

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 5626  
OFFERED BY MR. STUPAK OF MICHIGAN**

Amend subsection (a) of section 2 as follows:

(1) At the end of paragraph (3), strike “and”.

(2) At the end of paragraph (4), strike the period and insert “; and”.

(3) After paragraph (4), insert the following:

1           (5) the applicant is meeting due diligence, safe-  
2           ty, and environmental requirements on other leases,  
3           easements, and rights-of-way;

4           (6) in the case of an applicant that is a respon-  
5           sible party for a vessel or a facility from which oil  
6           is discharged, for purposes of section 1002 of the Oil  
7           Pollution Act of 1990 (33 U.S.C. 2702), the appli-  
8           cant has met all of its obligations under that Act to  
9           provide compensation for covered removal costs and  
10          damages; and

11          (7) in the 7-year period ending on the later of  
12          the date of the demonstration or the date of the at-  
13          testation, the applicant, in connection with activities  
14          in the oil industry (including exploration, develop-

1       ment, production, transportation by pipeline, and re-  
2       fining)—

3               (A) was not found to have committed will-  
4       ful or repeated violations under the Occupa-  
5       tional Safety and Health Act of 1970 (29  
6       U.S.C. 651 et seq.) (including State plans ap-  
7       proved under section 18(e) of such Act (29  
8       U.S.C. 667(c))) at a rate that is higher than  
9       five times the rate determined by the appro-  
10      priate Federal official to be the oil industry av-  
11      erage for such violations for such period;

12              (B) was not convicted of a criminal viola-  
13      tion for death or serious bodily injury;

14              (C) did not have more than 10 fatalities at  
15      its exploration, development, and production fa-  
16      cilities and refineries as a result of violations of  
17      Federal or State health, safety, or environ-  
18      mental laws;

19              (D) was not assessed, did not enter into an  
20      agreement to pay, and was not otherwise re-  
21      quired to pay, civil penalties and criminal fines  
22      for violations the person was found to have  
23      committed under the Federal Water Pollution  
24      Control Act (33 U.S.C. 1251 et seq.) (including  
25      State programs approved under sections 402

1 and 404 of such Act (33 U.S.C. 1342 and  
2 1344)) in a total amount that is equal to more  
3 than \$10,000,000; and

4 (E) was not assessed, did not enter into an  
5 agreement to pay, and was not otherwise re-  
6 quired to pay, civil penalties and criminal fines  
7 for violations the person was found to have  
8 committed under the Clean Air Act (42 U.S.C.  
9 7401 et seq.) (including State plans approved  
10 under section 110 of such Act (42 U.S.C.  
11 7410)) in a total amount that is equal to more  
12 than \$10,000,000.

At the end of section 2, add the following new sub-  
section:

13 (d) ENFORCEMENT.—If the appropriate Federal offi-  
14 cial determines that a demonstration or attestation made  
15 under subsection (a) is false, the appropriate Federal offi-  
16 cial shall revoke any permit to drill with respect to which  
17 the demonstration and attestation was required under  
18 such subsection.

