Section 10 of the Endangered  
23 Species Act of 1973 (16 U.S.C. 1539) is amended by add-  
24 ing at the end the following:

1           “(k) EMERGENCIES.—On the declaration of an emer-  
2 gency by the Governor of a State, the Secretary shall, for  
3 the duration of the emergency, temporarily exempt from  
4 the prohibition against taking, and the prohibition against  
5 the adverse modification of critical habitat, under this Act  
6 any action that is reasonably necessary to avoid or amelio-  
7 rate the impact of the emergency, including the operation  
8 of any water supply or flood control project by a Federal  
9 agency.”.

10           (b) PROHIBITION OF CONSIDERATION OF IMPACT OF  
11 GREENHOUSE GAS.—

12           (1) IN GENERAL.—The Endangered Species Act  
13 of 1973 (16 U.S.C. 1531 et seq.) is amended by  
14 adding at the end the following:

15 **“SEC. 19. PROHIBITION OF CONSIDERATION OF IMPACT OF**  
16 **GREENHOUSE GAS.**

17           “(a) DEFINITION OF GREENHOUSE.—In this section,  
18 the term ‘greenhouse gas’ means any of—

19           “(1) carbon dioxide;

20           “(2) methane;

21           “(3) nitrous oxide;

22           “(4) sulfur hexafluoride;

23           “(5) a hydrofluorocarbon;

24           “(6) a perfluorocarbon; or

1           “(7) any other anthropogenic gas designated by  
2           the Secretary for purposes of this section.

3           “(b) IMPACT OF GREENHOUSE GAS.—The impact of  
4           greenhouse gas on any species of fish or wildlife or plant  
5           shall not be considered for any purpose in the implementa-  
6           tion of this Act.”.

7           (2) CONFORMING AMENDMENT.—The table of  
8           contents in the first section of the Endangered Spe-  
9           cies Act of 1973 (16 U.S.C. prec. 1531) is amended  
10          by adding at the end the following:

“Sec. 18. Annual cost analysis by the Fish and Wildlife Service.

“Sec. 19. Prohibition of consideration of impact of greenhouse gas.”.

11 **SEC. 307. REISSUANCE OF PERMITS AND LEASES.**

12          (a) ENVIRONMENTAL PROTECTION AGENCY.—Not  
13          later than 30 days after the date of enactment of this Act,  
14          the Administrator of the Environment Protection Agency  
15          shall approve the specification of the areas described in  
16          the notice entitled “Final Determination of the Assistant  
17          Administrator for Water Pursuant to Section 404(c) of  
18          the Clean Water Act Concerning the Spruce No. 1 Mine,  
19          Logan County, WV” (76 Fed. Reg. 3126; January 19,  
20          2011), with no further review or analysis.

21          (b) DEPARTMENT OF THE INTERIOR.—Not later  
22          than 30 days after the date of enactment of this Act, the  
23          Secretary of the Interior shall issue or reissue, with no  
24          further review or analysis, each lease for the production

1 of oil or gas in the State of Utah was cancelled during  
2 any of calendar years 2009 through 2011.

3 **SEC. 308. CENTRAL VALLEY PROJECT.**

4 The Act of August 27, 1954 (68 Stat. 879, chapter  
5 1012; 16 U.S.C. 695d et seq.) is amended by adding at  
6 the end the following:

7 **“SEC. 9. EFFECT OF BIOLOGICAL OPINIONS.**

8 “Notwithstanding any other provision of law, in con-  
9 nection with the Central Valley Project, the Bureau of  
10 Reclamation and an agency of the State of California op-  
11 erating a water project in connection with the Project shall  
12 not restrict operations of an applicable project pursuant  
13 to any biological opinion issued under the Endangered  
14 Species Act of 1973 (16 U.S.C. 1531 et seq.), if the re-  
15 striction would result in a level of allocation of water that  
16 is less than the historical maximum level of allocation of  
17 water under the project.”.

18 **SEC. 309. KEYSTONE XL PIPELINE PROJECT.**

19 Not later than 30 days after the date of enactment  
20 of this Act, the Secretary of State and the heads of all  
21 other applicable Federal agencies shall—

22 (1) consider the draft environmental impact  
23 statement for the Keystone XL Pipeline Project pre-  
24 pared as of the date of enactment of this Act to be

1 sufficient to meet applicable environmental require-  
2 ments; and

3 (2) issue all permits necessary for the Project,  
4 with no further review or analysis.

5 **SEC. 310. BEAUFORT SEA OIL DRILLING PROJECT.**

6 Not later than 30 days after the date of enactment  
7 of this Act, the Administrator of the Environmental Pro-  
8 tection Agency shall issue a permit under the Clean Air  
9 Act (42 U.S.C. 7401 et seq.) to Shell Oil Company to per-  
10 mit the Company to drill for oil in the Beaufort Sea, with  
11 no further review or analysis.

12 **SEC. 311. ENVIRONMENTAL LEGAL FEES.**

13 Section 504 of title 5, United States Code, is amend-  
14 ed by adding at the end the following:

15 “(g) ENVIRONMENTAL LEGAL FEES.—Notwith-  
16 standing section 1304 of title 31, no award may be made  
17 under this section and no amounts may be obligated or  
18 expended from the Claims and Judgment Fund of the  
19 United States Treasury to pay any legal fees of an envi-  
20 ronmental nongovernmental organization related to an ac-  
21 tion that (with respect to the United States)—

22 “(1) prevents, terminates, or reduces access to  
23 or the production of—

24 “(A) energy;

25 “(B) a mineral resource;

- 1                   “(C) water by agricultural producers;
- 2                   “(D) a resource by commercial or rec-
- 3                   reational fishermen; or
- 4                   “(E) grazing or timber production on Fed-
- 5                   eral land;
- 6                   “(2) diminishes the private property value of a
- 7                   property owner; or
- 8                   “(3) eliminates or prevents 1 or more jobs.”.