

Amendment offered by Mr. Scalise

1. Amend section 17(10) as follows:

On page 41, line 9, insert "offshore" before "oil and gas".

On page 41, line 23, insert at new subparagraph (C) as follows:

"(C) an onshore oil or gas exploration or production well that—
(i) is not located on Federal land;
(ii) is not a marginal well;
(iii) based on criteria established by rule by the appropriate Federal official, could, in the event of a blowout, lead to extensive and widespread harm to public health and safety or the environment;
(iv) is located in a State that the appropriate Federal official determines under section 15 cannot effectively regulate the well; and
(v) the State concurs in the determination referred to in clause (iv)."

On page 14, line 23, redesignate "(C)" as "(D)"

2. Amend section 15 as follows:

On page 38, line 19, insert "and section 17(10)(C)(iv)" before the period.

On page 38, line 20, insert at new subsection (e) as follows:

"(e) Lack of State Concurrence.---(1) In the event a State does not concur in a determination under section 17(10)(C)(v) and the appropriate federal official disagrees with the failure of the State to concur, the appropriate federal official may decide to regulate wells as covered wells under this Act notwithstanding section 17(10)(C)(v) if the federal official determines that the State's regulatory regime does not effectively protect public health and safety and the environment. If the State files a legal action under paragraph (2), the authority of the appropriate federal official to regulate wells as covered wells under this subsection shall be stayed until the conclusion of the litigation, including any appeals.

(2) A State may file an action in a federal district court of appropriate jurisdiction challenging a decision by the appropriate federal official to regulate wells as covered wells under this subsection. The standard of review of the decision of the appropriate federal official shall be clear and convincing evidence."

On page 38, line 20, redesignate "(e)" as "(f)"

On page 38, line 5, strike "17(10)(C)(iv)" and insert "17(10)(D)(iv)"

Scalise/Green

**Amendment to Amendment in Nature of a Substitute to HR 5626
Offered by Mr. Scalise of Louisiana and Mr. Green of Texas**

At the appropriate place, insert the following new section (and make such technical and conforming changes as may be necessary)

Section __ - REPORT ON PENDING FEDERAL DRILLING APPLICATIONS

Within 30 days of enactment of this Act, the appropriate federal official shall report to Congress on the status of all pending federal drilling and drilling-related applications and permits, the amount of time that these applications and permits have been pending, and any reasons for delay in approval.