

Section by Section for the Domestic Jobs and Energy Act – H.R. 4480

TITLE I – INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS

Section 101--Short title

This section provides the short title of “Strategic Energy Production Act of 2012.”

Section 102--Plan for increasing domestic oil and gas exploration, development, and production from Federal lands in response to Strategic Petroleum Reserve drawdown

Section 102 amends the Energy Policy and Conservation Act to require the Secretary of Energy upon the first drawdown from the SPR to develop a plan to increase the percentage of Federal lands under the jurisdiction of the Secretary of Agriculture, Secretary of Energy, Secretary of the Interior, and Secretary of Defense leased for oil and gas exploration, development and production.

Section 102 also requires that the plan developed by the Secretary: (1) be consistent with a national energy policy to meet present and future energy needs of the U.S. and consistent with economic goals, and (2) promote the interests of consumers through the provision of an adequate and reliable supply of domestic transportation fuels at the lowest reasonable cost.

Section 102 also provides that the plan shall not result in the percentage of Federal lands leased to exceed 10 percent or include lands managed under the National Park System or the National Wilderness Preservation System.

Section 102 requires the Secretary of Energy to consult with the Secretary of Agriculture, Secretary of Energy, Secretary of the Interior, and Secretary of Defense in development of the plan and requires these Secretaries to comply with the plan.

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

Section 201--Short title

This section provides the short title of “Gasoline Regulations Act of 2012.”

Section 202--Transportation fuels regulatory committee

Section 202 establishes an interagency committee (the “Committee”) for the cumulative analysis of rules that impact gasoline, diesel fuel, and natural gas prices. Section 202(b) provides that the Committee will be chaired by the Secretary of Energy, and will include the Departments of

Transportation, Commerce, Labor, Treasury, and Agriculture, the Administrator of the Environmental Protection Agency, the Chairman of the United States International Trade Commission, and the Administrator of the Energy Information Administration. The Committee will terminate 60 days after submitting a final report.

Section 203--Analyses

Section 203 describes the analyses that the Committee will conduct for the years 2016 and 2020, including estimates of changes in gasoline, diesel fuel, and natural gas prices; capital investments; global economic competitiveness; other cumulative cost and cumulative benefit impacts; and jobs. The Committee also will provide a discussion of the cumulative impact of the covered rules and actions on consumers, small businesses, regional economies, State, local, and tribal governments, low-income communities, public health, and local and industry-specific labor markets.

Section 203 also identifies the covered rules and actions that are to be analyzed. These covered rules and actions include EPA's Tier 3 Motor Vehicle Emission and Fuel Standards, new or revised standards of performance or emission standards under section 111 or 112 of the CAA applicable to petroleum refineries, new Renewable Fuels Program rules, the 2008 National Ambient Air Quality Standards for Ozone and any subsequent rule revising or supplementing those standards, and Greenhouse Gas permitting under the Prevention of Significant Deterioration and Title V programs.

Section 204--Reports; public comment

Section 204 requires a preliminary report be made public and submitted to Congress within 90 days of enactment. Public comments are to be accepted on the preliminary report for 60 days. The final report is then due by 60 days after the close of the public comment period.

Section 205--No final action on certain rules

Section 205 defers until at least 6 months after submission of the final report the following new rules: EPA's Tier 3 Motor Vehicle Emission and Fuel Standards, new or revised standards of performance or emission standards under section 111 or 112 of the CAA applicable to petroleum refineries, and any new rule revising or supplementing the National Ambient Air Quality Standards for Ozone issued in 2008.

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

Section 206 requires that revisions to any National Ambient Air Quality Standards for Ozone shall take into account feasibility and cost.

TITLE III – QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY

Section 301. Short Title.

This section provides the short title of “Planning for American Energy Act of 2012.”

Section 302. Onshore Domestic Energy Production Strategic Plan.

Section 302 requires the Secretary of the Interior to develop and publish a comprehensive onshore energy production strategy every four years. The Secretary will consider energy demand, national security, and energy dependence in creating this strategy and provide estimates of expected increases in oil, natural gas, coal, mineral, and renewable energy production. The Secretary has the authority to expand the plan to include other emerging energy technologies and will ensure proper amounts of land will be available to ensure increasing energy production. The Secretary will report to Congress prior to publishing the strategy.

Section 303. Definitions.

Section 303 provides definitions for terms used in the bill.

TITLE IV – ONSHORE OIL AND GAS LEASING CERTAINTY

Section 401. Short Title.

The section provides the short title of “Providing Leasing Certainty for American Energy Act of 2012.”

Section 402. Minimum Acreage Requirement for Onshore Lease Sales.

Section 402 requires the Secretary of the Interior to annually lease at least 25% of nominated acreage not previously made available for lease.

Section 403. Leasing Certainty.

Section 403 prohibits the Secretary from withdrawing lease parcels after they have been leased or adding additional lease stipulations after the lease sale. It also sets timelines for the adjudication of lease protests and requires the Secretary to issue leases in a timely fashion.

Section 404. Leasing Consistency.

Section 404 requires land managers to continue leasing in open areas when they are amending current resource management plans.

Section 405. Reduce Redundant Policies.

Section 405 overturns the Bureau of Land Management's Instruction Memorandum 2010-117 (Master Leasing Plans).

TITLE V – STREAMLINED ENERGY PERMITTING

Section 501. Short Title.

This section provides the short title of “Streamlining Permitting for American Energy Act of 2012.”

Subtitle A - Application for Permits to Drill Process Reform.

Section 511. Permit to Drill Application Timeline.

Section 511 requires the Secretary of the Interior to approve or deny an application for a permit to drill within no later than 60 days. If a decision is not made in 60 days, the application is deemed approved. The Secretary shall collect a single \$6,500 permit processing fee per application at the time the decision is made. Half of the fee remains in the field office that process the permit.

Section 512. Solar and Wind Right-of-Way Rentals.

This section provides that half of solar and wind right-of-way rental fees will remain with the Secretary of the Interior to direct to BLM field offices, the U.S. Fish and Wildlife Service, or other federal agencies that review and process renewable energy projects on BLM land.

Subtitle B - Administrative Protest Documentation Reform.

Section 521. Administrative Protest Documentation Fee.

Section 521 provides that a \$5,000 fee will be collected with each protest for a lease, right of way, or application for permit to drill. Half of the fee will remain in the field office that processes the protest.

Subtitle C - Permit Streamlining.

Section 531. Improve Federal Energy Permit Coordination.

Section 531 establishes a pilot project to staff BLM field offices with staff to specialize in the permitting process to expedite permitting decisions.

Section 532. Administration of Current Law.

Section 532 provides that the Secretary of the Interior shall administer Section 390 of the Energy Policy Act of 2005 without requiring a finding of “extraordinary circumstances.”

Section 533. Policies Regarding Buying, Building, and Working for America.

Section 533 specifies that through this Act, Congress intends to support a healthy and growing energy sector that creates jobs for Americans. When possible, the Secretary of the Interior will encourage the use of United States workers and equipment.

Subtitle D - Judicial Review.

Section 541. Definitions.

This section provides definitions for terms used in the bill.

Section 542. Exclusive Venue for Certain Civil Actions Relating to Covered Energy Projects.

Section 542 provides that the district court where the challenged project or leases exists will be the venue for legal action.

Section 543. Timely Filing.

This section specifies that a civil action must be filed no later than the end of a 90 day period after final agency action.

Section 544. Expedition in Hearing and Determining.

Section 544 provides that the court will endeavor to hear civil actions as expeditiously as possible.

Section 545. Standard of Review.

This section provides that administrative findings and conclusions relating to Federal actions will be presumed correct, and provides a standard for rebuttal.

Section 546. Limitation on Injunction and Prospective Relief.

Section 546 limits the duration of injunctions to halt energy projects to 60 days and limits prospective relief.

Section 547. Limitations on Attorneys' Fees.

This section limits attorneys' fees and expenses.

Section 548. Legal Standing.

Section 548 provides that challengers filing with the Department of the Interior Board of Land Appeals shall meet the same requirements as challengers before a district court.

TITLE VI – EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

Section 601. Short title

This section provides the short title of the “National Petroleum Reserve Alaska Access Act.”

Section 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska

This section reaffirms the sense of Congress that the purpose of the NPRA is to provide oil and natural gas resources for the United States. It also affirms the national policy is to facilitate production from the NPRA by expediting exploration, production and transportation of oil and natural gas resources through the NPRA.

Section 603. National Petroleum Reserve in Alaska; lease sales

This section requires the Secretary of the Interior to conduct at least one lease sale annually in areas of the NPRA most likely to produce commercial quantities of oil and natural gas from 2011 to 2021.

Section 604. National Petroleum Reserve in Alaska; planning and permitting pipeline and road construction

This section directs the Secretary of the Interior to issue permits for all surface development activities, such as pipelines and roads, necessary to develop the NPRA and transport oil and natural gas from the Reserve the North Slope to be transported through TAPS for the American people. Permits for the construction of transportation facilities for oil and gas under existing leases must be approved within 60 days of enactment. New permits must be approved within 6 months. Within 270 days after enactment the Secretary must submit a plan to Congress for approved rights-of-way for surface infrastructure to ensure all leasable tracts of land are within 25 miles of an approved road and pipeline.

Section 605. Departmental accountability for development

This section requires the Secretary of the Interior to issue regulations within 180 days of enactment that establishes requirements to ensure Interior facilitates the timely development of the NPRA, including response timelines in corresponding with permit applicants and issuing permits. If the Secretary fails to comply with permit deadlines, the Department will be required to notify the applicant with information regarding reasons for the permit delay.

Section.606. Updated resource assessment

This section requires an assessment of recoverable fossil fuel resources in the NPRA.

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

Section 701. Short title

This section provides the short title of as the “BLM Live Internet Auctions Act.”

Section 702. Internet-based onshore oil and gas lease sales

This section gives the Secretary of the Interior the authority to conduct Internet-based auctions for onshore leases to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process. Each auction should be no longer than seven days. This section also requires a report to Congress not more than 90 days after the tenth Internet-based lease sale.