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(Original Signature of Member)

111TH CONGRESS
1ST SESSION

H. R.

To stimulate the economy 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.

IN THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on _____

A BILL

To stimulate the economy 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
5 “No Cost Stimulus Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 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. Coastal Impact assistance program amendments.
- Sec. 104. Seaward boundaries of States.

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. Federal and State distribution of revenues.
- Sec. 209. Rights-of-way across the Coastal plain.
- Sec. 210. Conveyance.
- Sec. 211. Local government impact aid and community service assistance.
- Sec. 212. ANWR Alternative Energy Trust Fund.

TITLE III—REGULATORY STREAMLINING

- Sec. 301. Commercial leasing program for oil shale resources on public land.
- Sec. 302. Licensing of new nuclear power plants.
- Sec. 303. Jurisdiction over covered energy projects.
- Sec. 304. Environmental impact statements.
- Sec. 305. Clean air regulation.
- Sec. 306. Endangered species.

1 **TITLE I—OUTER CONTINENTAL**
 2 **SHELF LEASING**

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

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

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

7 **SEC. 102. LEASE SALES.**

8 (a) OUTER CONTINENTAL SHELF.—

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

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

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

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

9 (b) RENEWABLE ENERGY AND MARICULTURE.—The
10 Secretary may conduct commercial lease sales of resources
11 owned by United States—

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

15 (2) to cultivate marine organisms in the natural
16 habitat of the organisms.

17 **SEC. 103. COASTAL IMPACT ASSISTANCE PROGRAM AMEND-**
18 **MENTS.**

19 Section 31 of the Outer Continental Shelf Lands Act
20 (43 U.S.C. 1356a) is amended—

21 (1) in subsection (c), by adding at the end the
22 following:

23 “(5) APPLICATION REQUIREMENTS; AVAIL-
24 ABILITY OF FUNDING.—On approval of a plan by

1 the Secretary under this section, the producing State
2 shall—

3 “(A) not be subject to any additional appli-
4 cation or other requirements (other than noti-
5 fying the Secretary of which projects are being
6 carried out under the plan) to receive the pay-
7 ments; and

8 “(B) be immediately eligible to receive pay-
9 ments under this section.”; and

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

11 “(e) FUNDING.—

12 “(1) STREAMLINING.—

13 “(A) REPORT.—Not later than 180 days
14 after the date of enactment of this subsection,
15 the Secretary of the Interior (acting through
16 the Director of the Minerals Management Serv-
17 ice) (referred to in this subsection as the ‘Sec-
18 retary’) shall develop a plan that addresses
19 streamlining the process by which payments are
20 made under this section, including rec-
21 ommendations for—

22 “(i) decreasing the time required to
23 approve plans submitted under subsection
24 (c)(1);

1 “(ii) ensuring that allocations to pro-
2 ducing States under subsection (b) are
3 adequately funded; and

4 “(iii) any modifications to the author-
5 ized uses for payments under subsection
6 (d).

7 “(B) CLEAN WATER.—Not later than 180
8 days after the date of enactment of this sub-
9 section, the Secretary and the Administrator of
10 the Environmental Protection Agency shall
11 jointly develop procedures for streamlining the
12 permit process required under the Federal
13 Water Pollution Control Act (33 U.S.C. 1251 et
14 seq.) and State laws for restoration projects
15 that are included in an approved plan under
16 subsection (c).

17 “(C) ENVIRONMENTAL REQUIREMENTS.—
18 A project funded under this section that does
19 not involve wetlands shall not be subject to en-
20 vironmental review requirements under Federal
21 law.

22 “(2) COST-SHARING REQUIREMENTS.—Any
23 amounts made available to producing States under
24 this section may be used to meet the cost-sharing re-
25 quirements of other Federal grant programs, includ-

1 ing grant programs that support coastal wetland
2 protection and restoration.

3 “(3) EXPEDITED FUNDING.—Not later than
4 180 days after the date of enactment of this sub-
5 section, the Secretary shall develop a procedure to
6 provide expedited funding to projects under this sec-
7 tion based on estimated revenues to ensure that the
8 projects may—

9 “(A) secure additional funds from other
10 sources; and

11 “(B) use the amounts made available
12 under this section on receipt.”.

13 **SEC. 104. SEAWARD BOUNDARIES OF STATES.**

14 (a) SEAWARD BOUNDARIES.—Section 4 of the Sub-
15 merged Lands Act (43 U.S.C. 1312) is amended by strik-
16 ing “three geographical miles” each place it appears and
17 inserting “12 nautical miles”.

18 (b) CONFORMING AMENDMENTS.—Section 2 of the
19 Submerged Lands Act (43 U.S.C. 1301) is amended—

20 (1) in subsection (a)(2), by striking “three geo-
21 graphical miles” and inserting “12 nautical miles”;
22 and

23 (2) in subsection (b)—

24 (A) by striking “three geographical miles”
25 and inserting “12 nautical miles”; and

1 (B) by striking “three marine leagues” and
2 inserting “12 nautical miles”.

3 (c) EFFECT OF AMENDMENTS.—

4 (1) IN GENERAL.—Subject to paragraphs (2)
5 through (4), the amendments made by this section
6 shall not effect Federal oil and gas mineral rights.

7 (2) SUBMERGED LAND.—Submerged land with-
8 in the seaward boundaries of States shall be—

9 (A) subject to Federal oil and gas mineral
10 rights to the extent provided by law;

11 (B) considered to be part of the Federal
12 outer Continental Shelf for purposes of the
13 Outer Continental Shelf Lands Act (43 U.S.C.
14 1331 et seq.); and

15 (C) subject to leasing under the authority
16 of that Act and to laws applicable to the leasing
17 of the oil and gas resources of the Federal
18 outer Continental Shelf.

19 (3) EXISTING LEASES.—The amendments made
20 by this section shall not affect any Federal oil and
21 gas lease in effect on the date of enactment of this
22 Act.

23 (4) TAXATION.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), a State may exercise all of the sov-

1 ereign powers of taxation of the State within
2 the entire extent of the seaward boundaries of
3 the State (as extended by the amendments
4 made by this section).

5 (B) LIMITATION.—Nothing in this para-
6 graph affects the authority of a State to tax
7 any Federal oil and gas lease in effect on the
8 date of enactment of this Act.

9 **TITLE II—LEASING PROGRAM**
10 **FOR LAND WITHIN COASTAL**
11 **PLAIN**

12 **SEC. 201. DEFINITIONS.**

13 In this title:

14 (1) COASTAL PLAIN.—The term “Coastal
15 Plain” means that area identified as the “1002
16 Coastal Plain Area” on the map.

17 (2) FEDERAL AGREEMENT.—The term “Fed-
18 eral Agreement” means the Federal Agreement and
19 Grant Right-of-Way for the Trans-Alaska Pipeline
20 issued on January 23, 1974, in accordance with sec-
21 tion 28 of the Mineral Leasing Act (30 U.S.C. 185)
22 and the Trans-Alaska Pipeline Authorization Act
23 (43 U.S.C. 1651 et seq.).

24 (3) FINAL STATEMENT.—The term “Final
25 Statement” means the final legislative environmental

1 impact statement on the Coastal Plain, dated April
2 1987, and prepared pursuant to section 1002 of the
3 Alaska National Interest Lands Conservation Act
4 (16 U.S.C. 3142) and section 102(2)(C) of the Na-
5 tional Environmental Policy Act of 1969 (42 U.S.C.
6 4332(2)(C)).

7 (4) MAP.—The term “map” means the map en-
8 titled “Arctic National Wildlife Refuge”, dated Sep-
9 tember 2005, and prepared by the United States Ge-
10 ological Survey.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior (or the designee of the
13 Secretary), acting through the Director of the Bu-
14 reau of Land Management, in consultation with the
15 Director of the United States Fish and Wildlife
16 Service.

17 **SEC. 202. LEASING PROGRAM FOR LAND WITHIN THE**
18 **COASTAL PLAIN.**

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

21 (1) to establish and implement, in accordance
22 with this title, a competitive oil and gas leasing pro-
23 gram that will result in an environmentally sound
24 program for the exploration, development, and pro-

1 duction of the oil and gas resources of the Coastal
2 Plain; and

3 (2) to administer this title through regulations,
4 lease terms, conditions, restrictions, prohibitions,
5 stipulations, and other provisions that—

6 (A) ensure the oil and gas exploration, de-
7 velopment, and production activities on the
8 Coastal Plain will result in no significant ad-
9 verse effect on fish and wildlife, their habitat,
10 subsistence resources, and the environment; and

11 (B) require the application of the best
12 commercially available technology for oil and
13 gas exploration, development, and production to
14 all exploration, development, and production op-
15 erations under this title in a manner that en-
16 sures the receipt of fair market value by the
17 public for the mineral resources to be leased.

18 (b) REPEAL.—

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

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

1 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
2 TIONS.—

3 (A) IN GENERAL.—Before conducting the
4 first lease sale under this title, the Secretary
5 shall prepare an environmental impact state-
6 ment in accordance with the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.) with respect to the actions authorized by
9 this title that are not referred to in paragraph
10 (2).

11 (B) IDENTIFICATION AND ANALYSIS.—
12 Notwithstanding any other provision of law, in
13 carrying out this paragraph, the Secretary shall
14 not be required—

15 (i) to identify nonleasing alternative
16 courses of action; or

17 (ii) to analyze the environmental ef-
18 fects of those courses of action.

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

22 (i) identify only a preferred action and
23 a single leasing alternative for the first
24 lease sale authorized under this title; and

1 (ii) analyze the environmental effects
2 and potential mitigation measures for
3 those 2 alternatives.

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

9 (E) EFFECT OF COMPLIANCE.—Notwith-
10 standing any other provision of law, compliance
11 with this paragraph shall be considered to sat-
12 isfy all requirements for the analysis and con-
13 sideration of the environmental effects of pro-
14 posed leasing under this title.

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

18 (d) SPECIAL AREAS.—

19 (1) DESIGNATION.—

20 (A) IN GENERAL.—The Secretary, after
21 consultation with the State of Alaska, the
22 North Slope Borough, Alaska, and the City of
23 Kaktovik, Alaska, may designate not more than
24 45,000 acres of the Coastal Plain as a special
25 area if the Secretary determines that the special

1 area would be of such unique character and in-
2 terest as to require special management and
3 regulatory protection.

4 (B) SADLEROCHIT SPRING AREA.—The
5 Secretary shall designate as a special area in
6 accordance with subparagraph (A) the
7 Sadlerochit Spring area, comprising approxi-
8 mately 4,000 acres as depicted on the map.

9 (2) MANAGEMENT.—The Secretary shall man-
10 age each special area designated under this sub-
11 section in a manner that preserves the unique and
12 diverse character of the area, including fish, wildlife,
13 subsistence resources, and cultural values of the
14 area.

15 (3) EXCLUSION FROM LEASING OR SURFACE
16 OCCUPANCY.—

17 (A) IN GENERAL.—The Secretary may ex-
18 clude any special area designated under this
19 subsection from leasing.

20 (B) NO SURFACE OCCUPANCY.—If the Sec-
21 retary leases all or a portion of a special area
22 for the purposes of oil and gas exploration, de-
23 velopment, production, and related activities,
24 there shall be no surface occupancy of the land
25 comprising the special area.

1 (4) DIRECTIONAL DRILLING.—Notwithstanding
2 any other provision of this subsection, the Secretary
3 may lease all or a portion of a special area under
4 terms that permit the use of horizontal drilling tech-
5 nology from sites on leases located outside the spe-
6 cial area.

7 (e) LIMITATION ON CLOSED AREAS.—The Secretary
8 may not close land within the Coastal Plain to oil and gas
9 leasing or to exploration, development, or production ex-
10 cept in accordance with this title.

11 (f) REGULATIONS.—

12 (1) IN GENERAL.—Not later than 15 months
13 after the date of enactment of this Act, the Sec-
14 retary shall promulgate such regulations as are nec-
15 essary to carry out this title, including rules and
16 regulations relating to protection of the fish and
17 wildlife, fish and wildlife habitat, subsistence re-
18 sources, and environment of the Coastal Plain.

19 (2) REVISION OF REGULATIONS.—The Sec-
20 retary shall periodically review and, as appropriate,
21 revise the rules and regulations issued under para-
22 graph (1) to reflect any significant biological, envi-
23 ronmental, scientific or engineering data that come
24 to the attention of the Secretary.

1 **SEC. 203. LEASE SALES.**

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

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

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

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

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

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

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

25 (e) TIMING OF LEASE SALES.—The Secretary
26 shall—

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

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

7 (3) conduct additional sales at appropriate in-
8 tervals if sufficient interest in exploration or devel-
9 opment exists to warrant the conduct of the addi-
10 tional sales.

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

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

17 (b) SUBSEQUENT TRANSFERS.—

18 (1) IN GENERAL.—No lease issued under this
19 title may be sold, exchanged, assigned, sublet, or
20 otherwise transferred except with the approval of the
21 Secretary.

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

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

2 An oil or gas lease issued pursuant to this title
3 shall—

4 (1) provide for the payment of a royalty of not
5 less than 12 1/2 percent of the amount or value of
6 the production removed or sold from the lease, as
7 determined by the Secretary in accordance with reg-
8 ulations applicable to other Federal oil and gas
9 leases;

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

15 (3) require that each lessee of land within the
16 Coastal Plain shall be fully responsible and liable for
17 the reclamation of land within the Coastal Plain and
18 any other Federal land that is adversely affected in
19 connection with exploration, development, produc-
20 tion, or transportation activities within the Coastal
21 Plain conducted by the lessee or by any of the sub-
22 contractors or agents of the lessee;

23 (4) provide that the lessee may not delegate or
24 convey, by contract or otherwise, that reclamation
25 responsibility and liability to another person without
26 the express written approval of the Secretary;

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

4 (A) a condition capable of supporting the
5 uses that the land was capable of supporting
6 prior to any exploration, development, or pro-
7 duction activities; or

8 (B) on application by the lessee, to a high-
9 er or better standard, as approved by the Sec-
10 retary;

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

15 (7) provide that each lessee, and each agent
16 and contractor of a lessee, use their best efforts to
17 provide a fair share of employment and contracting
18 for Alaska Natives and Alaska Native Corporations
19 from throughout the State of Alaska, as determined
20 by the level of obligation previously agreed to in the
21 Federal Agreement; and

22 (8) contain such other provisions as the Sec-
23 retary determines to be necessary to ensure compli-
24 ance with this title and the regulations promulgated
25 under this title.

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

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

4 In accordance with section 202, the Secretary shall admin-
5 ister this title through regulations, lease terms, conditions,
6 restrictions, prohibitions, stipulations, or other provisions
7 that—

8 (1) ensure, to the maximum extent practicable,
9 that oil and gas exploration, development, and pro-
10 duction activities on the Coastal Plain will result in
11 no significant adverse effect on fish and wildlife, fish
12 and wildlife habitat, and the environment;

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

18 (3) ensure that the maximum surface acreage
19 covered in connection with the leasing program by
20 production and support facilities, including airstrips
21 and any areas covered by gravel berms or piers for
22 support of pipelines, does not exceed 2,000 acres on
23 the Coastal Plain.

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

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

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

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

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

13 (c) REGULATIONS TO PROTECT COASTAL PLAIN
14 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,
15 AND THE ENVIRONMENT.—Before implementing the leas-
16 ing program authorized by this title, the Secretary shall
17 prepare and issue regulations, lease terms, conditions, re-
18 strictions, prohibitions, stipulations, or other measures de-
19 signed to ensure, to the maximum extent practicable, that
20 the activities carried out on the Coastal Plain under this
21 title are conducted in a manner consistent with the pur-
22 poses and environmental requirements of this title.

23 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-
24 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The
25 proposed regulations, lease terms, conditions, restrictions,

1 prohibitions, and stipulations for the leasing program
2 under this title shall require—

3 (1) compliance with all applicable provisions of
4 Federal and State environmental law (including reg-
5 ulations);

6 (2) implementation of and compliance with—

7 (A) standards that are at least as effective
8 as the safety and environmental mitigation
9 measures, as described in items 1 through 29
10 on pages 167 through 169 of the Final State-
11 ment, on the Coastal Plain;

12 (B) seasonal limitations on exploration, de-
13 velopment, and related activities, as necessary,
14 to avoid significant adverse effects during peri-
15 ods of concentrated fish and wildlife breeding,
16 denning, nesting, spawning, and migration;

17 (C) design safety and construction stand-
18 ards for all pipelines and any access and service
19 roads that minimize, to the maximum extent
20 practicable, adverse effects on—

21 (i) the passage of migratory species
22 (such as caribou); and

23 (ii) the flow of surface water by re-
24 quiring the use of culverts, bridges, or
25 other structural devices;

1 (D) prohibitions on general public access
2 to, and use of, all pipeline access and service
3 roads;

4 (E) stringent reclamation and rehabilita-
5 tion requirements in accordance with this title
6 for the removal from the Coastal Plain of all oil
7 and gas development and production facilities,
8 structures, and equipment on completion of oil
9 and gas production operations, except in a case
10 in which the Secretary determines that those
11 facilities, structures, or equipment—

12 (i) would assist in the management of
13 the Arctic National Wildlife Refuge; and

14 (ii) are donated to the United States
15 for that purpose;

16 (F) appropriate prohibitions or restrictions
17 on—

18 (i) access by all modes of transpor-
19 tation;

20 (ii) sand and gravel extraction; and

21 (iii) use of explosives;

22 (G) reasonable stipulations for protection
23 of cultural and archaeological resources;

24 (H) measures to protect groundwater and
25 surface water, including—

1 (i) avoidance, to the maximum extent
2 practicable, of springs, streams, and river
3 systems;

4 (ii) the protection of natural surface
5 drainage patterns and wetland and ripar-
6 ian habitats; and

7 (iii) the regulation of methods or tech-
8 niques for developing or transporting ade-
9 quate supplies of water for exploratory
10 drilling; and

11 (I) research, monitoring, and reporting re-
12 quirements.

13 (3) that exploration activities (except surface
14 geological studies) be limited to the period between
15 approximately November 1 and May 1 of each year
16 and be supported, if necessary, by ice roads, winter
17 trails with adequate snow cover, ice pads, ice air-
18 strips, and air transport methods (except that those
19 exploration activities may be permitted at other
20 times if the Secretary determines that the explo-
21 ration will have no significant adverse effect on fish
22 and wildlife, fish and wildlife habitat, and the envi-
23 ronment of the Coastal Plain);

24 (4) consolidation of facility siting;

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

3 (6) treatment and disposal of hazardous and
4 toxic wastes, solid wastes, reserve pit fluids, drilling
5 muds and cuttings, and domestic wastewater, includ-
6 ing, in accordance with applicable Federal and State
7 environmental laws (including regulations)—

8 (A) preparation of an annual waste man-
9 agement report;

10 (B) development and implementation of a
11 hazardous materials tracking system; and

12 (C) prohibition on the use of chlorinated
13 solvents;

14 (7) fuel storage and oil spill contingency plan-
15 ning;

16 (8) conduct of periodic field crew environmental
17 briefings;

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

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

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

1 (12) development and implementation of such
2 other protective environmental requirements, restric-
3 tions, terms, or conditions as the Secretary deter-
4 mines to be necessary.

5 (e) CONSIDERATIONS.—In preparing and issuing reg-
6 ulations, lease terms, conditions, restrictions, prohibitions,
7 or stipulations under this section, the Secretary shall take
8 into consideration—

9 (1) the stipulations and conditions that govern
10 the National Petroleum Reserve-Alaska leasing pro-
11 gram, as set forth in the 1999 Northeast National
12 Petroleum Reserve-Alaska Final Integrated Activity
13 Plan/Environmental Impact Statement;

14 (2) the environmental protection standards that
15 governed the initial Coastal Plain seismic exploration
16 program under parts 37.31 through 37.33 of title
17 50, Code of Federal Regulations (or successor regu-
18 lations); and

19 (3) the land use stipulations for exploratory
20 drilling on the KIC-ASRC private land described in
21 Appendix 2 of the agreement between Arctic Slope
22 Regional Corporation and the United States dated
23 August 9, 1983.

24 (f) FACILITY CONSOLIDATION PLANNING.—

1 (1) IN GENERAL.—After providing for public
2 notice and comment, the Secretary shall prepare and
3 periodically update a plan to govern, guide, and di-
4 rect the siting and construction of facilities for the
5 exploration, development, production, and transpor-
6 tation of oil and gas resources from the Coastal
7 Plain.

8 (2) OBJECTIVES.—The objectives of the plan
9 shall be—

10 (A) the avoidance of unnecessary duplica-
11 tion of facilities and activities;

12 (B) the encouragement of consolidation of
13 common facilities and activities;

14 (C) the location or confinement of facilities
15 and activities to areas that will minimize impact
16 on fish and wildlife, fish and wildlife habitat,
17 subsistence resources, and the environment;

18 (D) the use of existing facilities, to the
19 maximum extent practicable; and

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

22 (g) ACCESS TO PUBLIC LAND.—The Secretary
23 shall—

24 (1) manage public land in the Coastal Plain in
25 accordance with subsections (a) and (b) of section

1 811 of the Alaska National Interest Lands Con-
2 servation Act (16 U.S.C. 3121); and

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

6 **SEC. 207. EXPEDITED JUDICIAL REVIEW.**

7 (a) FILING OF COMPLAINTS.—

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

11 (A) except as provided in subparagraph
12 (B), during the 90-day period beginning on the
13 date on which the action being challenged was
14 carried out; or

15 (B) in the case of a complaint based solely
16 on grounds arising after the 90-day period de-
17 scribed in subparagraph (A), by not later than
18 90 days after the date on which the complain-
19 ant knew or reasonably should have known
20 about the grounds for the complaint.

21 (2) VENUE.—A complaint seeking judicial re-
22 view of a provision of this title or an action of the
23 Secretary under this title shall be filed in the United
24 States Court of Appeals for the District of Columbia
25 Circuit.

1 (3) SCOPE.—

2 (A) IN GENERAL.—Judicial review of a de-
3 cision of the Secretary relating to a lease sale
4 under this title (including an environmental
5 analysis of such a lease sale) shall be—

6 (i) limited to a review of whether the
7 decision is in accordance with this title;
8 and

9 (ii) based on the administrative record
10 of the decision.

11 (B) PRESUMPTIONS.—Any identification
12 by the Secretary of a preferred course of action
13 relating to a lease sale, and any analysis by the
14 Secretary of environmental effects, under this
15 title shall be presumed to be correct unless
16 proven otherwise by clear and convincing evi-
17 dence.

18 (b) LIMITATION ON OTHER REVIEW.—Any action of
19 the Secretary that is subject to judicial review under this
20 section shall not be subject to judicial review in any civil
21 or criminal proceeding for enforcement.

22 **SEC. 208. FEDERAL AND STATE DISTRIBUTION OF REVE-**
23 **NUES.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, of the amount of adjusted bonus, rental, and

1 royalty revenues from Federal oil and gas leasing and op-
2 erations authorized under this title for each fiscal year—

3 (1) 50 percent shall be paid to the State of
4 Alaska; and

5 (2) except as provided in section 211(d), the
6 balance shall be—

7 (A) used to offset the provisions of this
8 Act; and

9 (B) after making the offsets under sub-
10 paragraph (A), transferred to the ANWR Alter-
11 native Energy Trust Fund established by sec-
12 tion 212.

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

15 **SEC. 209. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

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

19 (1) except as provided in paragraph (2), under
20 section 28 of the Mineral Leasing Act (30 U.S.C.
21 185), without regard to title XI of the Alaska Na-
22 tional Interest Lands Conservation Act (16 U.S.C.
23 3161 et seq.); and

24 (2) under title XI of the Alaska National Inter-
25 est Lands Conservation Act (16 U.S.C. 3161 et

1 seq.), for access authorized by sections 1110 and
2 1111 of that Act (16 U.S.C. 3170, 3171).

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

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

15 **SEC. 210. CONVEYANCE.**

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

21 (1) to the extent necessary to fulfill the entitle-
22 ment of the Kaktovik Inupiat Corporation under sec-
23 tions 12 and 14 of the Alaska Native Claims Settle-
24 ment Act (43 U.S.C. 1611, 1613), as determined by
25 the Secretary, convey to that Corporation the sur-

1 face estate of the land described in paragraph (1) of
2 Public Land Order 6959, in accordance with the
3 terms and conditions of the agreement between the
4 Secretary, the United States Fish and Wildlife Serv-
5 ice, the Bureau of Land Management, and the
6 Kaktovik Inupiat Corporation, dated January 22,
7 1993; and

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

13 **SEC. 211. LOCAL GOVERNMENT IMPACT AID AND COMMU-**
14 **NITY SERVICE ASSISTANCE.**

15 (a) FINANCIAL ASSISTANCE AUTHORIZED.—

16 (1) IN GENERAL.—The Secretary may use
17 amounts available from the Coastal Plain Local Gov-
18 ernment Impact Aid Assistance Fund established by
19 subsection (d) to provide timely financial assistance
20 to entities that are eligible under paragraph (2) .

21 (2) ELIGIBLE ENTITIES.—The North Slope
22 Borough, the City of Kaktovik, and any other bor-
23 ough, municipal subdivision, village, or other com-
24 munity in the State of Alaska that is directly im-
25 pacted by exploration for, or the production of, oil

1 or gas on the Coastal Plain under this title, as de-
2 termined by the Secretary, shall be eligible for finan-
3 cial assistance under this section.

4 (b) USE OF ASSISTANCE.—Financial assistance
5 under this section may be used only—

6 (1) to plan for mitigation, implement a mitiga-
7 tion plan, or maintain a mitigation project to ad-
8 dress the potential effects of oil and gas exploration
9 and development on environmental, social, cultural,
10 recreational, and subsistence resources of the com-
11 munity;

12 (2) to develop, carry out, and maintain—

13 (A) a project to provide new or expanded
14 public facilities; or

15 (B) services to address the needs and prob-
16 lems associated with the effects described in
17 paragraph (1), including firefighting, police,
18 water and waste treatment, first responder, and
19 other medical services; and

20 (3) to establish a local coordination office, to be
21 managed by the Mayor of the North Slope Borough,
22 in coordination with the City of Kaktovik, Alaska—

23 (A) to coordinate with and advise devel-
24 opers on local conditions and the history of
25 areas affected by development; and

1 (B) to provide to the Committee on Re-
2 sources of the House of Representatives and the
3 Committee on Energy and Natural Resources of
4 the Senate annual reports on the status of the
5 coordination between developers and commu-
6 nities affected by development.

7 (c) APPLICATION.—

8 (1) IN GENERAL.—Any community that is eligi-
9 ble for assistance under this section may submit an
10 application for such assistance to the Secretary, in
11 such form and under such procedures as the Sec-
12 retary may prescribe by regulation.

13 (2) NORTH SLOPE BOROUGH COMMUNITIES.—A
14 community located in the North Slope Borough may
15 apply for assistance under this section either directly
16 to the Secretary or through the North Slope Bor-
17 ough.

18 (3) APPLICATION ASSISTANCE.—The Secretary
19 shall work closely with and assist the North Slope
20 Borough and other communities eligible for assist-
21 ance under this section in developing and submitting
22 applications for assistance under this section.

23 (d) ESTABLISHMENT OF FUND.—

24 (1) IN GENERAL.—There is established in the
25 Treasury the “Coastal Plain Local Government Im-

1 pact Aid Assistance Fund” (referred to in this sec-
2 tion as the “Fund”).

3 (2) USE.—Amounts in the Fund may be used
4 only for providing financial assistance under this
5 section.

6 (3) DEPOSITS.—Subject to paragraph (4), there
7 shall be deposited into the Fund amounts received
8 by the United States as revenues derived from rents,
9 bonuses, and royalties from Federal leases and lease
10 sales authorized under this title.

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

13 (5) INVESTMENT OF BALANCES.—The Sec-
14 retary of the Treasury shall invest amounts in the
15 Fund in interest bearing government securities.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Secretary from the
18 Fund to provide financial assistance under this section
19 \$5,000,000 for each fiscal year.

20 **SEC. 212. ANWR ALTERNATIVE ENERGY TRUST FUND.**

21 (a) ESTABLISHMENT OF TRUST FUND.—There is es-
22 tablished in the Treasury of the United States a trust fund
23 to be known as the “ANWR Alternative Energy Trust
24 Fund”, consisting of such amounts as may be transferred

1 to the ANWR Alternative Energy Trust Fund as provided
 2 in section 208(a)(2).

3 (b) EXPENDITURES FROM ANWR ALTERNATIVE
 4 ENERGY TRUST FUND.—

5 (1) IN GENERAL.—Amounts in the ANWR Al-
 6 ternative Energy Trust Fund shall be available with-
 7 out further appropriation to carry out specified pro-
 8 visions of the Energy Policy Act of 2005 (Public
 9 Law 109–58; referred to in this section as
 10 “EPAAct2005”) and the Energy Independence and
 11 Security Act of 2007 (Public Law 110–140; referred
 12 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

1 (2) APPORTIONMENT OF EXCESS AMOUNT.—
2 Notwithstanding paragraph (1), any amounts allo-
3 cated under paragraph (1) that are in excess of the
4 amounts authorized in the applicable cited section or
5 subtitle of EPAAct2005 and EISAct2007 shall be re-
6 allocated to the remaining sections and subtitles
7 cited in paragraph (1), up to the amounts otherwise
8 authorized by law to carry out those sections and
9 subtitles, in proportion to the amounts authorized by
10 law to be appropriated for those other sections and
11 subtitles.

12 **TITLE III—REGULATORY**
13 **STREAMLINING**

14 **SEC. 301. COMMERCIAL LEASING PROGRAM FOR OIL SHALE**
15 **RESOURCES ON PUBLIC LAND.**

16 Subsection (e) of the Oil Shale, Tar Sands, and Other
17 Strategic Unconventional Fuels Act of 2005 (42 U.S.C.
18 15927(e)) is amended—

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

21 “(1) IN GENERAL.—Not later”;

22 (2) in the second sentence—

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

25 “(2) LEASE SALES.—

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

2 (B) by striking “may” and inserting
3 “shall”;

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

6 “(B) EVIDENCE OF INTEREST.—Evidence
7 of interest”; and

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

9 “(C) SUBSEQUENT LEASE SALES.—During
10 any period for which the Secretary determines
11 that there is sufficient support and interest in
12 a State in the development of tar sands and oil
13 shale resources, the Secretary shall—

14 “(i) at least annually, consult with the
15 persons described in paragraph (1) to ex-
16 pedite the commercial leasing program for
17 oil shale resources on public land in the
18 State; and

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

22 **SEC. 302. LICENSING OF NEW NUCLEAR POWER PLANTS.**

23 (a) CONSTRUCTION PERMITS AND OPERATING LI-
24 CENSES.—Section 185 b. of the Atomic Energy Act of
25 1954 (42 U.S.C. 2235(b)) is amended in the first sentence

1 by striking “holding a public hearing” and inserting “any
2 public hearing held”.

3 (b) HEARINGS AND JUDICIAL REVIEW.—Section 189
4 a.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C.
5 2239(a)(1)(A) is amended—

6 (1) by striking the second sentence; and

7 (2) in the third sentence—

8 (A) by striking “In cases” and all that fol-
9 lows through “hearing, The” and inserting
10 “The”; and

11 (B) by striking “an operating license” and
12 inserting “a construction permit, an operating
13 license,”.

14 **SEC. 303. JURISDICTION OVER COVERED ENERGY**
15 **PROJECTS.**

16 (a) DEFINITION OF COVERED ENERGY PROJECT.—
17 In this section, the term “covered energy project” means
18 any action or decision by a Federal official regarding—

19 (1) the leasing of Federal land (including sub-
20 merged land) for the exploration, development, pro-
21 duction, processing, or transmission of oil, natural
22 gas, or any other source or form of energy, including
23 actions and decisions regarding the selection or of-
24 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. 304. 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 “(b) LEAD AGENCY.—The lead agency for a review
25 of an action under this section shall be the Federal agency
26 to which funds are made available for the action.

1 “(c) REVIEW.—

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

5 “(2) JUDICIAL REVIEW.—

6 “(A) IN GENERAL.—On resolution of the
7 administrative appeal, judicial review of the
8 final agency decision after exhaustion of admin-
9 istrative remedies shall lie with the United
10 States Court of Appeals for the District of Co-
11 lumbia Circuit.

12 “(B) ADMINISTRATIVE RECORD.—An ap-
13 peal to the court described in subparagraph (A)
14 shall be based only on the administrative
15 record.

16 “(C) PENDENCY OF JUDICIAL REVIEW.—
17 After an agency has made a final decision with
18 respect to a review carried out under this sub-
19 section, the decision shall be effective during
20 the course of any subsequent appeal to a court
21 described in subparagraph (A).

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

1 **SEC. 305. CLEAN AIR REGULATION.**

2 (a) REGULATION OF GREENHOUSE GASES.—Section
3 302(g) of the Clean Air Act (42 U.S.C. 7602(g)) is
4 amended—

5 (1) by striking “(g) The term” and inserting
6 the following:

7 “(g) AIR POLLUTANT.—

8 “(1) IN GENERAL.—The term”;

9 (2) by striking “Such term” and inserting the
10 following:

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

12 and

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

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

17 (b) EMISSION WAIVERS.—The Administrator of the
18 Environmental Protection Agency shall not grant to any
19 State any waiver of Federal preemption of motor vehicle
20 standards under section 209(b) of the Clean Air Act (42
21 U.S.C. 7543(b)) for preemption under that Act for any
22 regulation of the State to control greenhouse gas emis-
23 sions from motor vehicles.

1 **SEC. 306. ENDANGERED SPECIES.**

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

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

14 (b) PROHIBITION OF CONSIDERATION OF IMPACT OF
15 GREENHOUSE GAS.—

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

19 **“SEC. 19. PROHIBITION OF CONSIDERATION OF IMPACT OF**
20 **GREENHOUSE GAS.**

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

23 “(1) carbon dioxide;

24 “(2) methane;

25 “(3) nitrous oxide;

26 “(4) sulfur hexafluoride;

1 “(5) a hydrofluorocarbon;

2 “(6) a perfluorocarbon; or

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

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

9 (2) CONFORMING AMENDMENT.—The table of
10 contents in the first section of the Endangered Spe-
11 cies Act of 1973 (16 U.S.C. prec. 1531) is amended
12 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.”.