

NOVEMBER 13, 2013

RULES COMMITTEE PRINT 113-26
H.R. 1965, FEDERAL LANDS JOBS AND ENERGY
SECURITY ACT OF 2013

[Showing the texts of H.R. 1965, H.R. 1394, H.R. 1964, and H.R. 555 as reported by the Committee on Natural Resources; and the text of H.R. 1548 with modifications.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Lands Jobs
3 and Energy Security Act of 2013”.

4 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FEDERAL LANDS JOBS AND ENERGY SECURITY

Sec. 1001. Short title.

Sec. 1002. Policies regarding buying, building, and working for America.

Subtitle A—Onshore Oil and Gas Permit Streamlining

Sec. 1101. Short title.

CHAPTER 1—APPLICATION FOR PERMITS TO DRILL PROCESS REFORM

Sec. 1111. Permit to drill application timeline.

Sec. 1112. Solar and wind right-of-way rental reform.

CHAPTER 2—ADMINISTRATIVE PROTEST DOCUMENTATION REFORM

Sec. 1121. Administrative protest documentation reform.

CHAPTER 3—PERMIT STREAMLINING

Sec. 1131. Improve Federal energy permit coordination.

Sec. 1132. Administration of current law.

CHAPTER 4—JUDICIAL REVIEW

Sec. 1141. Definitions.

- Sec. 1142. Exclusive venue for certain civil actions relating to covered energy projects.
- Sec. 1143. Timely filing.
- Sec. 1144. Expedition in hearing and determining the action.
- Sec. 1145. Standard of review.
- Sec. 1146. Limitation on injunction and prospective relief.
- Sec. 1147. Limitation on attorneys' fees.
- Sec. 1148. Legal standing.

CHAPTER 5—KNOWING AMERICA'S OIL AND GAS RESOURCES

- Sec. 1151. Funding oil and gas resource assessments.

Subtitle B—Oil and Gas Leasing Certainty

- Sec. 1201. Short title.
- Sec. 1202. Minimum acreage requirement for onshore lease sales.
- Sec. 1203. Leasing certainty.
- Sec. 1204. Leasing consistency.
- Sec. 1205. Reduce redundant policies.
- Sec. 1206. Streamlined congressional notification.

Subtitle C—Oil Shale

- Sec. 1301. Short title.
- Sec. 1302. Effectiveness of oil shale regulations, amendments to resource management plans, and record of decision.
- Sec. 1303. Oil shale leasing.

Subtitle D—Miscellaneous Provisions

- Sec. 1401. Rule of construction.

TITLE II—PLANNING FOR AMERICAN ENERGY

- Sec. 2001. Short title.
- Sec. 2002. Onshore domestic energy production strategic plan.

TITLE III—NATIONAL PETROLEUM RESERVE IN ALASKA ACCESS

- Sec. 3001. Short title.
- Sec. 3002. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.
- Sec. 3003. National Petroleum Reserve in Alaska: lease sales.
- Sec. 3004. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.
- Sec. 3005. Issuance of a new integrated activity plan and environmental impact statement.
- Sec. 3006. Departmental accountability for development.
- Sec. 3007. Deadlines under new proposed integrated activity plan.
- Sec. 3008. Updated resource assessment.

TITLE IV—BLM LIVE INTERNET AUCTIONS

- Sec. 4001. Short title.
- Sec. 4002. Internet-based onshore oil and gas lease sales.

TITLE V—NATIVE AMERICAN ENERGY

- Sec. 5001. Short title.
- Sec. 5002. Appraisals.
- Sec. 5003. Standardization.
- Sec. 5004. Environmental reviews of major Federal actions on Indian lands.
- Sec. 5005. Judicial review.
- Sec. 5006. Tribal biomass demonstration project.
- Sec. 5007. Tribal resource management plans.
- Sec. 5008. Leases of restricted lands for the Navajo Nation.
- Sec. 5009. Nonapplicability of certain rules.

1 **TITLE I—FEDERAL LANDS JOBS**
2 **AND ENERGY SECURITY**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Federal Lands Jobs
5 and Energy Security Act”.

6 **SEC. 1002. POLICIES REGARDING BUYING, BUILDING, AND**
7 **WORKING FOR AMERICA.**

8 (a) CONGRESSIONAL INTENT.—It is the intent of the
9 Congress that—

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

16 (2) to ensure a robust onshore energy produc-
17 tion industry and ensure that the benefits of devel-
18 opment support local communities, under this title,
19 the Secretary shall make every effort to promote the
20 development of onshore American energy, and shall
21 take into consideration the socioeconomic impacts,

1 infrastructure requirements, and fiscal stability for
2 local communities located within areas containing
3 onshore energy resources; and

4 (3) the Congress will monitor the deployment of
5 personnel and material onshore to encourage the de-
6 velopment of American manufacturing to enable
7 United States workers to benefit from this title
8 through good jobs and careers, as well as the estab-
9 lishment of important industrial facilities to support
10 expanded access to American resources.

11 (b) REQUIREMENT.—The Secretary of the Interior
12 shall when possible, and practicable, encourage the use of
13 United States workers and equipment manufactured in
14 the United States in all construction related to mineral
15 resource development under this title.

16 **Subtitle A—Onshore Oil and Gas** 17 **Permit Streamlining**

18 **SEC. 1101. SHORT TITLE.**

19 This subtitle may be cited as the “Streamlining Per-
20 mitting of American Energy Act of 2013”.

21 **CHAPTER 1—APPLICATION FOR PERMITS** 22 **TO DRILL PROCESS REFORM**

23 **SEC. 1111. PERMIT TO DRILL APPLICATION TIMELINE.**

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

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

3 “(A) TIMELINE.—The Secretary shall de-
4 cide whether to issue a permit to drill within 30
5 days after receiving an application for the per-
6 mit. The Secretary may extend such period for
7 up to 2 periods of 15 days each, if the Sec-
8 retary has given written notice of the delay to
9 the applicant. The notice shall be in the form
10 of a letter from the Secretary or a designee of
11 the Secretary, and shall include the names and
12 titles of the persons processing the application,
13 the specific reasons for the delay, and a specific
14 date a final decision on the application is ex-
15 pected.

16 “(B) NOTICE OF REASONS FOR DENIAL.—
17 If the application is denied, the Secretary shall
18 provide the applicant—

19 “(i) in writing, clear and comprehen-
20 sive reasons why the application was not
21 accepted and detailed information con-
22 cerning any deficiencies; and

23 “(ii) an opportunity to remedy any de-
24 ficiencies.

1 “(C) APPLICATION DEEMED APPROVED.—

2 If the Secretary has not made a decision on the
3 application by the end of the 60-day period be-
4 ginning on the date the application is received
5 by the Secretary, the application is deemed ap-
6 proved, except in cases in which existing reviews
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) or Endangered
9 Species Act of 1973 (16 U.S.C. 1531 et seq.)
10 are incomplete.

11 “(D) DENIAL OF PERMIT.—If the Sec-
12 retary decides not to issue a permit to drill in
13 accordance with subparagraph (A), the Sec-
14 retary shall—

15 “(i) provide to the applicant a descrip-
16 tion of the reasons for the denial of the
17 permit;

18 “(ii) allow the applicant to resubmit
19 an application for a permit to drill during
20 the 10-day period beginning on the date
21 the applicant receives the description of
22 the denial from the Secretary; and

23 “(iii) issue or deny any resubmitted
24 application not later than 10 days after the

1 date the application is submitted to the
2 Secretary.

3 “(E) FEE.—

4 “(i) IN GENERAL.—Notwithstanding
5 any other law, the Secretary shall collect a
6 single \$6,500 permit processing fee per ap-
7 plication from each applicant at the time
8 the final decision is made whether to issue
9 a permit under subparagraph (A). This fee
10 shall not apply to any resubmitted applica-
11 tion.

12 “(ii) TREATMENT OF PERMIT PROC-
13 ESSING FEE.—Of all fees collected under
14 this paragraph, 50 percent shall be trans-
15 ferred to the field office where they are col-
16 lected and used to process protests, leases,
17 and permits under this Act subject to ap-
18 propriation.”.

19 **SEC. 1112. SOLAR AND WIND RIGHT-OF-WAY RENTAL RE-**
20 **FORM.**

21 (a) IN GENERAL.—Subject to subsection (b), and
22 notwithstanding any other provision of law, of fees col-
23 lected each fiscal year as annual wind energy and solar
24 energy right-of-way authorization fees required under sec-

1 tion 504(g) of the Federal Land Policy and Management
2 Act of 1976 (43 U.S.C. 1764(g))—

3 (1) no less than 25 percent shall be available,
4 subject to appropriation, for use for solar and wind
5 permitting and management activities by Depart-
6 ment of the Interior field offices responsible for the
7 land where the fees were collected;

8 (2) no less than 25 percent shall be available,
9 subject to appropriation, for Bureau of Land Man-
10 agement solar and wind permit approval activities;
11 and

12 (3) no less than 25 percent shall be available,
13 subject to appropriation, to the Secretary of the In-
14 terior for department-wide solar and wind permitting
15 activities.

16 (b) LIMITATION.—The amount used under subsection
17 (a) each fiscal year shall not exceed \$10,000,000.

18 **CHAPTER 2—ADMINISTRATIVE PROTEST**

19 **DOCUMENTATION REFORM**

20 **SEC. 1121. ADMINISTRATIVE PROTEST DOCUMENTATION** 21 **REFORM.**

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

25 “(4) PROTEST FEE.—

1 (B) the Administrator of the Environ-
2 mental Protection Agency; and

3 (C) the Chief of the Army Corps of Engi-
4 neers.

5 (2) STATE PARTICIPATION.—The Secretary
6 may request that the Governor of any State with en-
7 ergy projects on Federal lands to be a signatory to
8 the memorandum of understanding.

9 (c) DESIGNATION OF QUALIFIED STAFF.—

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

19 (A) the consultations and the preparation
20 of biological opinions under section 7 of the En-
21 dangered Species Act of 1973 (16 U.S.C.
22 1536);

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

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

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

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

9 (2) DUTIES.—Each employee assigned under
10 paragraph (1) shall—

11 (A) not later than 90 days after the date
12 of assignment, report to the Bureau of Land
13 Management Field Managers in the office to
14 which the employee is assigned;

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

18 (C) participate as part of the team of per-
19 sonnel working on proposed energy projects,
20 planning, and environmental analyses on Fed-
21 eral lands.

22 (d) ADDITIONAL PERSONNEL.—The Secretary shall
23 assign to each Bureau of Land Management field office
24 identified in subsection (a) any additional personnel that
25 are necessary to ensure the effective approval and imple-

1 mentation of energy projects administered by the Bureau
2 of Land Management field offices, including inspection
3 and enforcement relating to energy development on Fed-
4 eral land, in accordance with the multiple use mandate
5 of the Federal Land Policy and Management Act of 1976
6 (43 U.S.C. 1701 et seq.).

7 (e) FUNDING.—Funding for the additional personnel
8 shall come from the Department of the Interior reforms
9 identified in sections 1111, 1112, and 1121.

10 (f) SAVINGS PROVISION.—Nothing in this section af-
11 fects—

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

13 or

14 (2) any delegation of authority made by the
15 head of a Federal agency whose employees are par-
16 ticipating in the Project.

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

20 **SEC. 1132. ADMINISTRATION OF CURRENT LAW.**

21 Notwithstanding any other law, the Secretary of the
22 Interior shall not require a finding of extraordinary cir-
23 cumstances in administering section 390 of the Energy
24 Policy Act of 2005 (42 U.S.C. 15942).

1 **CHAPTER 4—JUDICIAL REVIEW**

2 **SEC. 1141. DEFINITIONS.**

3 In this chapter—

4 (1) the term “covered civil action” means a civil
5 action containing a claim under section 702 of title
6 5, United States Code, regarding agency action (as
7 defined for the purposes of that section) affecting a
8 covered energy project on Federal lands of the
9 United States; and

10 (2) the term “covered energy project” means
11 the leasing of Federal lands of the United States for
12 the exploration, development, production, processing,
13 or transmission of oil, natural gas, wind, or any
14 other source of energy, and any action under such
15 a lease, except that the term does not include any
16 disputes between the parties to a lease regarding the
17 obligations under such lease, including regarding
18 any alleged breach of the lease.

19 **SEC. 1142. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
20 **RELATING TO COVERED ENERGY PROJECTS.**

21 Venue for any covered civil action shall lie in the dis-
22 trict court where the project or leases exist or are pro-
23 posed.

1 **SEC. 1143. TIMELY FILING.**

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

6 **SEC. 1144. EXPEDITION IN HEARING AND DETERMINING**
7 **THE ACTION.**

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

10 **SEC. 1145. STANDARD OF REVIEW.**

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

17 **SEC. 1146. LIMITATION ON INJUNCTION AND PROSPECTIVE**
18 **RELIEF.**

19 In a covered civil action, the court shall not grant
20 or approve any prospective relief unless the court finds
21 that such relief is narrowly drawn, extends no further than
22 necessary to correct the violation of a legal requirement,
23 and is the least intrusive means necessary to correct that
24 violation. In addition, courts shall limit the duration of
25 preliminary injunctions to halt covered energy projects to
26 no more than 60 days, unless the court finds clear reasons

1 to extend the injunction. In such cases of extensions, such
2 extensions shall only be in 30-day increments and shall
3 require action by the court to renew the injunction.

4 **SEC. 1147. LIMITATION ON ATTORNEYS' FEES.**

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

11 **SEC. 1148. LEGAL STANDING.**

12 Challengers filing appeals with the Department of the
13 Interior Board of Land Appeals shall meet the same
14 standing requirements as challengers before a United
15 States district court.

16 **CHAPTER 5—KNOWING AMERICA'S OIL**
17 **AND GAS RESOURCES**

18 **SEC. 1151. FUNDING OIL AND GAS RESOURCE ASSESS-**
19 **MENTS.**

20 (a) IN GENERAL.—The Secretary of the Interior shall
21 provide matching funding for joint projects with States to
22 conduct oil and gas resource assessments on Federal lands
23 with significant oil and gas potential.

24 (b) COST SHARING.—The Federal share of the cost
25 of activities under this section shall not exceed 50 percent.

1 (c) RESOURCE ASSESSMENT.—Any resource assess-
2 ment under this section shall be conducted by a State, in
3 consultation with the United States Geological Survey.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section a total of \$50,000,000 for fiscal years
7 2014 through 2017.

8 **Subtitle B—Oil and Gas Leasing** 9 **Certainty**

10 **SEC. 1201. SHORT TITLE.**

11 This subtitle may be cited as the “Providing Leasing
12 Certainty for American Energy Act of 2013”.

13 **SEC. 1202. MINIMUM ACREAGE REQUIREMENT FOR ON-** 14 **SHORE LEASE SALES.**

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

18 (1) The Secretary shall offer for sale no less
19 than 25 percent of the annual nominated acreage
20 not previously made available for lease. Acreage of-
21 fered for lease pursuant to this paragraph shall not
22 be subject to protest and shall be eligible for cat-
23 egorical exclusions under section 390 of the Energy
24 Policy Act of 2005 (42 U.S.C. 15942), except that

1 it shall not be subject to the test of extraordinary
2 circumstances.

3 (2) In administering this section, the Secretary
4 shall only consider leasing of Federal lands that are
5 available for leasing at the time the lease sale oc-
6 curs.

7 **SEC. 1203. LEASING CERTAINTY.**

8 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
9 226(a)) is amended by inserting “(1)” before “All lands”,
10 and by adding at the end the following:

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

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

19 “(C) No later than 18 months after an area is des-
20 ignated as open under the current land use plan the Sec-
21 retary shall make available nominated areas for lease
22 under the criteria in section 2.

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

1 “(E) The Secretary shall not cancel or withdraw any
2 lease parcel after a competitive lease sale has occurred and
3 a winning bidder has submitted the last payment for the
4 parcel.

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

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

15 **SEC. 1204. LEASING CONSISTENCY.**

16 Federal land managers must follow existing resource
17 management plans and continue to actively lease in areas
18 designated as open when resource management plans are
19 being amended or revised, until such time as a new record
20 of decision is signed.

21 **SEC. 1205. REDUCE REDUNDANT POLICIES.**

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

1 **SEC. 1206. STREAMLINED CONGRESSIONAL NOTIFICATION.**

2 Section 31(e) of the Mineral Leasing Act (30 U.S.C.
3 188(e)) is amended in the matter following paragraph (4)
4 by striking “at least thirty days in advance of the rein-
5 statement” and inserting “in an annual report”.

6 **Subtitle C—Oil Shale**

7 **SEC. 1301. SHORT TITLE.**

8 This subtitle may be cited as the “Protecting Invest-
9 ment in Oil Shale the Next Generation of Environmental,
10 Energy, and Resource Security Act” or the “PIONEERS
11 Act”.

12 **SEC. 1302. EFFECTIVENESS OF OIL SHALE REGULATIONS,**
13 **AMENDMENTS TO RESOURCE MANAGEMENT**
14 **PLANS, AND RECORD OF DECISION.**

15 (a) REGULATIONS.—Notwithstanding any other law
16 or regulation to the contrary, the final regulations regard-
17 ing oil shale management published by the Bureau of
18 Land Management on November 18, 2008 (73 Fed. Reg.
19 69,414) are deemed to satisfy all legal and procedural re-
20 quirements under any law, including the Federal Land
21 Policy and Management Act of 1976 (43 U.S.C. 1701 et
22 seq.), the Endangered Species Act of 1973 (16 U.S.C.
23 1531 et seq.), and the National Environmental Policy Act
24 of 1969 (42 U.S.C. 4321 et seq.), and the Secretary of
25 the Interior shall implement those regulations, including

1 the oil shale leasing program authorized by the regula-
2 tions, without any other administrative action necessary.

3 (b) AMENDMENTS TO RESOURCE MANAGEMENT
4 PLANS AND RECORD OF DECISION.—Notwithstanding
5 any other law or regulation to the contrary, the November
6 17, 2008 U.S. Bureau of Land Management Approved Re-
7 source Management Plan Amendments/Record of Decision
8 for Oil Shale and Tar Sands Resources to Address Land
9 Use Allocations in Colorado, Utah, and Wyoming and
10 Final Programmatic Environmental Impact Statement are
11 deemed to satisfy all legal and procedural requirements
12 under any law, including the Federal Land Policy and
13 Management Act of 1976 (43 U.S.C. 1701 et seq.), the
14 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
15 and the National Environmental Policy Act of 1969 (42
16 U.S.C. 4321 et seq.), and the Secretary of the Interior
17 shall implement the oil shale leasing program authorized
18 by the regulations referred to in subsection (a) in those
19 areas covered by the resource management plans amended
20 by such amendments, and covered by such record of deci-
21 sion, without any other administrative action necessary.

22 **SEC. 1303. OIL SHALE LEASING.**

23 (a) ADDITIONAL RESEARCH AND DEVELOPMENT
24 LEASE SALES.—The Secretary of the Interior shall hold
25 a lease sale within 180 days after the date of enactment

1 of this Act offering an additional 10 parcels for lease for
2 research, development, and demonstration of oil shale re-
3 sources, under the terms offered in the solicitation of bids
4 for such leases published on January 15, 2009 (74 Fed.
5 Reg. 10).

6 (b) **COMMERCIAL LEASE SALES.**—No later than Jan-
7 uary 1, 2016, the Secretary of the Interior shall hold no
8 less than 5 separate commercial lease sales in areas con-
9 sidered to have the most potential for oil shale develop-
10 ment, as determined by the Secretary, in areas nominated
11 through public comment. Each lease sale shall be for an
12 area of not less than 25,000 acres, and in multiple lease
13 blocs.

14 **Subtitle D—Miscellaneous**

15 **Provisions**

16 **SEC. 1401. RULE OF CONSTRUCTION.**

17 Nothing in this title shall be construed to authorize
18 the issuance of a lease under the Mineral Leasing Act (30
19 U.S.C. 181 et seq.) to any person designated for the impo-
20 sition of sanctions pursuant to—

21 (1) the Iran Sanctions Act of 1996 (50 U.S.C.
22 1701 note), the Comprehensive Iran Sanctions, Ac-
23 countability and Divestiture Act of 2010 (22 U.S.C.
24 8501 et seq.), the Iran Threat Reduction and Syria
25 Human Rights Act of 2012 (22 U.S.C. 8701 et

1 seq.), section 1245 of the National Defense Author-
2 ization Act for Fiscal Year 2012 (22 U.S.C. 8513a),
3 or the Iran Freedom and Counter-Proliferation Act
4 of 2012 (22 U.S.C. 8801 et seq.);

5 (2) Executive Order 13622 (July 30, 2012),
6 Executive Order 13628 (October 9, 2012), or Execu-
7 tive Order 13645 (June 3, 2013);

8 (3) Executive Order 13224 (September 23,
9 2001) or Executive Order 13338 (May 11, 2004); or

10 (4) the Syria Accountability and Lebanese Sov-
11 ereignty Restoration Act of 2003 (22 U.S.C. 2151
12 note).

13 **TITLE II—PLANNING FOR** 14 **AMERICAN ENERGY**

15 **SEC. 2001. SHORT TITLE.**

16 This title may be cited as the “Planning for American
17 Energy Act of 2013”.

18 **SEC. 2002. ONSHORE DOMESTIC ENERGY PRODUCTION**

19 **STRATEGIC PLAN.**

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

1 **“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE**
2 **ENERGY PRODUCTION STRATEGY.**

3 “(a) IN GENERAL.—

4 “(1) The Secretary of the Interior (hereafter in
5 this section referred to as ‘Secretary’), in consulta-
6 tion with the Secretary of Agriculture with regard to
7 lands administered by the Forest Service, shall de-
8 velop and publish every 4 years a Quadrennial Fed-
9 eral Onshore Energy Production Strategy. This
10 Strategy shall direct Federal land energy develop-
11 ment and department resource allocation in order to
12 promote the energy and national security of the
13 United States in accordance with Bureau of Land
14 Management’s mission of promoting the multiple use
15 of Federal lands as set forth in the Federal Land
16 Policy and Management Act of 1976 (43 U.S.C.
17 1701 et seq.).

18 “(2) In developing this Strategy, the Secretary
19 shall consult with the Administrator of the Energy
20 Information Administration on the projected energy
21 demands of the United States for the next 30-year
22 period, and how energy derived from Federal on-
23 shore lands can put the United States on a trajec-
24 tory to meet that demand during the next 4-year pe-
25 riod. The Secretary shall consider how Federal lands
26 will contribute to ensuring national energy security,

1 with a goal for increasing energy independence and
2 production, during the next 4-year period.

3 “(3) The Secretary shall determine a domestic
4 strategic production objective for the development of
5 energy resources from Federal onshore lands. Such
6 objective shall be—

7 “(A) the best estimate, based upon com-
8 mercial and scientific data, of the expected in-
9 crease in domestic production of oil and natural
10 gas from the Federal onshore mineral estate,
11 with a focus on lands held by the Bureau of
12 Land Management and the Forest Service;

13 “(B) the best estimate, based upon com-
14 mercial and scientific data, of the expected in-
15 crease in domestic coal production from Federal
16 lands;

17 “(C) the best estimate, based upon com-
18 mercial and scientific data, of the expected in-
19 crease in domestic production of strategic and
20 critical energy minerals from the Federal on-
21 shore mineral estate;

22 “(D) the best estimate, based upon com-
23 mercial and scientific data, of the expected in-
24 crease in megawatts for electricity production
25 from each of the following sources: wind, solar,

1 biomass, hydropower, and geothermal energy
2 produced on Federal lands administered by the
3 Bureau of Land Management and the Forest
4 Service;

5 “(E) the best estimate, based upon com-
6 mercial and scientific data, of the expected in-
7 crease in unconventional energy production,
8 such as oil shale;

9 “(F) the best estimate, based upon com-
10 mercial and scientific data, of the expected in-
11 crease in domestic production of oil, natural
12 gas, coal, and other renewable sources from
13 tribal lands for any federally recognized Indian
14 tribe that elects to participate in facilitating en-
15 ergy production on its lands; and

16 “(G) the best estimate, based upon com-
17 mercial and scientific data, of the expected in-
18 crease in production of helium on Federal lands
19 administered by the Bureau of Land Manage-
20 ment and the Forest Service.

21 “(4) The Secretary shall consult with the Ad-
22 ministrator of the Energy Information Administra-
23 tion regarding the methodology used to arrive at its
24 estimates for purposes of this section.

1 “(5) The Secretary has the authority to expand
2 the energy development plan to include other energy
3 production technology sources or advancements in
4 energy on Federal lands.

5 “(b) TRIBAL OBJECTIVES.—It is the sense of Con-
6 gress that federally recognized Indian tribes may elect to
7 set their own production objectives as part of the Strategy
8 under this section. The Secretary shall work in coopera-
9 tion with any federally recognized Indian tribe that elects
10 to participate in achieving its own strategic energy objec-
11 tives designated under this subsection.

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

1 “(d) STATE, FEDERALLY RECOGNIZED INDIAN
2 TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.—In
3 developing each strategy, the Secretary shall solicit the
4 input of affected States, federally recognized Indian tribes,
5 local governments, and the public.

6 “(e) REPORTING.—The Secretary shall report annu-
7 ally to the Committee on Natural Resources of the House
8 of Representatives and the Committee on Energy and
9 Natural Resources of the Senate on the progress of meet-
10 ing the production goals set forth in the strategy. The Sec-
11 retary shall identify in the report projections for produc-
12 tion and capacity installations and any problems with leas-
13 ing, permitting, siting, or production that will prevent
14 meeting the goal. In addition, the Secretary shall make
15 suggestions to help meet any shortfalls in meeting the pro-
16 duction goals.

17 “(f) PROGRAMMATIC ENVIRONMENTAL IMPACT
18 STATEMENT.—Not later than 12 months after the date
19 of enactment of this section, in accordance with section
20 102(2)(C) of the National Environmental Policy Act of
21 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall com-
22 plete a programmatic environmental impact statement.
23 This programmatic environmental impact statement will
24 be deemed sufficient to comply with all requirements
25 under that Act for all necessary resource management and

1 land use plans associated with the implementation of the
2 strategy.

3 “(g) CONGRESSIONAL REVIEW.—At least 60 days
4 prior to publishing a proposed strategy under this section,
5 the Secretary shall submit it to the President and the Con-
6 gress, together with any comments received from States,
7 federally recognized Indian tribes, and local governments.
8 Such submission shall indicate why any specific rec-
9 ommendation of a State, federally recognized Indian tribe,
10 or local government was not accepted.

11 “(h) STRATEGIC AND CRITICAL ENERGY MINERALS
12 DEFINED.—For purposes of this section, the term ‘stra-
13 tegic and critical energy minerals’ means those that are
14 necessary for the Nation’s energy infrastructure including
15 pipelines, refining capacity, electrical power generation
16 and transmission, and renewable energy production and
17 those that are necessary to support domestic manufac-
18 turing, including but not limited to, materials used in en-
19 ergy generation, production, and transportation.”.

20 (b) FIRST QUADRENNIAL STRATEGY.—Not later
21 than 18 months after the date of enactment of this Act,
22 the Secretary of the Interior shall submit to Congress the
23 first Quadrennial Federal Onshore Energy Production
24 Strategy under the amendment made by subsection (a).

1 **TITLE III—NATIONAL PETRO-**
2 **LEUM RESERVE IN ALASKA**
3 **ACCESS**

4 **SEC. 3001. SHORT TITLE.**

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

7 **SEC. 3002. SENSE OF CONGRESS AND REAFFIRMING NA-**
8 **TIONAL POLICY FOR THE NATIONAL PETRO-**
9 **LEUM RESERVE IN ALASKA.**

10 It is the sense of Congress that—

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

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

20 **SEC. 3003. NATIONAL PETROLEUM RESERVE IN ALASKA:**
21 **LEASE SALES.**

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

1 “(a) IN GENERAL.—The Secretary shall conduct an
2 expeditious program of competitive leasing of oil and gas
3 in the reserve in accordance with this Act. Such program
4 shall include at least one lease sale annually in those areas
5 of the reserve most likely to produce commercial quantities
6 of oil and natural gas each year in the period 2013
7 through 2023.”.

8 **SEC. 3004. NATIONAL PETROLEUM RESERVE IN ALASKA:**
9 **PLANNING AND PERMITTING PIPELINE AND**
10 **ROAD CONSTRUCTION.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, the Secretary of the Interior, in consultation
13 with other appropriate Federal agencies, shall facilitate
14 and ensure permits, in a timely and environmentally re-
15 sponsible manner, for all surface development activities,
16 including for the construction of pipelines and roads, nec-
17 essary to—

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

21 (2) transport oil and gas from and through the
22 National Petroleum Reserve in Alaska in the most
23 direct manner possible to existing transportation or
24 processing infrastructure on the North Slope of
25 Alaska.

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

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

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

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

1 **SEC. 3005. ISSUANCE OF A NEW INTEGRATED ACTIVITY**
2 **PLAN AND ENVIRONMENTAL IMPACT STATE-**
3 **MENT.**

4 (a) ISSUANCE OF NEW INTEGRATED ACTIVITY
5 PLAN.—The Secretary of the Interior shall, within 180
6 days after the date of enactment of this Act, issue—

7 (1) a new proposed integrated activity plan
8 from among the non-adopted alternatives in the Na-
9 tional Petroleum Reserve Alaska Integrated Activity
10 Plan Record of Decision issued by the Secretary of
11 the Interior and dated February 21, 2013; and

12 (2) an environmental impact statement under
13 section 102(2)(C) of the National Environmental
14 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for
15 issuance of oil and gas leases in the National Petro-
16 leum Reserve-Alaska to promote efficient and max-
17 imum development of oil and natural gas resources
18 of such reserve.

19 (b) NULLIFICATION OF EXISTING RECORD OF DECI-
20 SION, IAP, AND EIS.—Except as provided in subsection
21 (a), the National Petroleum Reserve-Alaska Integrated
22 Activity Plan Record of Decision issued by the Secretary
23 of the Interior and dated February 21, 2013, including
24 the integrated activity plan and environmental impact
25 statement referred to in that record of decision, shall have
26 no force or effect.

1 **SEC. 3006. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOP-**
2 **MENT.**

3 The Secretary of the Interior shall issue regulations
4 not later than 180 days after the date of enactment of
5 this Act that establish clear requirements to ensure that
6 the Department of the Interior is supporting development
7 of oil and gas leases in the National Petroleum Reserve-
8 Alaska.

9 **SEC. 3007. DEADLINES UNDER NEW PROPOSED INTE-**
10 **GRATED ACTIVITY PLAN.**

11 At a minimum, the new proposed integrated activity
12 plan issued under section 3005(a)(1) shall—

13 (1) require the Department of the Interior to
14 respond within 5 business days to a person who sub-
15 mits an application for a permit for development of
16 oil and natural gas leases in the National Petroleum
17 Reserve-Alaska acknowledging receipt of such appli-
18 cation; and

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

21 (A) specifies deadlines for decisions and
22 actions on permit applications; and

23 (B) provide that the period for issuing
24 each permit after submission of such an appli-
25 cation shall not exceed 60 days without the con-
26 currence of the applicant.

1 **SEC. 3008. UPDATED RESOURCE ASSESSMENT.**

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

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

12 (c) TIMING.—The resource assessment required by
13 subsection (a) shall be completed within 24 months of the
14 date of the enactment of this Act.

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

19 **TITLE IV—BLM LIVE INTERNET**
20 **AUCTIONS**

21 **SEC. 4001. SHORT TITLE.**

22 This title may be cited as the “BLM Live Internet
23 Auctions Act”.

1 **SEC. 4002. INTERNET-BASED ONSHORE OIL AND GAS LEASE**

2 **SALES.**

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

5 (1) in subparagraph (A), in the third sentence,
6 by inserting “, except as provided in subparagraph
7 (C)” after “by oral bidding”; and

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

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

15 (b) REPORT.—Not later than 90 days after the tenth
16 Internet-based lease sale conducted under the amendment
17 made by subsection (a), the Secretary of the Interior shall
18 analyze the first 10 such lease sales and report to Con-
19 gress the findings of the analysis. The report shall in-
20 clude—

21 (1) estimates on increases or decreases in such
22 lease sales, compared to sales conducted by oral bid-
23 ding, in—

24 (A) the number of bidders;

25 (B) the average amount of bid;

26 (C) the highest amount bid; and

1 (D) the lowest bid;

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

6 (3) an evaluation of the demonstrated or ex-
7 pected effectiveness of different structures for lease
8 sales which may provide an opportunity to better
9 maximize bidder participation, ensure the highest re-
10 turn to the Federal taxpayers, minimize opportuni-
11 ties for fraud or collusion, and ensure the security
12 and integrity of the leasing process.

13 **TITLE V—NATIVE AMERICAN**
14 **ENERGY**

15 **SEC. 5001. SHORT TITLE.**

16 This title may be cited as the “Native American En-
17 ergy Act”.

18 **SEC. 5002. APPRAISALS.**

19 (a) AMENDMENT.—Title XXVI of the Energy Policy
20 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-
21 ing at the end the following:

22 **“SEC. 2607. APPRAISAL REFORMS.**

23 “(a) OPTIONS TO INDIAN TRIBES.—With respect to
24 a transaction involving Indian land or the trust assets of
25 an Indian tribe that requires the approval of the Sec-

1 retary, any appraisal relating to fair market value required
2 to be conducted under applicable law, regulation, or policy
3 may be completed by—

4 “(1) the Secretary;

5 “(2) the affected Indian tribe; or

6 “(3) a certified, third-party appraiser pursuant
7 to a contract with the Indian tribe.

8 “(b) TIME LIMIT ON SECRETARIAL REVIEW AND AC-
9 TION.—Not later than 30 days after the date on which
10 the Secretary receives an appraisal conducted by or for
11 an Indian tribe pursuant to paragraphs (2) or (3) of sub-
12 section (a), the Secretary shall—

13 “(1) review the appraisal; and

14 “(2) provide to the Indian tribe a written notice
15 of approval or disapproval of the appraisal.

16 “(c) FAILURE OF SECRETARY TO APPROVE OR DIS-
17 APPROVE.—If, after 60 days, the Secretary has failed to
18 approve or disapprove any appraisal received, the ap-
19 praisal shall be deemed approved.

20 “(d) OPTION TO INDIAN TRIBES TO WAIVE AP-
21 PRAISAL.—

22 “(1) An Indian tribe wishing to waive the re-
23 quirements of subsection (a), may do so after it has
24 satisfied the requirements of subsections (2) and (3)
25 below.

1 “(2) An Indian tribe wishing to forego the ne-
2 cessity of a waiver pursuant to this section must
3 provide to the Secretary a written resolution, state-
4 ment, or other unambiguous indication of tribal in-
5 tent, duly approved by the governing body of the In-
6 dian tribe.

7 “(3) The unambiguous indication of intent pro-
8 vided by the Indian tribe to the Secretary under
9 paragraph (2) must include an express waiver by the
10 Indian tribe of any claims for damages it might have
11 against the United States as a result of the lack of
12 an appraisal undertaken.

13 “(e) DEFINITION.—For purposes of this subsection,
14 the term ‘appraisal’ includes appraisals and other esti-
15 mates of value.

16 “(f) REGULATIONS.—The Secretary shall develop
17 regulations for implementing this section, including stand-
18 ards the Secretary shall use for approving or disapproving
19 an appraisal.”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents of the Energy Policy Act of 1992 (42 U.S.C. 13201
22 note) is amended by adding at the end of the items relat-
23 ing to title XXVI the following:

“Sec. 2607. Appraisal reforms.”.

1 **SEC. 5003. STANDARDIZATION.**

2 As soon as practicable after the date of the enactment
3 of this Act, the Secretary of the Interior shall implement
4 procedures to ensure that each agency within the Depart-
5 ment of the Interior that is involved in the review, ap-
6 proval, and oversight of oil and gas activities on Indian
7 lands shall use a uniform system of reference numbers and
8 tracking systems for oil and gas wells.

9 **SEC. 5004. ENVIRONMENTAL REVIEWS OF MAJOR FEDERAL**
10 **ACTIONS ON INDIAN LANDS.**

11 Section 102 of the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4332) is amended by inserting
13 “(a) IN GENERAL.—” before the first sentence, and by
14 adding at the end the following:

15 “(b) REVIEW OF MAJOR FEDERAL ACTIONS ON IN-
16 DIAN LANDS.—

17 “(1) IN GENERAL.—For any major Federal ac-
18 tion on Indian lands of an Indian tribe requiring the
19 preparation of a statement under subsection
20 (a)(2)(C), the statement shall only be available for
21 review and comment by the members of the Indian
22 tribe and by any other individual residing within the
23 affected area.

24 “(2) REGULATIONS.—The Chairman of the
25 Council on Environmental Quality shall develop reg-
26 ulations to implement this section, including descrip-

1 tions of affected areas for specific major Federal ac-
2 tions, in consultation with Indian tribes.

3 “(3) DEFINITIONS.—In this subsection, each of
4 the terms ‘Indian land’ and ‘Indian tribe’ has the
5 meaning given that term in section 2601 of the En-
6 ergy Policy Act of 1992 (25 U.S.C. 3501).

7 “(4) CLARIFICATION OF AUTHORITY.—Nothing
8 in the Native American Energy Act, except section
9 5006 of that Act, shall give the Secretary any addi-
10 tional authority over energy projects on Alaska Na-
11 tive Claims Settlement Act lands.”.

12 **SEC. 5005. JUDICIAL REVIEW.**

13 (a) TIME FOR FILING COMPLAINT.—Any energy re-
14 lated action must be filed not later than the end of the
15 60-day period beginning on the date of the final agency
16 action. Any energy related action not filed within this time
17 period shall be barred.

18 (b) DISTRICT COURT VENUE AND DEADLINE.—All
19 energy related actions—

20 (1) shall be brought in the United States Dis-
21 trict Court for the District of Columbia; and

22 (2) shall be resolved as expeditiously as pos-
23 sible, and in any event not more than 180 days after
24 such cause of action is filed.

1 (c) APPELLATE REVIEW.—An interlocutory order or
2 final judgment, decree or order of the district court in an
3 energy related action may be reviewed by the U.S. Court
4 of Appeals for the District of Columbia Circuit. The D.C.
5 Circuit Court of Appeals shall resolve such appeal as expe-
6 ditiously as possible, and in any event not more than 180
7 days after such interlocutory order or final judgment, de-
8 cree or order of the district court was issued.

9 (d) LIMITATION ON CERTAIN PAYMENTS.—Notwith-
10 standing section 1304 of title 31, United States Code, no
11 award may be made under section 504 of title 5, United
12 States Code, or under section 2412 of title 28, United
13 States Code, and no amounts may be obligated or ex-
14 pended from the Claims and Judgment Fund of the
15 United States Treasury to pay any fees or other expenses
16 under such sections, to any person or party in an energy
17 related action.

18 (e) LEGAL FEES.—In any energy related action in
19 which the plaintiff does not ultimately prevail, the court
20 shall award to the defendant (including any intervenor-
21 defendants), other than the United States, fees and other
22 expenses incurred by that party in connection with the en-
23 ergy related action, unless the court finds that the position
24 of the plaintiff was substantially justified or that special
25 circumstances make an award unjust. Whether or not the

1 position of the plaintiff was substantially justified shall be
2 determined on the basis of the administrative record, as
3 a whole, which is made in the energy related action for
4 which fees and other expenses are sought.

5 (f) DEFINITIONS.—For the purposes of this section,
6 the following definitions apply:

7 (1) AGENCY ACTION.—The term “agency ac-
8 tion” has the same meaning given such term in sec-
9 tion 551 of title 5, United States Code.

10 (2) INDIAN LAND.—The term “Indian Land”
11 has the same meaning given such term in section
12 203(c)(3) of the Energy Policy Act of 2005 (Public
13 Law 109-58; 25 U.S.C. 3501), including lands
14 owned by Native Corporations under the Alaska Na-
15 tive Claims Settlement Act (Public Law 92-203; 43
16 U.S.C. 1601).

17 (3) ENERGY RELATED ACTION.—The term “en-
18 ergy related action” means a cause of action that—

19 (A) is filed on or after the effective date of
20 this Act; and

21 (B) seeks judicial review of a final agency
22 action to issue a permit, license, or other form
23 of agency permission allowing:

24 (i) any person or entity to conduct ac-
25 tivities on Indian Land, which activities in-

1 involve the exploration, development, produc-
2 tion or transportation of oil, gas, coal,
3 shale gas, oil shale, geothermal resources,
4 wind or solar resources, underground coal
5 gasification, biomass, or the generation of
6 electricity; or

7 (ii) any Indian Tribe, or any organiza-
8 tion of two or more entities, at least one
9 of which is an Indian tribe, to conduct ac-
10 activities involving the exploration, develop-
11 ment, production or transportation of oil,
12 gas, coal, shale gas, oil shale, geothermal
13 resources, wind or solar resources, under-
14 ground coal gasification, biomass, or the
15 generation of electricity, regardless of
16 where such activities are undertaken.

17 (4) **ULTIMATELY PREVAIL.**—The phrase “ulti-
18 mately prevail” means, in a final enforceable judg-
19 ment, the court rules in the party’s favor on at least
20 one cause of action which is an underlying rationale
21 for the preliminary injunction, administrative stay,
22 or other relief requested by the party, and does not
23 include circumstances where the final agency action
24 is modified or amended by the issuing agency unless
25 such modification or amendment is required pursu-

1 ant to a final enforceable judgment of the court or
2 a court-ordered consent decree.

3 **SEC. 5006. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

4 The Tribal Forest Protection Act of 2004 is amended
5 by inserting after section 2 (25 U.S.C. 3115a) the fol-
6 lowing:

7 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

8 “(a) IN GENERAL.—For each of fiscal years 2014
9 through 2018, the Secretary shall enter into stewardship
10 contracts or other agreements, other than agreements that
11 are exclusively direct service contracts, with Indian tribes
12 to carry out demonstration projects to promote biomass
13 energy production (including biofuel, heat, and electricity
14 generation) on Indian forest land and in nearby commu-
15 nities by providing reliable supplies of woody biomass from
16 Federal land.

17 “(b) DEFINITIONS.—The definitions in section 2
18 shall apply to this section.

19 “(c) DEMONSTRATION PROJECTS.—In each fiscal
20 year for which projects are authorized, the Secretary shall
21 enter into contracts or other agreements described in sub-
22 section (a) to carry out at least 4 new demonstration
23 projects that meet the eligibility criteria described in sub-
24 section (d).

1 “(d) ELIGIBILITY CRITERIA.—To be eligible to enter
2 into a contract or other agreement under this subsection,
3 an Indian tribe shall submit to the Secretary an applica-
4 tion—

5 “(1) containing such information as the Sec-
6 retary may require; and

7 “(2) that includes a description of—

8 “(A) the Indian forest land or rangeland
9 under the jurisdiction of the Indian tribe; and

10 “(B) the demonstration project proposed
11 to be carried out by the Indian tribe.

12 “(e) SELECTION.—In evaluating the applications
13 submitted under subsection (c), the Secretary—

14 “(1) shall take into consideration the factors set
15 forth in paragraphs (1) and (2) of section 2(e) of
16 Public Law 108–278; and whether a proposed dem-
17 onstration project would—

18 “(A) increase the availability or reliability
19 of local or regional energy;

20 “(B) enhance the economic development of
21 the Indian tribe;

22 “(C) improve the connection of electric
23 power transmission facilities serving the Indian
24 tribe with other electric transmission facilities;

1 “(D) improve the forest health or water-
2 sheds of Federal land or Indian forest land or
3 rangeland; or

4 “(E) otherwise promote the use of woody
5 biomass; and

6 “(2) shall exclude from consideration any mer-
7 chantable logs that have been identified by the Sec-
8 retary for commercial sale.

9 “(f) IMPLEMENTATION.—The Secretary shall—

10 “(1) ensure that the criteria described in sub-
11 section (c) are publicly available by not later than
12 120 days after the date of enactment of this section;
13 and

14 “(2) to the maximum extent practicable, consult
15 with Indian tribes and appropriate intertribal orga-
16 nizations likely to be affected in developing the ap-
17 plication and otherwise carrying out this section.

18 “(g) REPORT.—Not later than September 20, 2015,
19 the Secretary shall submit to Congress a report that de-
20 scribes, with respect to the reporting period—

21 “(1) each individual tribal application received
22 under this section; and

23 “(2) each contract and agreement entered into
24 pursuant to this section.

1 “(h) INCORPORATION OF MANAGEMENT PLANS.—In
2 carrying out a contract or agreement under this section,
3 on receipt of a request from an Indian tribe, the Secretary
4 shall incorporate into the contract or agreement, to the
5 extent practicable, management plans (including forest
6 management and integrated resource management plans)
7 in effect on the Indian forest land or rangeland of the re-
8 spective Indian tribe.

9 “(i) TERM.—A stewardship contract or other agree-
10 ment entered into under this section—

11 “(1) shall be for a term of not more than 20
12 years; and

13 “(2) may be renewed in accordance with this
14 section for not more than an additional 10 years.”.

15 **SEC. 5007. TRIBAL RESOURCE MANAGEMENT PLANS.**

16 Unless otherwise explicitly exempted by Federal law
17 enacted after the date of the enactment of this Act, any
18 activity conducted or resources harvested or produced pur-
19 suant to a tribal resource management plan or an inte-
20 grated resource management plan approved by the Sec-
21 retary of the Interior under the National Indian Forest
22 Resources Management Act (25 U.S.C. 3101 et seq.) or
23 the American Indian Agricultural Resource Management
24 Act (25 U.S.C. 3701 et seq.), shall be considered a sus-
25 tainable management practice for purposes of any Federal

1 standard, benefit, or requirement that requires a dem-
2 onstration of such sustainability.

3 **SEC. 5008. LEASES OF RESTRICTED LANDS FOR THE NAV-**
4 **AJO NATION.**

5 Subsection (e)(1) of the first section of the Act of
6 August 9, 1955 (25 U.S.C. 415(e)(1); commonly referred
7 to as the “Long-Term Leasing Act”), is amended—

8 (1) by striking “, except a lease for” and insert-
9 ing “, including leases for”;

10 (2) in subparagraph (A), by striking “25” the
11 first place it appears and all that follows and insert-
12 ing “99 years;”;

13 (3) in subparagraph (B), by striking the period
14 and inserting “; and”; and

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

16 “(C) in the case of a lease for the exploration,
17 development, or extraction of mineral resources, in-
18 cluding geothermal resources, 25 years, except that
19 any such lease may include an option to renew for
20 one additional term not to exceed 25 years.”.

21 **SEC. 5009. NONAPPLICABILITY OF CERTAIN RULES.**

22 No rule promulgated by the Department of the Inte-
23 rior regarding hydraulic fracturing used in the develop-
24 ment or production of oil or gas resources shall have any
25 effect on any land held in trust or restricted status for

- 1 the benefit of Indians except with the express consent of
- 2 the beneficiary on whose behalf such land is held in trust
- 3 or restricted status.

