

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3534  
OFFERED BY MR. RAHALL OF WEST VIRGINIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Consolidated Land, Energy, and Aquatic Resources Act  
4 of 2010”.

5 (b) TABLE OF CONTENTS.—The table of contents for  
6 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

TITLE I—CREATION OF NEW DEPARTMENT OF THE INTERIOR  
AGENCIES

Sec. 101. Bureau of Energy and Resource Management.  
Sec. 102. Bureau of Safety and Environmental Enforcement.  
Sec. 103. Office of Natural Resources Revenue.  
Sec. 104. Ethics.  
Sec. 105. References.  
Sec. 106. Abolishment of Minerals Management Service.  
Sec. 107. Conforming amendment.  
Sec. 108. Outer Continental Shelf Safety and Environmental Advisory Board.

TITLE II—FEDERAL OIL AND GAS DEVELOPMENT

Subtitle A—Safety, Environmental, and Financial Reform of the Outer  
Continental Shelf Lands Act

Sec. 201. Short title.  
Sec. 202. Definitions.  
Sec. 203. National policy for the Outer Continental Shelf.  
Sec. 204. Jurisdiction of laws on the Outer Continental Shelf.  
Sec. 205. Outer Continental Shelf leasing standard.  
Sec. 206. Leases, easements, and rights-of-way.  
Sec. 207. Disposition of revenues.

- Sec. 208. Exploration plans.
- Sec. 209. Outer Continental Shelf leasing program.
- Sec. 210. Environmental studies.
- Sec. 211. Safety regulations.
- Sec. 212. Enforcement of safety and environmental regulations.
- Sec. 213. Judicial review.
- Sec. 214. Remedies and penalties.
- Sec. 215. Uniform planning for Outer Continental Shelf.
- Sec. 216. Oil and gas information program.
- Sec. 217. Limitation on royalty-in-kind program.
- Sec. 218. Restrictions on employment.
- Sec. 219. Repeal of royalty relief provisions.
- Sec. 220. Manning and buy- and build-American requirements.

Subtitle B—Safety, Environmental, and Financial Reform of the Federal  
Onshore Oil and Gas Leasing Program

- Sec. 231. Diligent development.
- Sec. 232. Reporting requirements.
- Sec. 233. Notice requirements.
- Sec. 234. Oil and gas leasing system.
- Sec. 235. Electronic reporting.
- Sec. 236. Best management practices.
- Sec. 237. Surface disturbance, reclamation.
- Sec. 238. Wildlife sustainability.
- Sec. 239. Online availability to the public of information relating to oil and gas  
chemical use.
- Sec. 240. Limitation on royalty-in-kind program.
- Sec. 241. Environmental review.
- Sec. 242. Federal lands uranium leasing.

TITLE III—OIL AND GAS ROYALTY REFORM

- Sec. 301. Amendments to definitions.
- Sec. 302. Compliance reviews.
- Sec. 303. Clarification of liability for royalty payments.
- Sec. 304. Required recordkeeping.
- Sec. 305. Fines and penalties.
- Sec. 306. Interest on overpayments.
- Sec. 307. Adjustments and refunds.
- Sec. 308. Conforming amendment.
- Sec. 309. Obligation period.
- Sec. 310. Notice regarding tolling agreements and subpoenas.
- Sec. 311. Appeals and final agency action.
- Sec. 312. Assessments.
- Sec. 313. Collection and production accountability.
- Sec. 314. Natural gas reporting.
- Sec. 315. Penalty for late or incorrect reporting of data.
- Sec. 316. Required recordkeeping.
- Sec. 317. Shared civil penalties.
- Sec. 318. Applicability to other minerals.
- Sec. 319. Entitlements.

TITLE IV—FULL FUNDING FOR THE LAND AND WATER  
CONSERVATION AND HISTORIC PRESERVATION FUNDS

Subtitle A—Land and Water Conservation Fund

- Sec. 401. Amendments to the Land and Water Conservation Fund Act of 1965.
- Sec. 402. Extension of the Land and Water Conservation Fund.
- Sec. 403. Permanent funding.

Subtitle B—National Historic Preservation Fund

- Sec. 411. Permanent funding.

TITLE V—ALTERNATIVE ENERGY DEVELOPMENT

- Sec. 501. Commercial wind and solar leasing program.
- Sec. 502. Land management.
- Sec. 503. Revenues.
- Sec. 504. Recordkeeping and reporting requirements.
- Sec. 505. Audits.
- Sec. 506. Trade secrets.
- Sec. 507. Interest and substantial underreporting assessments.
- Sec. 508. Indian savings provision.
- Sec. 509. Transmission savings provision.

TITLE VI—COORDINATION AND PLANNING

- Sec. 601. Regional coordination.
- Sec. 602. Regional Coordination Councils.
- Sec. 603. Regional strategic plans.
- Sec. 604. Regulations.
- Sec. 605. Ocean Resources Conservation and Assistance Fund.
- Sec. 606. Waiver.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Repeal of certain taxpayer subsidized royalty relief for the oil and gas industry.
- Sec. 702. Conservation fee.
- Sec. 703. Leasing on Indian lands.
- Sec. 704. Offshore aquaculture clarification.
- Sec. 705. Outer Continental Shelf State boundaries.
- Sec. 706. Liability for damages to national wildlife refuges.
- Sec. 707. Strengthening coastal State oil spill planning and response.
- Sec. 708. Information sharing.
- Sec. 709. Repeal of funding.
- Sec. 710. Savings clause.

TITLE VIII—GULF OF MEXICO RESTORATION

- Sec. 801. Gulf of Mexico restoration program.

**1 SEC. 2. DEFINITIONS.**

**2** For the purposes of this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the National  
3           Oceanic and Atmospheric Administration.

4           (2) AFFECTED INDIAN TRIBE.—The term “af-  
5           fected Indian tribe” means an Indian tribe that has  
6           federally reserved rights that are affirmed by treaty,  
7           statute, Executive order, Federal court order, or  
8           other Federal law in the area at issue.

9           (3) ALTERNATIVE ENERGY.—The term “alter-  
10          native energy” means electricity generated by a re-  
11          newable energy resource.

12          (4) COASTAL STATE.—The term “coastal  
13          State” has the meaning given the term “coastal  
14          state” in section 304 of the Coastal Zone Manage-  
15          ment Act of 1972 (16 U.S.C. 1453).

16          (5) DEPARTMENT.—The term “Department”  
17          means the Department of the Interior, except as the  
18          context indicates otherwise.

19          (6) ECOSYSTEM-BASED MANAGEMENT.—The  
20          term “ecosystem-based management” means an inte-  
21          grated approach to management that—

22                 (A) considers the entire ecosystem, includ-  
23                 ing humans, and accounts for interactions  
24                 among the ecosystem, the range of activities af-

1           fecting the ecosystem, and the management of  
2           such activities;

3           (B) aims to maintain ecosystems in a  
4           healthy, productive, sustainable, and resilient  
5           condition so that they can provide the services  
6           humans want and need;

7           (C) emphasizes the protection of ecosystem  
8           structure, function, patterns, and important  
9           processes;

10          (D) considers the impacts, including cumu-  
11          lative impacts, of the range of activities affect-  
12          ing an ecosystem that fall within geographical  
13          boundaries of the ecosystem;

14          (E) explicitly accounts for the inter-  
15          connectedness within an ecosystem, such as  
16          food webs, and acknowledges the interconnect-  
17          edness among systems, such as between air,  
18          land, and sea; and

19          (F) integrates ecological, social, economic,  
20          cultural, and institutional perspectives, recog-  
21          nizing their strong interdependencies.

22          (7) FEDERAL LAND MANAGEMENT AGENCY.—  
23          The term “Federal land management agency”  
24          means—

25                 (A) the Bureau of Land Management;

1 (B) the Forest Service;

2 (C) the United States Fish and Wildlife  
3 Service; and

4 (D) the National Park Service.

5 (8) FUNCTION.—The term “function” includes  
6 authorities, powers, rights, privileges, immunities,  
7 programs, projects, activities, duties, and respon-  
8 sibilities.

9 (9) IMPORTANT ECOLOGICAL AREA.—The term  
10 “important ecological area” means an area that con-  
11 tributes significantly to local or larger marine eco-  
12 system health or is an especially unique or sensitive  
13 marine ecosystem.

14 (10) INDIAN LAND.—The term “Indian land”  
15 has the meaning given the term in section 502(a) of  
16 title V of Public Law 109–58 (25 U.S.C. 3501(2)).

17 (11) MARINE ECOSYSTEM HEALTH.—The term  
18 “marine ecosystem health” means the ability of an  
19 ecosystem in ocean and coastal waters to support  
20 and maintain patterns, important processes, and  
21 productive, sustainable, and resilient communities of  
22 organisms, having a species composition, diversity,  
23 and functional organization resulting from the nat-  
24 ural habitat of the region, such that it is capable of  
25 supporting a variety of activities and providing a

1 complete range of ecological benefits. Such an eco-  
2 system would be characterized by a variety of fac-  
3 tors, including—

4 (A) a complete diversity of native species  
5 and habitat wherein each native species is able  
6 to maintain an abundance, population struc-  
7 ture, and distribution supporting its ecological  
8 and evolutionary functions, patterns, and proc-  
9 esses; and

10 (B) a physical, chemical, geological, and  
11 microbial environment that is necessary to  
12 achieve such diversity.

13 (12) MINERAL.—The term “mineral” has the  
14 same meaning that the term “minerals” has in sec-  
15 tion 2(q) of the Outer Continental Shelf Lands Act  
16 (43 U.S.C. 1331(q)).

17 (13) NONRENEWABLE ENERGY RESOURCE.—  
18 The term “nonrenewable energy resource” means oil  
19 and natural gas.

20 (14) OPERATOR.—The term “operator”—

21 (A) the lessee; or

22 (B) a person designated by the lessee has  
23 having control or management of operations on  
24 the leased area or a portion thereof, who is—

1 (i) approved by the Secretary, acting  
2 through the Bureau of Energy and Re-  
3 source Management; or

4 (ii) the holder of operating rights  
5 under an assignment of operating rights  
6 that is approved by the Secretary, acting  
7 through the Bureau of Energy and Re-  
8 source Management.

9 (15) OUTER CONTINENTAL SHELF.—The term  
10 “Outer Continental Shelf” has the meaning that the  
11 term “outer Continental Shelf” has in the Outer  
12 Continental Shelf Lands Act (43 U.S.C. 1331 et 24  
13 seq.).

14 (16) PUBLIC LAND STATE.—The term “public  
15 land State” means—

16 (A) each of the eleven contiguous Western  
17 States (as that term is defined in section 103  
18 of the Federal Land Policy and Management  
19 Act of 1976 (43 U.S.C. 1702)); and

20 (B) Alaska.

21 (17) REGIONAL OCEAN PARTNERSHIP.—The  
22 term “Regional Ocean Partnership” means vol-  
23 untary, collaborative management initiatives devel-  
24 oped and entered into by the Governors of two or  
25 more coastal States or created by an interstate com-



1 pact for the purpose of addressing more than one  
2 ocean, coastal, or Great Lakes issue and to imple-  
3 ment policies and activities identified under special  
4 area management plans under the Coastal Zone  
5 Management Act of 1972 (16 U.S.C. 1451 et seq.)  
6 or other agreements developed and signed by the  
7 Governors.

8 (18) RENEWABLE ENERGY RESOURCE.—The  
9 term “renewable energy resource” means each of the  
10 following:

11 (A) Wind energy.

12 (B) Solar energy.

13 (C) Geothermal energy.

14 (D) Biomass or landfill gas.

15 (E) A hydropower resource that is a quali-  
16 fied energy resource (as that term is defined in  
17 3 section 45(c)(1) of the Internal Revenue of  
18 1986, as amended by section 1301(c) of the  
19 Energy Policy Act of 2005 (119 Stat. 987)).

20 (F) Marine and hydrokinetic renewable en-  
21 ergy, as that term is defined in section 632 of  
22 the Energy Independence and Security Act of  
23 2007 (42 U.S.C. 17211).

1           (19) SECRETARIES.—The term “Secretaries”  
2 means the Secretary of the Interior and the Sec-  
3 retary of Commerce.

4           (20) SECRETARY.—The term “Secretary”  
5 means the Secretary of the Interior, except as other-  
6 wise provided in this Act.

7           (21) SURFACE USE PLAN OF OPERATIONS.—  
8 The term “surface use plan of operations” means a  
9 plan for surface use, disturbance, and reclamation of  
10 Federal lands for energy development that is sub-  
11 mitted by a lessee and approved by the relevant land  
12 management agency.

13           (22) TERMS DEFINED IN OTHER LAW.—Each  
14 of the terms “Federal land”, “lease”, “lease site”,  
15 and “mineral leasing law” has the meaning that  
16 term has under the Federal Oil and Gas Royalty  
17 Management Act of 1982 (30 U.S.C. 1701 et seq.),  
18 except that such terms shall also apply to all min-  
19 erals and renewable energy resources in addition to  
20 oil and gas.

21           (23) TRIBE.—The term “tribe” has the same  
22 meaning as that term has in section of the Indian  
23 Self-Determination and Education Assistance Act  
24 (25 U.S.C. 450b(e)).

1 **TITLE I—CREATION OF NEW DE-**  
2 **PARTMENT OF THE INTERIOR**  
3 **AGENCIES**

4 **SEC. 101. BUREAU OF ENERGY AND RESOURCE MANAGE-**  
5 **MENT.**

6 (a) ESTABLISHMENT.—There is established in the  
7 Department of the Interior a Bureau of Energy and Re-  
8 source Management (referred to in this section as the  
9 “Bureau”) to be headed by a Director of Energy and Re-  
10 source Management (referred to in this section as the “Di-  
11 rector”).

12 (b) DIRECTOR.—

13 (1) APPOINTMENT.—The Director shall be ap-  
14 pointed by the President, by and with the advice and  
15 consent of the Senate, on the basis of—

16 (A) professional background, demonstrated  
17 competence, and ability; and

18 (B) capacity to—

19 (i) administer the provisions of this  
20 Act; and

21 (ii) ensure that the fiduciary duties of  
22 the United States Government on behalf of  
23 the people of the United States, as they re-  
24 late to development of energy resources,  
25 are duly met.

1           (2) COMPENSATION.—The Director shall be  
2           compensated at the rate provided for Level V of the  
3           Executive Schedule under section 5316 of title 5,  
4           United States Code.

5           (c) DUTIES.—

6           (1) IN GENERAL.—The Secretary shall carry  
7           out through the Bureau all functions, powers, and  
8           duties vested in the Secretary relating to the admin-  
9           istration of a comprehensive program of nonrenew-  
10          able and renewable energy and mineral resources  
11          management, except those functions delegated to the  
12          bureau established by section 102 or the office es-  
13          tablished by section 103—

14                   (A) on the Outer Continental Shelf, pursu-  
15                   ant to the Outer Continental Shelf Lands Act  
16                   as amended by this Act (43 U.S.C. 1331 et  
17                   seq.);

18                   (B) on Federal public lands, pursuant to  
19                   the Mineral Leasing Act (30 U.S.C. 181 et 1  
20                   seq.) and the Geothermal Steam Act of 1970  
21                   (30 U.S.C. 1001 et seq.);

22                   (C) on acquired Federal lands, pursuant to  
23                   the Mineral Leasing Act for Acquired Lands  
24                   (30 U.S.C. 351 et seq.) and the Geothermal  
25                   Steam Act of 1970 (30 U.S.C. 1001 et seq.);

1 (D) in the National Petroleum Reserve in  
2 Alaska, pursuant to the Naval Petroleum Re-  
3 serves Production Act of 1976 (42 U.S.C.  
4 6501et seq.);

5 (E) on any Federal land pursuant to any  
6 mineral leasing law; and

7 (F) pursuant to this Act and all other ap-  
8 plicable Federal laws, including the administra-  
9 tion and approval of all instruments and agree-  
10 ments required to ensure orderly, safe, and en-  
11 vironmentally responsible nonrenewable and re-  
12 newable energy and mineral resources develop-  
13 ment activities.

14 (2) SPECIFIC AUTHORITIES.—The Director  
15 shall promulgate and implement regulations for the  
16 proper issuance of leases and permits (including the  
17 issuance of permits under such leases) for the explo-  
18 ration, development, and production of nonrenewable  
19 and renewable energy and mineral resources under  
20 such leases on the Outer Continental Shelf and  
21 lands managed by the Bureau of Land Management,  
22 the Forest Service, or any other Federal land man-  
23 agement agency, including regulations relating to re-  
24 source identification, access, evaluation, and utiliza-  
25 tion.

1           (3)       INDEPENDENT       ENVIRONMENTAL  
2       SCIENCE.—

3           (A) IN GENERAL.—The Secretary shall  
4       create an independent office within the Bureau  
5       that—

6                   (i) shall report to the Director;

7                   (ii) shall be programmatically separate  
8       and distinct from the leasing and permit-  
9       ting activities of the Bureau; and

10                  (iii) shall—

11                   (I) carry out the environmental  
12       studies program under section 20 of  
13       the Outer Continental Shelf Lands  
14       Act (43 U.S.C. 1346);

15                   (II) conduct any environmental  
16       analyses necessary for the programs  
17       administered by the Bureau; and

18                   (III) carry out other functions as  
19       deemed necessary by the Secretary.

20           (B) CONSULTATION.—Studies and anal-  
21       yses carried out by the office created under sub-  
22       paragraph (A) shall be conducted in appro-  
23       priate and timely consultation with other rel-  
24       evant Federal agencies, including—

- 1 (i) the Bureau of Safety and Environ-  
2 mental Enforcement;  
3 (ii) the United States Fish and Wild-  
4 life Service;  
5 (iii) the United States Geological Sur-  
6 vey; and  
7 (iv) the National Oceanic and Atmos-  
8 pheric Administration.

9 (d) COMPREHENSIVE DATA AND ANALYSES ON  
10 OUTER CONTINENTAL SHELF RESOURCES.—

11 (1) IN GENERAL.—

12 (A) PROGRAMS.—The Director shall de-  
13 velop and carry out programs for the collection,  
14 evaluation, assembly, analysis, and dissemina-  
15 tion of data and information that is relevant to  
16 carrying out the duties of the Bureau, including  
17 studies under section 20 of the Outer Conti-  
18 nental Shelf Lands Act (43 U.S.C. 1346).

19 (B) USE OF DATA AND INFORMATION.—  
20 The Director shall, in carrying out functions  
21 pursuant to the Outer Continental Lands Act  
22 (43 U.S.C. 1331 et seq.), consider data and in-  
23 formation referred to in subparagraph (A)  
24 which shall inform the management functions  
25 of the Bureau, and shall contribute to a broader

1 coordination of development activities within  
2 the contexts of the best available science and  
3 marine spatial planning.

4 (2) INTERAGENCY COOPERATION.—In carrying  
5 out programs under this subsection, the Bureau  
6 shall—

7 (A) utilize the authorities of subsection (g)  
8 and (h) of section 18 of the Outer Continental  
9 Shelf Lands Act (43 U.S.C. 1344);

10 (B) cooperate with appropriate offices in  
11 the Department and in other Federal agencies;

12 (C) use existing inventories and mapping  
13 of marine resources previously undertaken by  
14 the Minerals Management Service, mapping un-  
15 dertaken by the United States Geological Sur-  
16 vey and the National Oceanographic and At-  
17 mospheric Administration, and information pro-  
18 vided by the Department of Defense and other  
19 Federal and State agencies possessing relevant  
20 data; and

21 (D) use any available data regarding re-  
22 newable energy potential, navigation uses, fish-  
23 eries, aquaculture uses, recreational uses, habi-  
24 tat, conservation, and military uses of the  
25 Outer Continental Shelf.



1 (e) RESPONSIBILITIES OF LAND MANAGEMENT  
2 AGENCIES.—Nothing in this section shall affect the au-  
3 thorities of the Bureau of Land Management under the  
4 Federal Land Policy and Management Act of 1976 (43  
5 U.S.C. 1701 et seq.) or of the Forest Service under the  
6 National Forest Management Act of 1976 (Public Law  
7 94–588).

8 **SEC. 102. BUREAU OF SAFETY AND ENVIRONMENTAL EN-**  
9 **FORCEMENT.**

10 (a) ESTABLISHMENT.—There is established in the  
11 Department a Bureau of Safety and Environmental En-  
12 forcement (referred to in this section as the “Bureau”)  
13 to be headed by a Director of Safety and Environmental  
14 Enforcement (referred to in this section as the “Direc-  
15 tor”).

16 (b) DIRECTOR.—

17 (1) APPOINTMENT.—The Director shall be ap-  
18 pointed by the President, by and with the advice and  
19 consent of the Senate, on the basis of—

20 (A) professional background, demonstrated  
21 competence, and ability; and

22 (B) capacity to administer the provisions  
23 of this Act.

24 (2) COMPENSATION.—The Director shall be  
25 compensated at the rate provided for Level V of the

1 Executive Schedule under section 5316 of title 5,  
2 United States Code.

3 (c) DUTIES.—

4 (1) IN GENERAL.—The Secretary shall carry  
5 out through the Bureau all functions, powers, and  
6 duties vested in the Secretary relating to the admin-  
7 istration of safety and environmental enforcement  
8 activities related to nonrenewable and renewable en-  
9 ergy and mineral resources—

10 (A) on the Outer Continental Shelf pursu-  
11 ant to the Outer Continental Shelf Lands Act  
12 (43 U.S.C. 1331 et seq.);

13 (B) on Federal public lands, pursuant to  
14 the Mineral Leasing Act (30 U.S.C. 181 et  
15 seq.) and the Geothermal Steam Act of 1970  
16 (30 U.S.C. 1001 et seq.);

17 (C) on acquired Federal lands, pursuant to  
18 the Mineral Leasing Act for Acquired Lands  
19 (30 U.S.C. 351 et seq.) and the Geothermal  
20 Steam Act of 1970 (30 U.S.C. 1001 et seq.);

21 (D) in the National Petroleum Reserve in  
22 Alaska, pursuant to the Naval Petroleum Re-  
23 serves Production Act of 1976 (42 U.S.C. 6501  
24 et seq.)

25 (E) pursuant to—

1 (i) the Federal Oil and Gas Royalty  
2 Management Act of 1982 (30 U.S.C. 1701  
3 et seq.);

4 (ii) the Energy Policy Act of 2005  
5 (Public Law 109–58);

6 (iii) the Federal Oil and Gas Royalty  
7 Simplification and Fairness Act of 1996  
8 (Public Law 104–185);

9 (iv) the Forest and Rangeland Renew-  
10 able Resources Planning Act of 1974 (16  
11 U.S.C. 1600 et seq.);

12 (v) the Federal Land Policy and Man-  
13 agement Act of 1976 (43 U.S.C. 1701 et  
14 seq.);

15 (vi) this Act; and

16 (vii) all other applicable Federal laws,  
17 including the authority to develop, promulgate,  
18 and enforce regulations to ensure the safe and  
19 environmentally sound exploration, develop-  
20 ment, and production of nonrenewable and re-  
21 newable energy and mineral resources on the  
22 Outer Continental Shelf and onshore federally  
23 managed lands.

24 (d) AUTHORITIES.—In carrying out the duties under  
25 this section, the Secretary’s authorities shall include—

1           (1) performing necessary oversight activities to  
2           ensure the proper application of environmental re-  
3           views, including those conducted pursuant to the  
4           National Environmental Policy Act of 1969 (42  
5           U.S.C. 4321 et seq.) by the Bureau of Energy and  
6           Resource Management in the performance of its du-  
7           ties under the Outer Continental Shelf Lands Act  
8           (43 U.S.C. 1331 et seq.);

9           (2) suspending or prohibiting, on a temporary  
10          basis, any operation or activity, including produc-  
11          tion—

12                 (A) on leases held on the Outer Conti-  
13                 nental Shelf, in accordance with section 5(a)(1)  
14                 of the Outer Continental Shelf Lands Act (43  
15                 U.S.C. 1334(a)(1)); or

16                 (B) on leases or rights-of-way held on Fed-  
17                 eral lands under any other minerals or energy  
18                 leasing statute, in accordance with section  
19                 302(c) of the Federal Land Policy and Manage-  
20                 ment Act of 1976 (43 U.S.C. 1701 et seq.);

21          (3) cancelling any lease, permit, or right-of  
22          way—

23                 (A) on the Outer Continental Shelf, in ac-  
24                 cordance with section 5(a)(2) of the Outer Con-

1            tinal Shelf Lands Act (43 U.S.C. 13  
2            1334(a)(2)); or

3            (B) on onshore Federal lands, in accord-  
4            ance with section 302(c) of the Federal Land  
5            Policy and Management Act of 1976 (43 U.S.C.  
6            1732(c));

7            (4) compelling compliance with applicable work-  
8            er safety and environmental laws and regulations;

9            (5) requiring comprehensive safety and environ-  
10           mental management programs for persons engaged  
11           in activities connected with the exploration, develop-  
12           ment, and production of energy or mineral re-  
13           sources;

14           (6) developing and implementing regulations for  
15           Federal employees to carry out any inspection or in-  
16           vestigation to ascertain compliance with applicable  
17           regulations, including health, safety, or environ men-  
18           tal regulations;

19           (7) collecting, evaluating, assembling, analyzing,  
20           and publicly disseminating electronically data and  
21           information that is relevant to inspections, failures,  
22           or accidents involving equipment and systems used  
23           for exploration and production of energy and min-  
24           eral resources, including human factors associated  
25           therewith;

1           (8) implementing the Offshore Technology Re-  
2           search and Risk Assessment Program under section  
3           21 of the Outer Continental Shelf Lands Act (43  
4           U.S.C. 1347);

5           (9) summoning witnesses and directing the pro-  
6           duction of evidence;

7           (10) levying fines and penalties and disqualify  
8           operators; and

9           (11) carrying out any safety, response, and re-  
10          moval preparedness functions.

11         (e) EMPLOYEES.—

12           (1) IN GENERAL.—The Secretary shall ensure  
13           that the inspection force of the Bureau consists of  
14           qualified, trained employees who meet qualification  
15           requirements and adhere to the highest professional  
16           and ethical standards.

17           (2) QUALIFICATIONS.—The qualification re-  
18           quirements referred to in paragraph (1)—

19                   (A) shall be determined by the Secretary,  
20                   subject to subparagraph (B); and

21                   (B) shall include—

22                           (i) three years of practical experience  
23                           in oil and gas exploration, development, or  
24                           production; or

1                   (ii) a degree in an appropriate field of  
2                   engineering from an accredited institution  
3                   of higher learning.

4                   (3) ASSIGNMENT.—In assigning oil and gas in-  
5                   spectors to the inspection and investigation of indi-  
6                   vidual operations, the Secretary shall give due con-  
7                   sideration to the extent possible to their previous ex-  
8                   perience in the particular type of oil and gas oper-  
9                   ation in which such inspections are to be made.

10                  (4) TRAINING ACADEMY.—

11                   (A) IN GENERAL.—The Secretary shall es-  
12                   tablish and maintain a National Oil and Gas  
13                   Health and Safety Academy (referred to in this  
14                   paragraph as the “Academy”) as an agency of  
15                   the Department of the Interior.

16                   (B) FUNCTIONS OF ACADEMY.—The Sec-  
17                   retary, through the Academy, shall be respon-  
18                   sible for—

19                   (i) the initial and continued training  
20                   of both newly hired and experienced oil  
21                   and gas inspectors in all aspects of health,  
22                   safety, environmental, and operational in-  
23                   spections;

24                   (ii) the training of technical support  
25                   personnel of the Bureau;

1 (iii) any other training programs for  
2 oil and gas inspectors, Bureau personnel,  
3 Department personnel, or other persons as  
4 the Secretary shall designate; and

5 (iv) certification of the successful  
6 completion of training programs for newly  
7 hired and experienced oil and gas inspec-  
8 tors.

9 (C) COOPERATIVE AGREEMENTS.—

10 (i) IN GENERAL.—In performing func-  
11 tions under this paragraph, and subject to  
12 clause (ii), the Secretary may enter into  
13 cooperative educational and training agree-  
14 ments with educational institutions, related  
15 Federal academies, other Federal agencies,  
16 State governments, labor organizations,  
17 and oil and gas operators and related in-  
18 dustries.

19 (ii) TRAINING REQUIREMENT.—Such  
20 training shall be conducted by the Acad-  
21 emy in accordance with curriculum needs  
22 and assignment of instructional personnel  
23 established by the Secretary.

24 (D) USE OF DEPARTMENTAL PER-  
25 SONNEL.—In performing functions under this



1 subsection, the Secretary shall use, to the ex-  
2 tent practicable, the facilities and personnel of  
3 the Department of the Interior. The Secretary  
4 may appoint or assign to the Academy such of-  
5 ficers and employees as the Secretary considers  
6 necessary for the performance of the duties and  
7 functions of the Academy.

8 (5) ADDITIONAL TRAINING PROGRAMS.—

9 (A) IN GENERAL.—The Secretary shall  
10 work with appropriate educational institutions,  
11 operators, and representatives of oil and gas  
12 workers to develop and maintain adequate pro-  
13 grams with educational institutions and oil and  
14 gas operators, that are designed—

15 (i) to enable persons to qualify for po-  
16 sitions in the administration of this Act;  
17 and

18 (ii) to provide for the continuing edu-  
19 cation of inspectors or other appropriate  
20 Departmental personnel.

21 (B) FINANCIAL AND TECHNICAL ASSIST-  
22 ANCE.—The Secretary may provide financial  
23 and technical assistance to educational institu-  
24 tions in carrying out this paragraph.

1 **SEC. 103. OFFICE OF NATURAL RESOURCES REVENUE.**

2 (a) ESTABLISHMENT.—There is established in the  
3 Department an Office of Natural Resources Revenue (re-  
4 ferred to in this section as the “Office”) to be headed by  
5 a Director of Natural Resources Revenue (referred to in  
6 this section as the “Director”).

7 (b) APPOINTMENT AND COMPENSATION.—

8 (1) IN GENERAL.—The Director shall be ap-  
9 pointed by the President, by and with the advice and  
10 consent of the Senate, on the basis of—

11 (A) professional competence; and

12 (B) capacity to—

13 (i) administer the provisions of this  
14 Act; and

15 (ii) ensure that the fiduciary duties of  
16 the United States Government on behalf of  
17 the American people, as they relate to de-  
18 velopment of energy resources, are duly  
19 met.

20 (2) COMPENSATION.—The Director shall be  
21 compensated at the rate provided for Level V of the  
22 Executive Schedule under section 5316 of title 5,  
23 United States Code.

24 (c) DUTIES.—

25 (1) IN GENERAL.—The Secretary shall carry  
26 out, through the Office—

- 1 (A) all functions, powers, and duties vested  
2 in the Secretary and relating to the administra-  
3 tion of the royalty and revenue management  
4 functions pursuant to—
- 5 (i) the Outer Continental Shelf Lands  
6 Act (43 U.S.C. 1331 et seq.);
- 7 (ii) the Mineral Leasing Act (30  
8 U.S.C. 181 et seq.);
- 9 (iii) the Geothermal Steam Act of  
10 1970 (30 U.S.C. 1001 et seq.);
- 11 (iv) the Naval Petroleum Reserves  
12 Production Act of 1976 (42 U.S.C. 6501  
13 et seq.);
- 14 (v) the Federal Oil and Gas Royalty  
15 Management Act of 1982 (30 U.S.C. 1701  
16 et seq.);
- 17 (vi) the Federal Oil and Gas Royalty  
18 Simplification and Fairness Act of 1996  
19 (Public Law 104–185);
- 20 (vii) the Energy Policy Act of 2005  
21 (Public Law 109–58);
- 22 (viii) the Forest and Rangeland Re-  
23 newable Resources Planning Act of 1974  
24 (16 U.S.C. 1600 et seq.);

1 (ix) the Federal Land Policy and  
2 Management Act of 1976 (43 U.S.C. 1701  
3 et seq.); and

4 (x) this Act and all other applicable  
5 Federal laws; and

6 (B) all functions, powers, and duties pre-  
7 viously assigned to the Minerals Management  
8 Service, including the authority to develop, pro-  
9 mulgate, and enforce regulations regarding—

10 (i) royalty and revenue collection;

11 (ii) royalty and revenue distribution;

12 (iii) auditing and compliance;

13 (iv) investigation and enforcement of  
14 royalty and revenue regulations; and

15 (v) asset management for onshore and  
16 offshore activities.

17 (d) OVERSIGHT.—In order to provide transparency  
18 and ensure strong oversight over the revenue program, the  
19 Secretary shall—

20 (1) create within the Office an independent  
21 audit and oversight program responsible for moni-  
22 toring the performance of the Office with respect to  
23 the duties and functions under subsection (c), and  
24 conducting internal control audits of the operations  
25 of the Office;

1           (2) facilitate the participation of those Indian  
2           tribes and States operating pursuant to cooperative  
3           agreements or delegations under the Federal Oil and  
4           Gas Royalty Management Act of 1982 (30 U.S.C.  
5           1701 et seq.) on all of the management teams, com-  
6           mittees, councils, and other entities created by the  
7           Office; and

8           (3) assure prior consultation with those Indian  
9           tribes and States referred to in paragraph (2) in the  
10          formulation all policies, procedures, guidance, stand-  
11          ards, and rules relating to the functions referred to  
12          in subsection (c).

13 **SEC. 104. ETHICS.**

14          (a) CERTIFICATION.—The Secretary shall certify an-  
15          nually that all Bureau of Energy and Resource Manage-  
16          ment, Bureau of Safety and Environmental Enforcement,  
17          and Office of Natural Resources Revenue officers and em-  
18          ployees having regular, direct contact with lessees and op-  
19          erators as a function of their official duties are in full com-  
20          pliance with all Federal employee ethics laws and regula-  
21          tions under the Ethics in Government Act of 1978 (5  
22          U.S.C. App.) and part 2635 of title 5, Code of Federal  
23          Regulations, and all guidance issued under subsection (b).

24          (b) GUIDANCE.—Not later than 90 days after the  
25          date of enactment of this Act, the Secretary shall issue

1 supplementary ethics guidance for the employees for which  
2 certification is required under subsection (a).

3 **SEC. 105. REFERENCES.**

4 (a) BUREAU OF ENERGY AND RESOURCE MANAGE-  
5 MENT.—Any reference in any law, rule, regulation, direc-  
6 tive, instruction, certificate, or other official document, in  
7 force immediately before the enactment of this Act—

8 (1) to the Minerals Management Service that  
9 pertains to any of the duties and authorities referred  
10 to in section 101 is deemed to refer and apply to the  
11 Bureau of Energy and Resource Management estab-  
12 lished by section 101;

13 (2) to the Director of the Minerals Management  
14 Service that pertains to any of the duties and au-  
15 thorities referred to in section 101 is deemed to  
16 refer and apply to the Director of the Bureau of En-  
17 ergy and Resource Management;

18 (3) to any other position in the Minerals Man-  
19 agement Service that pertains to any of the duties  
20 and authorities referred to in section 101 is deemed  
21 to refer and apply to that same or equivalent posi-  
22 tion in the Bureau of Energy and Resource Manage-  
23 ment;

24 (4) to the Bureau of Land Management that  
25 pertains to any of the duties and authorities referred

1 to in section 101 is deemed to refer and apply to the  
2 Bureau of Energy and Resource Management;

3 (5) to the Director of the Bureau of Land Man-  
4 agement that pertains to any of the duties and au-  
5 thorities referred to in section 101 is deemed to  
6 refer and apply to the Director of the Bureau of En-  
7 ergy and Resource Management; and

8 (6) to any other position in the Bureau of Land  
9 Management that pertains to any of the duties and  
10 authorities referred to in section 101 is deemed to  
11 refer and apply to that same or equivalent position  
12 in the Bureau of Energy and Resource Management.

13 (b) BUREAU OF SAFETY AND ENVIRONMENTAL EN-  
14 FORCEMENT.—Any reference in any law, rule, regulation,  
15 directive, instruction, certificate or other official document  
16 in force immediately before the enactment of this Act—

17 (1) to the Minerals Management Service that  
18 pertains to any of the duties and authorities referred  
19 to in section 102 is deemed to refer and apply to the  
20 Bureau of Safety and Environmental Enforcement  
21 established by section 102;

22 (2) to the Director of the Minerals Management  
23 Service that pertains to any of the duties and au-  
24 thorities referred to in section 102 is deemed to

1 refer and apply to the Director of the Bureau of  
2 Safety and Environmental Enforcement; and

3 (3) to any other position in the Minerals Man-  
4 agement Service that pertains to any of the duties  
5 and authorities referred to in section 102 is deemed  
6 to refer and apply to that same or equivalent posi-  
7 tion in the Bureau of Safety and Environmental En-  
8 forcement;

9 (4) to the Bureau of Land Management that  
10 pertains to any of the duties and authorities referred  
11 to in section 102 is deemed to refer and apply to the  
12 Bureau of Safety and Environmental Enforcement;

13 (5) to the Director of the Bureau of Land Man-  
14 agement that pertains to any of the duties and au-  
15 thorities referred to in section 102 is deemed to  
16 refer and apply to the Director of the Bureau of  
17 Safety and Environmental Enforcement; and

18 (6) to any other position in the Bureau of Land  
19 Management that pertains to any of the duties and  
20 authorities referred to in section 102 is deemed to  
21 refer and apply to that same or equivalent position  
22 in the Bureau of Safety and Environmental Enforce-  
23 ment.

24 (c) OFFICE OF NATURAL RESOURCES REVENUE.—

25 Any reference in any law, rule, regulation, directive, or in-



1 instruction, or certificate or other official document, in force  
2 immediately prior to enactment—

3 (1) to the Minerals Management Service that  
4 pertains to any of the duties and authorities referred  
5 to in section 103 is deemed to refer and apply to the  
6 Office of Natural Resources Revenue established by  
7 section 103;

8 (2) to the Director of the Minerals Management  
9 Service that pertains to any of the duties and au-  
10 thorities referred to in section 103 is deemed to  
11 refer and apply to the Director of Natural Resources  
12 Revenue; and

13 (3) to any other position in the Minerals Man-  
14 agement Service that pertains to any of the duties  
15 and authorities referred to in section 103 is deemed  
16 to refer and apply to that same or equivalent posi-  
17 tion in the Office of Natural Resources Revenue.

18 **SEC. 106. ABOLISHMENT OF MINERALS MANAGEMENT**

19 **SERVICE.**

20 (a) **ABOLISHMENT.**—The Minerals Management  
21 Service (in this section referred to as the “Service”) is  
22 abolished.

23 (b) **COMPLETED ADMINISTRATIVE ACTIONS.**—

24 (1) **IN GENERAL.**—Completed administrative  
25 actions of the Service shall not be affected by the

1 enactment of this Act, but shall continue in effect  
2 according to their terms until amended, modified,  
3 superseded, terminated, set aside, or revoked in ac-  
4 cordance with law by an officer of the United States  
5 or a court of competent jurisdiction, or by operation  
6 of law.

7 (2) COMPLETED ADMINISTRATIVE ACTION DE-  
8 FINED.—For purposes of paragraph (1), the term  
9 “completed administrative action” includes orders,  
10 determinations, rules, regulations, personnel actions,  
11 permits, agreements, grants, contracts, certificates,  
12 licenses, registrations, and privileges.

13 (c) PENDING PROCEEDINGS.—Subject to the author-  
14 ity of the Secretary of the Interior and the officers of the  
15 Department of the Interior under this Act—

16 (1) pending proceedings in the Service, includ-  
17 ing notices of proposed rulemaking, and applications  
18 for licenses, permits, certificates, grants, and finan-  
19 cial assistance, shall continue, notwithstanding the  
20 enactment of this Act or the vesting of functions of  
21 the Service in another agency, unless discontinued or  
22 modified under the same terms and conditions and  
23 to the same extent that such discontinuance or  
24 modification could have occurred if this Act had not  
25 been enacted; and

1           (2) orders issued in such proceedings, and ap-  
2           peals therefrom, and payments made pursuant to  
3           such orders, shall issue in the same manner and on  
4           the same terms as if this Act had not been enacted,  
5           and any such orders shall continue in effect until  
6           amended, modified, superseded, terminated, set  
7           aside, or revoked by an officer of the United States  
8           or a court of competent jurisdiction, or by operation  
9           of law.

10          (d) PENDING CIVIL ACTIONS.—Subject to the au-  
11          thority of the Secretary of the Interior or any officer of  
12          the Department of the Interior under this Act, pending  
13          civil actions shall continue notwithstanding the enactment  
14          of this Act, and in such civil actions, proceedings shall be  
15          had, appeals taken, and judgments rendered and enforced  
16          in the same manner and with the same effect as if such  
17          enactment had not occurred.

18          (e) REFERENCES.—References relating to the Service  
19          in statutes, Executive orders, rules, regulations, directives,  
20          or delegations of authority that precede the effective date  
21          of this Act are deemed to refer, as appropriate, to the De-  
22          partment, to its officers, employees, or agents, or to its  
23          corresponding organizational units or functions. Statutory  
24          reporting requirements that applied in relation to the

1 Service immediately before the effective date of this Act  
2 shall continue to apply.

3 **SEC. 107. CONFORMING AMENDMENT.**

4 Section 5316 of title 5, United States Code, is  
5 amended by striking “Director, Bureau of Mines, Depart-  
6 ment of the Interior.” and inserting the following new  
7 items:

8 “Director, Bureau of Energy and Resource  
9 Management, Department of the Interior.

10 “Director, Bureau of Safety and Environmental  
11 Enforcement, Department of the Interior.

12 “Director, Office of Natural Resources Rev-  
13 enue, Department of the Interior.”.

14 **SEC. 108. OUTER CONTINENTAL SHELF SAFETY AND ENVI-  
15 RONMENTAL ADVISORY BOARD.**

16 (a) ESTABLISHMENT.—The Secretary shall establish,  
17 under the Federal Advisory Committee Act, an Outer Con-  
18 tinental Shelf Safety and Environmental Advisory Board  
19 (referred to in this section as the “Board”), to provide  
20 the Secretary and the Directors of the bureaus established  
21 by this title with independent scientific and technical ad-  
22 vice on safe and environmentally compliant energy and  
23 mineral resource exploration, development, and production  
24 activities.

25 (b) MEMBERSHIP.—

1           (1) SIZE.—The Board shall consist of not more  
2           than 12 members, chosen to reflect a range of exper-  
3           tise in scientific, engineering, management, environ-  
4           mental, and other disciplines related to safe and en-  
5           vironmentally compliant renewable and nonrenewable  
6           energy and mineral resource exploration, develop-  
7           ment, and production activities. The Secretary shall  
8           consult with the National Academy of Sciences and  
9           the National Academy of Engineering to identify po-  
10          tential candidates for the Board.

11          (2) TERM.—The Secretary shall appoint Board  
12          members to staggered terms of not more than 4  
13          years, and shall not appoint a member for more  
14          than 2 consecutive terms.

15          (3) BALANCE.—In appointing members to the  
16          Board, the Secretary shall ensure a balanced rep-  
17          resentation of industry- and nonindustry-related in-  
18          terests.

19          (c) CHAIR.—The Secretary shall appoint the Chair  
20          for the Board.

21          (d) MEETINGS.—The Board shall meet not less than  
22          3 times per year and, at least once per year, shall host  
23          a public forum to review and assess the overall safety and  
24          environmental performance of Outer Continental Shelf en-  
25          ergy and mineral resource activities.

1 (e) REPORTS.—Reports of the Board shall be sub-  
2 mitted to the Congress and made available to the public  
3 in electronically accessible form.

4 (f) TRAVEL EXPENSES.—Members of the Board,  
5 other than full-time employees of the Federal Government,  
6 while attending meeting of the Board or while otherwise  
7 serving at the request of the Secretary or the Director  
8 while serving away from their homes or regular places of  
9 business, may be allowed travel expenses, including per  
10 diem in lieu of subsistence, as authorized by section 5703  
11 of title 5, United States Code, for individuals in the Gov-  
12 ernment serving without pay.

13 **TITLE II—FEDERAL OIL AND GAS**  
14 **DEVELOPMENT**

15 **Subtitle A—Safety, Environmental,**  
16 **and Financial Reform of the**  
17 **Outer Continental Shelf Lands**  
18 **Act**

19 **SEC. 201. SHORT TITLE.**

20 This subtitle may be cited as the “Outer Continental  
21 Shelf Lands Act Amendments of 2010”.

22 **SEC. 202. DEFINITIONS.**

23 Section 2 of the Outer Continental Shelf Lands Act  
24 (43 U.S.C. 1331) is amended by adding at the end the  
25 following:

1           “(r) The term ‘safety case’ means a body of evidence  
2 that provides a basis for determining whether a system  
3 is adequately safe for a given application in a given oper-  
4 ating environment.”.

5 **SEC. 203. NATIONAL POLICY FOR THE OUTER CONTI-**  
6 **NENTAL SHELF.**

7           Section 3 of the Outer Continental Shelf Lands Act  
8 (43 U.S.C. 1332) is amended—

9           (1) by striking paragraph (3) and inserting the  
10 following:

11           “(3) the outer Continental Shelf is a vital na-  
12 tional resource reserve held by the Federal Govern-  
13 ment for the public, that should be managed in a  
14 manner that—

15           “(A) recognizes the need of the United  
16 States for domestic sources of energy, food,  
17 minerals, and other resources;

18           “(B) minimizes the potential impacts of  
19 development of those resources on the marine  
20 and coastal environment and on human health  
21 and safety; and

22           “(C) acknowledges the long-term economic  
23 value to the United States of the balanced and  
24 orderly management of those resources that  
25 safeguards the environment and respects the

1 multiple values and uses of the outer Conti-  
2 nental Shelf;”;

3 (2) in paragraph (4), by striking the period at  
4 the end and inserting a semicolon;

5 (3) in paragraph (5), by striking “should be”  
6 and inserting “shall be”, and striking “; and” and  
7 inserting a semicolon;

8 (4) by redesignating paragraph (6) as para-  
9 graph (7);

10 (5) by inserting after paragraph (5) the fol-  
11 lowing:

12 “(6) exploration, development, and production  
13 of energy and minerals on the outer Continental  
14 Shelf should be allowed only when those activities  
15 can be accomplished in a manner that minimizes—

16 “(A) harmful impacts to life (including fish  
17 and other aquatic life) and health;

18 “(B) damage to the marine, coastal, and  
19 human environments and to property; and

20 “(C) harm to other users of the waters,  
21 seabed, or subsoil; and”; and

22 (6) in paragraph (7) (as so redesignated), by—

23 (A) striking “should be” and inserting  
24 “shall be”;



- 1 (B) inserting “best available” after  
2 “using”; and  
3 (C) striking “or minimize”.

4 **SEC. 204. JURISDICTION OF LAWS ON THE OUTER CONTI-**  
5 **NENTAL SHELF.**

6 Section 4(a)(1) of the Outer Continental Shelf Lands  
7 Act (43 U.S.C. 1333(a)(1)) is amended by—

- 8 (1) inserting “or producing or supporting pro-  
9 duction of energy from sources other than oil and  
10 gas” after “therefrom”;  
11 (2) inserting “or transmitting such energy”  
12 after “transporting such resources”; and  
13 (3) inserting “and other energy” after “That  
14 mineral”.

15 **SEC. 205. OUTER CONTINENTAL SHELF LEASING STAND-**  
16 **ARD.**

17 (a) IN GENERAL.—Section 5 of the Outer Conti-  
18 nental Shelf Lands Act (43 U.S.C. 1334) is amended—

- 19 (1) in subsection (a), by striking “The Sec-  
20 retary may at any time” and inserting “The Sec-  
21 retary shall”;  
22 (2) in the second sentence of subsection (a), by  
23 adding after “provide for” the following: “oper-  
24 ational safety, the protection of the marine and  
25 coastal environment, and”;

1           (3) in subsection (a), by inserting “and the Sec-  
2           retary of Commerce with respect to matters that  
3           may affect the marine and coastal environment”  
4           after “which may affect competition”;

5           (4) in clause (ii) of subsection (a)(2)(A), by  
6           striking “a reasonable period of time” and inserting  
7           “30 days”;

8           (5) in subsection (a)(7), by inserting “in a  
9           manner that minimizes harmful impacts to the ma-  
10          rine and coastal environment” after “lease area”;

11          (6) in subsection (a), by striking “and” after  
12          the semicolon at the end of paragraph (7), redesign-  
13          ating paragraph (8) as paragraph (12), and insert-  
14          ing after paragraph (7) the following:

15               “(8) for independent third-party certification  
16               requirements of safety systems related to well con-  
17               trol, such as blowout preventers;

18               “(9) for performance requirements for blowout  
19               preventers, including subsea testing and secondary  
20               activation methods;

21               “(10) for independent third-party certification  
22               requirements of well casing and cementing programs  
23               and procedures;

1           “(11) for the establishment of mandatory safety  
2           and environmental management systems by opera-  
3           tors on the Outer Continental Shelf;”;

4           (7) in subsection (a), by striking the period at  
5           the end of paragraph (12), as so redesignated, and  
6           inserting “; and”, and by adding at the end the fol-  
7           lowing:

8           “(13) ensuring compliance with other applicable  
9           environmental and natural resource conservation  
10          laws”; and

11          (8) by adding at the end the following new sub-  
12          section:

13          “(k) DOCUMENTS INCORPORATED BY REFERENCE.—  
14          Any documents incorporated by reference in regulations  
15          promulgated by the Secretary pursuant to this Act shall  
16          be made available to the public, free of charge, on a  
17          website maintained by the Secretary.”.

18          (b) CONFORMING AMENDMENT.—Subsection (g) of  
19          section 25 of the Outer Continental Shelf Lands Act (43  
20          U.S.C. 1351), as redesignated by section 214(4) of this  
21          Act, is further amended by striking “paragraph (8) of sec-  
22          tion 5(a) of this Act” each place it appears and inserting  
23          “paragraph (12) of section 5(a) of this Act”.

1 **SEC. 206. LEASES, EASEMENTS, AND RIGHTS-OF-WAY.**

2 (a) FINANCIAL ASSURANCE AND FISCAL RESPONSIBI-  
3 BILITY.—Section 8 of the Outer Continental Shelf Lands  
4 Act (43 U.S.C. 1337) is amended by adding at the end  
5 the following:

6 “(q) REVIEW OF BOND AND SURETY AMOUNTS.—  
7 Not later than May 1, 2011, and every 5 years thereafter,  
8 the Secretary shall review the minimum financial responsi-  
9 bility requirements for leases issued under this section and  
10 shall ensure that any bonds or surety required are ade-  
11 quate to comply with the requirements of this Act or the  
12 Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

13 “(r) PERIODIC FISCAL REVIEW AND REPORT.—

14 “(1) IN GENERAL.—Not later than 1 year after  
15 the date of enactment of this subsection and every  
16 3 years thereafter, the Secretary shall carry out a  
17 review and prepare a report setting forth—

18 “(A)(i) the royalty and rental rates in-  
19 cluded in new offshore oil and gas leases; and

20 “(ii) the rationale for the rates;

21 “(B) whether, in the view of the Secretary,  
22 the royalty and rental rates described in sub-  
23 paragraph (A) will yield a fair return to the  
24 public while promoting the production of oil and  
25 gas resources in a timely manner;

1           “(C)(i) the minimum bond or surety  
2 amounts required pursuant to offshore oil and  
3 gas leases; and

4           “(ii) the rationale for the minimum  
5 amounts;

6           “(D) whether the bond or surety amounts  
7 described in subparagraph (C) are adequate to  
8 comply with subsection (q); and

9           “(E) whether the Secretary intends to  
10 modify the royalty or rental rates, or bond or  
11 surety amounts, based on the review.

12           “(2) PUBLIC PARTICIPATION.—In carrying out  
13 a review and preparing a report under paragraph  
14 (1), the Secretary shall provide to the public an op-  
15 portunity to participate.

16           “(3) REPORT DEADLINE.—Not later than 30  
17 days after the date on which the Secretary completes  
18 a report under paragraph (1), the Secretary shall  
19 transmit copies of the report to—

20           “(A) the Committee on Energy and Nat-  
21 ural Resources of the Senate; and

22           “(B) the Committee on Natural Resources  
23 of the House of Representatives.

24           “(s) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

1           “(1) IN GENERAL.—Not later than 2 years  
2 after the date of enactment of this subsection and  
3 every 5 years thereafter, the Secretary shall carry  
4 out a comprehensive review of all components of the  
5 Federal offshore oil and gas fiscal system, including  
6 requirements for—

7                   “(A) bonus bids;

8                   “(B) rental rates;

9                   “(C) royalties; and

10                  “(D) oil and gas taxes.

11           “(2) REQUIREMENTS.—

12                   “(A) CONTENTS; SCOPE.—A review under  
13 paragraph (1) shall include—

14                           “(i) the information and analyses nec-  
15 essary to compare the offshore bonus bids,  
16 rents, royalties, and taxes of the Federal  
17 Government to the offshore bonus bids,  
18 rents, royalties, and taxes of other resource  
19 owners, including States and foreign coun-  
20 tries; and

21                           “(ii) an assessment of the overall off-  
22 shore oil and gas fiscal system in the  
23 United States, as compared to foreign  
24 countries.

1           “(B) INDEPENDENT ADVISORY COM-  
2           MITTEE.—In carrying out a review under para-  
3           graph (1), the Secretary shall convene and seek  
4           the advice of an independent advisory com-  
5           mittee comprised of oil and gas and fiscal ex-  
6           perts from States, Indian tribes, academia, the  
7           energy industry, and appropriate nongovern-  
8           mental organizations.

9           “(3) REPORT.—

10           “(A) IN GENERAL.—The Secretary shall  
11           prepare a report that contains—

12                   “(i) the contents and results of the re-  
13                   view carried out under paragraph (1) for  
14                   the period covered by the report; and

15                   “(ii) any recommendations of the Sec-  
16                   retary based on the contents and results of  
17                   the review.

18           “(B) REPORT DEADLINE.—Not later than  
19           30 days after the date on which the Secretary  
20           completes a report under paragraph (1), the  
21           Secretary shall transmit copies of the report to  
22           the Committee on Natural Resources of the  
23           House of Representatives and the Committee  
24           on Energy and Natural Resources of the Sen-  
25           ate.”.

1 (b) ENVIRONMENTAL DILIGENCE.—Section 8 of the  
2 Outer Continental Shelf Lands Act (43 U.S.C. 1337) is  
3 amended by striking subsection (d) and inserting the fol-  
4 lowing:

5 “(d) DISQUALIFICATION FROM BIDDING.—No bid  
6 for a lease may be submitted by any person that the Sec-  
7 retary finds, after notice and opportunity for a hearing—

8 “(1) is not meeting due diligence, safety, or en-  
9 vironmental requirements on other leases; or

10 “(2) is a responsible party for a vessel or a fa-  
11 cility from which oil is discharged, for purposes of  
12 section 1002 of the Oil Pollution Act of 1990 (33  
13 U.S.C. 2702), and has not met all of its obligations  
14 under that Act to provide compensation for covered  
15 removal costs and damages.”.

16 (c) ALTERNATIVE ENERGY DEVELOPMENT.—

17 (1) CLARIFICATION RELATING TO ALTERNATIVE  
18 ENERGY DEVELOPMENT.—Section 8(p) of the Outer  
19 Continental Shelf Lands Act (43 U.S.C. 1337(p)) is  
20 amended—

21 (A) in paragraph (1)—

22 (i) in the matter preceding subpara-  
23 graph (A), by inserting “or” after “1501  
24 et seq.),”, and by striking “or other appli-  
25 cable law,”; and



1 (ii) by amending subparagraph (D) to  
2 read as follows:

3 “(D) use, for energy-related purposes, fa-  
4 cilities currently or previously used for activities  
5 authorized under this Act, except that any oil  
6 and gas energy-related uses shall not be author-  
7 ized in areas in which oil and gas preleasing,  
8 leasing, and related activities are prohibited by  
9 a moratorium.”;

10 (B) in paragraph (4)—

11 (i) in subparagraph (E), by striking  
12 “coordination” and inserting “in consulta-  
13 tion”; and

14 (ii) in subparagraph (J)(ii), by insert-  
15 ing “a potential site for an alternative en-  
16 ergy facility,” after “deepwater port,”.

17 (2) NONCOMPETITIVE ALTERNATIVE ENERGY  
18 LEASE OPTIONS.—Section 8(p)(3) of such Act (43  
19 U.S.C. 1337(p)(3)) is amended to read as follows:

20 “(3) COMPETITIVE OR NONCOMPETITIVE  
21 BASIS.—Any lease, easement, right-of-way, or other  
22 authorization granted under paragraph (1) shall be  
23 issued on a competitive basis, unless—

24 “(A) the lease, easement, right-of-way, or  
25 other authorization relates to a project that

1 meets the criteria established under section  
2 388(d) of the Energy Policy Act of 2005 (43  
3 U.S.C. 1337 note; Public Law 109–58);

4 “(B) the lease, easement, right-of-way, or  
5 other authorization—

6 “(i) is for the placement and oper-  
7 ation of a meteorological or marine data  
8 collection facility; and

9 “(ii) has a term of not more than 5  
10 years; or

11 “(C) the Secretary determines, after pro-  
12 viding public notice of a proposed lease, ease-  
13 ment, right-of-way, or other authorization, that  
14 no competitive interest exists.”.

15 (d) REVIEW OF IMPACTS OF LEASE SALES ON THE  
16 MARINE AND COASTAL ENVIRONMENT BY SECRETARY.—  
17 Section 8 of the Outer Continental Shelf Lands Act (43  
18 U.S.C. 1337) by adding at the end of subsection (a) the  
19 following:

20 “(9) At least 60 days prior to any lease sale,  
21 the Secretary shall request a review by the Secretary  
22 of Commerce of the proposed sale with respect to  
23 impacts on the marine and coastal environment. The  
24 Secretary of Commerce shall complete and submit in  
25 writing the results of that review within 60 days

1 after receipt of the Secretary of the Interior's re-  
2 quest.”.

3 (e) **LIMITATION ON LEASE TRACT SIZE.**—Section  
4 8(b)(1) of the Outer Continental Shelf Lands Act (43  
5 U.S.C. 1337(b)(1)) is amended by striking “, unless the  
6 Secretary finds that a larger area is necessary to comprise  
7 a reasonable economic production unit”.

8 (f) **SULPHUR LEASES.**—Section 8(i) of the Outer  
9 Continental Shelf Lands Act (43 U.S.C. 1337(i)) is  
10 amended by striking “meet the urgent need” and inserting  
11 “allow”.

12 (g) **TERMS AND PROVISIONS.**—Section 8(b) of the  
13 Outer Continental Shelf Lands Act (43 U.S.C. 1337(b))  
14 is amended by striking “An oil and gas lease issued pursu-  
15 ant to this section shall” and inserting “An oil and gas  
16 lease may be issued pursuant to this section only if the  
17 Secretary determines that activities under the lease are  
18 not likely to result in any condition described in section  
19 5(a)(2)(A)(i), and shall”.

20 **SEC. 207. DISPOSITION OF REVENUES.**

21 Section 9 of the Outer Continental Shelf Lands Act  
22 (43 U.S.C. 1338), is amended to read as follows:

23 **“SEC. 9. DISPOSITION OF REVENUES.**

24 “(a) **GENERAL.**—Except as provided in subsections  
25 (b), (c), and (d), all rentals, royalties, and other sums paid

1 to the Secretary or the Secretary of the Navy under any  
2 lease on the outer Continental Shelf for the period from  
3 June 5, 1950, to date, and thereafter shall be deposited  
4 in the Treasury of the United States and credited to mis-  
5 cellaneous receipts.

6 “(b) LAND AND WATER CONSERVATION FUND.—Ef-  
7 fective for fiscal year 2011 and each fiscal year thereafter,  
8 \$900,000,000 of the amounts referred to in subsection (a)  
9 shall be deposited in the Treasury of the United States  
10 and credited to the Land and Water Conservation Fund.  
11 These sums shall be available to the Secretary, without  
12 further appropriation or fiscal year limitation, for carrying  
13 out the purposes of the Land and Water Conservation  
14 Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

15 “(c) HISTORIC PRESERVATION FUND.—Effective for  
16 fiscal year 2011 and each fiscal year thereafter,  
17 \$150,000,000 of the amounts referred to in subsection (a)  
18 shall be deposited in the Treasury of the United States  
19 and credited to the Historic Preservation Fund. These  
20 sums shall be available to the Secretary, without further  
21 appropriation or fiscal year limitation, for carrying out the  
22 purposes of the National Historic Preservation Fund Act  
23 of 1966 (16 U.S.C. 470 et seq.).

24 “(d) OCEAN RESOURCES CONSERVATION AND AS-  
25 SISTANCE FUND.—Effective for each fiscal year 2011 and

1 thereafter, 10 percent of the amounts referred to in sub-  
2 section (a) shall be deposited in the Treasury of the  
3 United States and credited to the Ocean Resources Con-  
4 servation and Assistance Fund established by the Consoli-  
5 dated Land, Energy, and Aquatic Resources Act of 2010.  
6 These sums shall be available to the Secretary, without  
7 further appropriation or fiscal year limitation, for carrying  
8 out the purposes of section 605 of the Consolidated Land,  
9 Energy, and Aquatic Resources Act of 2010.

10 “(e) SAVINGS PROVISION.—Nothing in this section  
11 shall decrease the amount any State shall receive pursuant  
12 to section 8(g) of this Act or section 105 of the Gulf of  
13 Mexico Energy Security Act (43 U.S.C. 1331 note).”

14 **SEC. 208. EXPLORATION PLANS.**

15 (a) LIMITATION ON HARM FROM AGENCY EXPLO-  
16 RATION.—Section 11(a)(1) of the Outer Continental Shelf  
17 Lands Act (43 U.S.C. 1340(a)(1)) is amended by striking  
18 “unduly harmful to” and inserting “likely to harm”.

19 (b) EXPLORATION PLAN REVIEW.—Section 11(c) of  
20 the Outer Continental Shelf Lands Act (43 U.S.C.  
21 1340(c)), is amended—

22 (1) by inserting “(A)” before the first sentence;

23 (2) in paragraph (1)(A), as designated by the  
24 amendment made by paragraph (1) of this sub-  
25 section—

1 (A) by striking “and the provisions of such  
2 lease” and inserting “the provisions of such  
3 lease, and other applicable environmental and  
4 natural resource conservation laws”; and

5 (B) by striking the fourth sentence and in-  
6 serting the following:

7 “(B) The Secretary shall approve such  
8 plan, as submitted or modified, within 90 days  
9 after its submission and it is made publicly ac-  
10 cessible by the Secretary, or within such addi-  
11 tional time as the Secretary determines is nec-  
12 essary to complete any environmental, safety, or  
13 other reviews, if the Secretary determines  
14 that—

15 “(i) any proposed activity under such  
16 plan is not likely to result in any condition  
17 described in section 5(a)(2)(A)(i);

18 “(ii) the plan complies with other ap-  
19 plicable environmental or natural resource  
20 conservation laws; and

21 “(iii) the applicant has demonstrated  
22 the capability and technology to respond  
23 immediately and effectively to a worst-case  
24 oil spill in real-world conditions in the area  
25 of the proposed activity.”; and

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

2 “(5) If the Secretary requires greater than 90  
3 days to review an exploration plan submitted pursu-  
4 ant to any oil and gas lease issued or maintained  
5 under this Act, then the Secretary may provide for  
6 a suspension of that lease pursuant to section 5  
7 until the review of the exploration plan is com-  
8 pleted.”.

9 (c) REQUIREMENTS.—Section 11(c) of the Outer  
10 Continental Shelf Lands Act (43 U.S.C. 1340(c), is  
11 amended by amending paragraph (3) to read as follows:

12 “(3) An exploration plan submitted under this  
13 subsection shall include, in the degree of detail that  
14 the Secretary may by regulation require—

15 “(A) a schedule of anticipated exploration  
16 activities to be undertaken;

17 “(B) a detailed and accurate description of  
18 equipment to be used for such activities, includ-  
19 ing—

20 “(i) a description of each drilling unit;

21 “(ii) a statement of the design and  
22 condition of major safety-related pieces of  
23 equipment, including independent third  
24 party certification of such equipment; and

1                   “(iii) a description of any new tech-  
2                   nology to be used;

3                   “(C) a map showing the location of each  
4                   well to be drilled;

5                   “(D) a scenario for the potential blowout  
6                   of the well involving the highest potential vol-  
7                   ume of liquid hydrocarbons, along with a com-  
8                   plete description of a response plan to both con-  
9                   trol the blowout and manage the accompanying  
10                  discharge of hydrocarbons, including the likeli-  
11                  hood for surface intervention to stop the blow-  
12                  out, the availability of a rig to drill a relief well,  
13                  an estimate of the time it would take to drill a  
14                  relief well, a description of other technology  
15                  that may be used to regain control of the well  
16                  or capture escaping hydrocarbons and the po-  
17                  tential timeline for using that technology for its  
18                  intended purpose, and the strategy, organiza-  
19                  tion, and resources necessary to avoid harm to  
20                  the environment and human health from hydro-  
21                  carbons;

22                  “(E) an analysis of the potential impacts  
23                  of the worst-case-scenario discharge of hydro-  
24                  carbons on the marine, coastal, and human en-



1           vironments for activities conducted pursuant to  
2           the proposed exploration plan; and

3                   “(F) such other information deemed perti-  
4                   nent by the Secretary.”.

5           (d) DRILLING PERMITS.—Section 11(d) of the Outer  
6 Continental Shelf Lands Act (43 U.S.C. 1340(d)) is  
7 amended by to read as follows:

8           “(d) DRILLING PERMITS.—

9                   “(1) IN GENERAL.—The Secretary shall, by  
10 regulation, require that any lessee operating under  
11 an approved exploration plan obtain a permit prior  
12 to drilling any well in accordance with such plan,  
13 and prior to any significant modification of the well  
14 design as originally approved by the Secretary.

15                   “(2) ENGINEERING REVIEW REQUIRED.—The  
16 Secretary may not grant any drilling permit or  
17 modification of the permit prior to completion of a  
18 full engineering review of the well system, including  
19 a determination that critical safety systems, includ-  
20 ing blowout prevention, will utilize best available  
21 technology and that blowout prevention systems will  
22 include redundancy and remote triggering capability.

23                   “(3) OPERATOR SAFETY AND ENVIRONMENTAL  
24 MANAGEMENT REQUIRED.—The Secretary shall not  
25 grant any drilling permit or modification of the per-

1       mit prior to completion of a safety and environ-  
2       mental management plan to be utilized by the oper-  
3       ator during all well operations.”.

4       (e) EXPLORATION PERMIT REQUIREMENTS.—Sec-  
5       tion 11(g) of the Outer Continental Shelf Lands Act (43  
6       U.S.C. 1340(g)) is amended by—

7           (1) striking “shall be issued” and inserting  
8       “may be issued”;

9           (2) inserting “and after consultation with the  
10       Secretary of Commerce,” after “in accordance with  
11       regulations issued by the Secretary”;

12          (3) striking the “and” at the end of paragraph  
13       (2);

14          (4) in paragraph (3) striking “will not be un-  
15       duly harmful to” and inserting “is not likely to  
16       harm”;

17          (5) striking the period at the end of paragraph  
18       (3) and inserting a semicolon; and

19          (6) adding at the end the following:

20           “(4) the exploration will be conducted in ac-  
21       cordance with other applicable environmental and  
22       natural resource conservation laws;

23           “(5) in the case of geophysical surveys, the ap-  
24       plicant shall use the best available technologies and  
25       methods to minimize impacts on marine life; and

1           “(6) in the case of drilling operations, the appli-  
2           cant has available oil spill response and clean-up  
3           equipment and technology that has been dem-  
4           onstrated to be capable of effectively remediating a  
5           worst-case release of oil.”.

6           (f) ENVIRONMENTAL REVIEW OF PLANS; DEEP-  
7           WATER PLAN; PLAN DISAPPROVAL.—Section 11 of the  
8           Outer Continental Shelf Lands Act (43 U.S.C. 1340) is  
9           amended by adding at the end the following:

10          “(i) ENVIRONMENTAL REVIEW OF PLANS.—The Sec-  
11          retary shall treat the approval of an exploration plan, or  
12          a significant revision of such a plan, as an agency action  
13          requiring preparation of an environmental assessment or  
14          environmental impact statement in accordance with the  
15          National Environmental Policy Act of 1969 (42 U.S.C.  
16          4321 et seq.), and shall require that such plan—

17                 “(1) be based on the best available technology  
18                 to ensure safety in carrying out both the drilling of  
19                 the well and any oil spill response; and

20                 “(2) contain a technical systems analysis of the  
21                 safety of the proposed activity, the blowout preven-  
22                 tion technology, and the blowout and spill response  
23                 plans.

24          “(j) DISAPPROVAL OF PLAN.—

1           “(1) IN GENERAL.—The Secretary shall dis-  
2           approve the plan if the Secretary determines, be-  
3           cause of exceptional geological conditions in the  
4           lease areas, exceptional resource values in the ma-  
5           rine or coastal environment, or other exceptional cir-  
6           cumstances, that—

7                   “(A) implementation of the plan would  
8                   probably cause serious harm or damage to life  
9                   (including fish and other aquatic life), to prop-  
10                  erty, to any mineral deposits (in areas leased or  
11                  not leased), to the national security or defense,  
12                  or to the marine, coastal, or human environ-  
13                  ments;

14                  “(B) the threat of harm or damage will  
15                  not disappear or decrease to an acceptable ex-  
16                  tent within a reasonable period of time; and

17                  “(C) the advantages of disapproving the  
18                  plan outweigh the advantages of exploration.

19           “(2) CANCELLATION OF LEASE FOR DIS-  
20           APPROVAL OF PLAN.—If a plan is disapproved under  
21           this subsection, the Secretary may cancel such lease  
22           in accordance with subsection (c)(1) of this sec-  
23           tion.”.

1 **SEC. 209. OUTER CONTINENTAL SHELF LEASING PROGRAM.**

2 Section 18 of the Outer Continental Shelf Lands Act  
3 (43 U.S.C. 1344) is amended—

4 (1) in subsection (a) in the second sentence by  
5 striking “meet national energy needs” and inserting  
6 “balance national energy needs and the protection of  
7 the marine and coastal environment and all the re-  
8 sources in that environment,”;

9 (2) in subsection (a)(1), by striking “considers”  
10 and inserting “gives equal consideration to”;

11 (3) in subsection (a)(2)(A)—

12 (A) by striking “existing” and inserting  
13 “the best available scientific”; and

14 (B) by inserting “, including at least three  
15 consecutive years of data” after “information”;

16 (4) in subsection (a)(2)(D), by inserting “, po-  
17 tential and existing sites of renewable energy instal-  
18 lations,” after “deepwater ports”;

19 (5) in subsection (a)(3), by—

20 (A) striking “to the maximum extent prac-  
21 ticable,”;

22 (B) striking “obtain a proper balance be-  
23 tween” and inserting “minimize”; and

24 (C) striking “damage,” and all that follows  
25 through the period and inserting “damage and  
26 adverse impacts on the marine, coastal, and

1 human environments, and enhancing the poten-  
2 tial for the discovery of oil and gas.”;

3 (6) in subsection (b)(1), by inserting “environ-  
4 mental, marine, and energy” after “obtain”;

5 (7) in subsection (b)(2), by inserting “environ-  
6 mental, marine, and” after “interpret the”;

7 (8) in subsection (b)(3), by striking “and” after  
8 the semicolon at the end;

9 (9) by striking the period at the end of sub-  
10 section (b)(4) and inserting a semicolon; and

11 (10) by adding at the end of subsection (b) the  
12 following:

13 “(5) provide technical review and oversight of  
14 exploration plans and a systems review of the safety  
15 of well designs and other operational decisions;

16 “(6) conduct regular and thorough safety re-  
17 views and inspections; and

18 “(7) enforce all applicable laws and regula-  
19 tions.”;

20 (11) in the first sentence of subsection (c)(1),  
21 by inserting “the National Oceanic and Atmospheric  
22 Administration and” after “including”;

23 (12) in subsection (c)(2)—

24 (A) by inserting after the first sentence the  
25 following: “The Secretary shall also submit a

1 copy of such proposed program to the head of  
2 each Federal agency referred to in, or that oth-  
3 erwise provided suggestions under, para-  
4 graph(1).”;

5 (B) in the third sentence, by inserting “or  
6 head of a Federal agency” after “such Gov-  
7 ernor”; and

8 (C) in the fourth sentence, by inserting “or  
9 between the Secretary and the head of a Fed-  
10 eral agency,” after “affected State,”;

11 (13) in the second sentence of subsection  
12 (d)(2), by inserting “, the head of a Federal agen-  
13 cy,” after “Attorney General”;

14 (14) in subsection (g), by inserting after the  
15 first sentence the following: “Such information may  
16 include existing inventories and mapping of marine  
17 resources previously undertaken by the Department  
18 of the Interior and the National Oceanic and Atmos-  
19 pheric Administration, information provided by the  
20 Department of Defense, and other available data re-  
21 garding energy or mineral resource potential, navi-  
22 gation uses, fisheries, aquaculture uses, recreational  
23 uses, habitat, conservation, and military uses on the  
24 outer Continental Shelf.”; and

1           (15) by adding at the end the following new  
2       subsection:

3       “(i) **RESEARCH AND DEVELOPMENT.**—The Secretary  
4 shall carry out a program of research and development  
5 to ensure the continued improvement of methodologies for  
6 characterizing resources of the outer Continental Shelf  
7 and conditions that may affect the ability to develop and  
8 use those resources in a safe, sound, and environmentally  
9 responsible manner. Such research and development ac-  
10 tivities may include activities to provide accurate estimates  
11 of energy and mineral reserves and potential on the Outer  
12 Continental Shelf and any activities that may assist in fill-  
13 ing gaps in environmental data needed to develop each  
14 leasing program under this section.”.

15 **SEC. 210. ENVIRONMENTAL STUDIES.**

16       (a) **INFORMATION NEEDED FOR ASSESSMENT AND**  
17 **MANAGEMENT OF ENVIRONMENTAL IMPACTS.**—Section  
18 20 of the Outer Continental Shelf Lands Act (43 U.S.C.  
19 1346) is amended by striking so much as precedes sub-  
20 section (a)(2) and inserting the following:

21 **“SEC. 20. ENVIRONMENTAL STUDIES.**

22       “(a)(1) The Secretary, in cooperation with the Sec-  
23 retary of Commerce, shall conduct a study no less than  
24 once every three years of any area or region included in  
25 any oil and gas lease sale or other lease in order to estab-



1 lish information needed for assessment and management  
2 of environmental impacts on the human, marine, and  
3 coastal environments of the outer Continental Shelf and  
4 the coastal areas which may be affected by oil and gas  
5 or other mineral development in such area or region.”.

6 (b) IMPACTS OF DEEP WATER SPILLS.—Section 20  
7 of the Outer Continental Shelf Lands Act (43 U.S.C.  
8 1346) is amended by—

9 (1) redesignating subsections (e) through (f) as  
10 (d) through (g); and

11 (2) inserting after subsection (b) the following  
12 new subsection:

13 “(c) The Secretary shall conduct research to identify  
14 and reduce data gaps related to impacts of deep water  
15 hydrocarbon spills, including—

16 “(1) effects to benthic substrate communities  
17 and species;

18 “(2) water column habitats and species;

19 “(3) surface and coastal impacts from spills  
20 originating in deep waters; and

21 “(4) the use of dispersants.”.

22 **SEC. 211. SAFETY REGULATIONS.**

23 Section 21 of the Outer Continental Shelf Lands Act  
24 (43 U.S.C. 1347) is amended—

1           (1) in subsection (a), by striking “Upon the  
2           date of enactment of this section,” and inserting  
3           “Within 6 months after the date of enactment of the  
4           Outer Continental Shelf Lands Act Amendments of  
5           2010 and every three years thereafter,”;

6           (2) in subsection (b) by—

7                   (A) striking “for the artificial islands, in-  
8                   stallations, and other devices referred to in sec-  
9                   tion 4(a)(1) of” and inserting “under”;

10                   (B) striking “which the Secretary deter-  
11                   mines to be economically feasible”; and

12                   (C) adding at the end “Not later than 6  
13                   months after the date of enactment of the  
14                   Outer Continental Shelf Lands Act Amend-  
15                   ments of 2010 and every 3 years thereafter, the  
16                   Secretary shall identify and publish an updated  
17                   list of best available technologies for key areas  
18                   of well design and operation, including blowout  
19                   prevention and blowout and oil spill response.”;  
20                   and

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

22           “(g) SAFETY CASE.—Not later than 6 months after  
23           the date of enactment of the Outer Continental Shelf  
24           Lands Act Amendments of 2010, the Secretary shall pro-  
25           mulgate regulations requiring a safety case be submitted

1 along with each new application for a permit to drill on  
2 the outer Continental Shelf. Not later than 5 years after  
3 the date final regulations promulgated under this sub-  
4 section go into effect, and not less than every 5 years  
5 thereafter, the Secretary shall enter into an arrangement  
6 with the National Academy of Engineering to conduct a  
7 study to assess the effectiveness of these regulations and  
8 to recommend improvements in their administration.

9 “(h) OFFSHORE TECHNOLOGY RESEARCH AND RISK  
10 ASSESSMENT PROGRAM.—

11 “(1) IN GENERAL.—The Secretary shall carry  
12 out a program of research, development, and risk as-  
13 sessment to address technology and development  
14 issues associated with exploration for, and develop-  
15 ment and production of, energy and mineral re-  
16 sources on the outer Continental Shelf, with the pri-  
17 mary purpose of informing its role relating to safety,  
18 environmental protection, and spill response.

19 “(2) SPECIFIC FOCUS AREAS.—The program  
20 under this subsection shall include research and de-  
21 velopment related to—

22 “(A) risk assessment, using all available  
23 data from safety and compliance records both  
24 within the United States and internationally;

1           “(B) analysis of industry trends in tech-  
2 nology, investment, and frontier areas;

3           “(C) reviews of best available technologies,  
4 including those associated with pipelines, blow-  
5 out preventer mechanisms, casing, well design,  
6 and other associated infrastructure related to  
7 offshore energy development;

8           “(D) oil spill response and mitigation;

9           “(E) risk associated with human factors;

10           “(F) technologies and methods to reduce  
11 the impact of geophysical exploration activities  
12 on marine life; and

13           “(G) renewable energy operations.”.

14 **SEC. 212. ENFORCEMENT OF SAFETY AND ENVIRON-**  
15 **MENTAL REGULATIONS.**

16       Section 22 of the Outer Continental Shelf Lands Act  
17 (43 U.S.C. 1348) is amended—

18           (1) by amending subsection (c) to read as fol-  
19 lows:

20       “(c) INSPECTIONS.—The Secretary and the Secretary  
21 of the department in which the Coast Guard is operating  
22 shall individually, or jointly if they so agree, promulgate  
23 regulations to provide for

24           “(1) scheduled onsite inspection, at least once a  
25 year, of each facility on the outer Continental Shelf

1 which is subject to any environmental or safety regu-  
2 lation promulgated pursuant to this Act, which in-  
3 spection shall include all safety equipment designed  
4 to prevent or ameliorate blowouts, fires, spillages, or  
5 other major accidents;

6 “(2) scheduled onsite inspection, at least once a  
7 month, of each facility on the outer Continental  
8 Shelf engaged in drilling operations and which is  
9 subject to any environmental or safety regulation  
10 promulgated pursuant to this Act, which inspection  
11 shall include all safety equipment designed to pre-  
12 vent or ameliorate blowouts, fires, spillages, or other  
13 major accidents;

14 “(3) periodic onsite inspection without advance  
15 notice to the operator of such facility to assure com-  
16 pliance with such environmental or safety regula-  
17 tions; and

18 “(4) periodic audits of each required safety and  
19 environmental management plan, and any associated  
20 safety case, both with respect to their implementa-  
21 tion at each facility on the outer Continental Shelf  
22 for which such a plan or safety case is required and  
23 with respect to onshore management support for ac-  
24 tivities at such a facility.”;

25 (2) in subsection (d)(1)—

1 (A) by striking “each major fire and each  
2 major oil spillage” and inserting “each major  
3 fire, each major oil spillage, each loss of well  
4 control, and any other accident that presented  
5 a serious risk to human or environmental safe-  
6 ty”; and

7 (B) by inserting before the period at the  
8 end the following: “, as a condition of the lease  
9 or permit”;

10 (3) in subsection (d)(2), by inserting before the  
11 period at the end the following: “as a condition of  
12 the lease or permit”;

13 (4) in subsection (e), by adding at the end the  
14 following: “Any such allegation from any employee  
15 of the lessee or any subcontractor of the lessee shall  
16 be investigated by the Secretary.”;

17 (5) in subsection (b)(1), by striking “recog-  
18 nized” and inserting “uncontrolled”; and

19 (6) by adding at the end the following:

20 “(g) INFORMATION ON CAUSES AND CORRECTIVE  
21 ACTIONS.—For any incident investigated under this sec-  
22 tion, the Secretary shall promptly make available to all  
23 lessees and the public technical information about the  
24 causes and corrective actions taken. All data and reports

1 related to any such incident shall be maintained in a data  
2 base available to the public.

3 “(h) OPERATOR’S ANNUAL CERTIFICATION.—

4 “(1) The Secretary, in cooperation with the  
5 Secretary of the department in which the Coast  
6 Guard is operating, shall require all operators of all  
7 new and existing drilling and production operations  
8 to annually certify that their operations are being  
9 conducted in accordance with applicable law and reg-  
10 ulations.

11 “(2) Each certification shall include, but, not be  
12 limited to, statements that verify the operator has—

13 “(A) examined all well control system  
14 equipment (both surface and subsea) being used  
15 to ensure that it has been properly maintained  
16 and is capable of shutting in the well during  
17 emergency operations;

18 “(B) examined and conducted tests to en-  
19 sure that the emergency equipment has been  
20 function-tested and is capable of addressing  
21 emergency situations;

22 “(C) reviewed all rig drilling, casing, ce-  
23 menting, well abandonment (temporary and  
24 permanent), completion, and workover practices  
25 to ensure that well control is not compromised

1 at any point while emergency equipment is in-  
2 stalled on the wellhead;

3 “(D) reviewed all emergency shutdown and  
4 dynamic positioning procedures that interface  
5 with emergency well control operations; and

6 “(E) taken the necessary steps to ensure  
7 that all personnel involved in well operations  
8 are properly trained and capable of performing  
9 their tasks under both normal drilling and  
10 emergency well control operations.

11 “(i) CEO ANNUAL CERTIFICATION.—Operators of all  
12 drilling and production operations shall annually submit  
13 to the Secretary a general statement by the operator’s  
14 chief executive officer that certifies to the operators’ com-  
15 pliance with all applicable laws and operating regulations.

16 “(j) THIRD PARTY CERTIFICATION.—All operators  
17 that modify or upgrade any emergency equipment placed  
18 on any operation to prevent blow-outs or other well control  
19 events, shall have an independent third party conduct a  
20 detailed physical inspection and design review of such  
21 equipment within 30-days of its installation. The inde-  
22 pendent third party shall certify that the equipment will  
23 operate as originally designed and any modifications or  
24 upgrades conducted after delivery have not compromised  
25 the design, performance or functionality of the equipment.



1 Failure to comply with this subsection shall result in sus-  
2 pension of the lease.”.

3 **SEC. 213. JUDICIAL REVIEW.**

4 Section 23(c)(3) of the Outer Continental Shelf  
5 Lands Act (43 U.S.C. 1349(c)(3)) is amended by striking  
6 “sixty” and inserting “90”.

7 **SEC. 214. REMEDIES AND PENALTIES.**

8 (a) CIVIL PENALTY, GENERALLY.—Section 24(b) of  
9 the Outer Continental Shelf Lands Act (43 U.S.C.  
10 1350(b)) is amended to read as follows:

11 “(b)(1) Except as provided in paragraph (2), any per-  
12 son who fails to comply with any provision of this Act,  
13 or any term of a lease, license, or permit issued pursuant  
14 to this Act, or any regulation or order issued under this  
15 Act, shall be liable for a civil administrative penalty of not  
16 more than \$75,000 for each day of the continuance of  
17 such failure. The Secretary may assess, collect, and com-  
18 promise any such penalty. No penalty shall be assessed  
19 until the person charged with a violation has been given  
20 an opportunity for a hearing. The Secretary shall, by regu-  
21 lation at least every 3 years, adjust the penalty specified  
22 in this paragraph to reflect any increases in the Consumer  
23 Price Index (all items, United States city average) as pre-  
24 pared by the Department of Labor.

1       “(2) If a failure described in paragraph (1) con-  
2 stitutes or constituted a threat of harm or damage to life  
3 (including fish and other aquatic life), property, any min-  
4 eral deposit, or the marine, coastal, or human environ-  
5 ment, a civil penalty of not more than \$150,000 shall be  
6 assessed for each day of the continuance of the failure.”.

7       (b) **KNOWING AND WILLFUL VIOLATIONS.**—Section  
8 24(c) of the Outer Continental Shelf Lands Act (43  
9 U.S.C. 1350(c)) is amended in paragraph (4) by striking  
10 “\$100,000” and inserting “\$10,000,000”.

11       (c) **OFFICERS AND AGENTS OF CORPORATIONS.**—  
12 Section 24(d) of the Outer Continental Shelf Lands Act  
13 (43 U.S.C. 1350(d)) is amended by inserting “, or with  
14 willful disregard,” after “knowingly and willfully”.

15 **SEC. 215. UNIFORM PLANNING FOR OUTER CONTINENTAL**  
16 **SHELF.**

17       Section 25 of the Outer Continental Shelf Lands Act  
18 (43 U.S.C. 1351) is amended—

19           (1) by striking “other than the Gulf of Mexico,”  
20 in each place it appears;

21           (2) in subsection (c), by striking “and” after  
22 the semicolon at the end of paragraph (5), redesignig-  
23 nating paragraph (6) as paragraph (11), and insert-  
24 ing after paragraph (5) the following new para-  
25 graphs:

1           “(6) a detailed and accurate description of  
2           equipment to be used for the drilling of wells pursu-  
3           ant to activities included in the development and  
4           production plan, including—

5                   “(A) a description of the drilling unit or  
6           units;

7                   “(B) a statement of the design and condi-  
8           tion of major safety-related pieces of equip-  
9           ment, including independent third-party certifi-  
10          cation of such equipment; and

11                   “(C) a description of any new technology  
12          to be used;

13          “(7) a scenario for the potential blowout of  
14          each well to be drilled as part of the plan involving  
15          the highest potential volume of liquid hydrocarbons,  
16          along with a complete description of a response plan  
17          to both control the blowout and manage the accom-  
18          panying discharge of hydrocarbons, including the  
19          likelihood for surface intervention to stop the blow-  
20          out, the availability of a rig to drill a relief well, an  
21          estimate of the time it would take to drill a relief  
22          well, a description of other technology that may be  
23          used to regain control of the well or capture escap-  
24          ing hydrocarbons and the potential timeline for  
25          using that technology for its intended purpose, and

1 the strategy, organization, and resources necessary  
2 to avoid harm to the environment and human health  
3 from hydrocarbons;

4 “(8) an analysis of the potential impacts of the  
5 worst-case-scenario discharge on the marine, coastal,  
6 and human environments for activities conducted  
7 pursuant to the proposed development and produc-  
8 tion plan;

9 “(9) a comprehensive survey and characteriza-  
10 tion of the coastal or marine environment within the  
11 area of operation, including bathymetry, currents  
12 and circulation patterns within the water column,  
13 and descriptions of benthic and pelagic environ-  
14 ments;

15 “(10) a description of the technologies to be de-  
16 ployed on the facilities to routinely observe and mon-  
17 itor in real time the marine environment throughout  
18 the duration of operations, and a description of the  
19 process by which such observation data and informa-  
20 tion will be made available to Federal regulators and  
21 to the System established under section 12304 of  
22 Public Law 111–11 (33 U.S.C. 3603); and”;

23 (3) in subsection (e), by striking so much as  
24 precedes paragraph (2) and inserting the following:

1       “(e)(1) The Secretary shall treat the approval of a  
2 development and production plan, or a significant revision  
3 of a development and production plan, as an agency action  
4 requiring preparation of an environmental assessment or  
5 environmental impact statement, in accordance with the  
6 National Environmental Policy Act of 1969 (42 U.S.C.  
7 4321 et seq.).”;

8               (4) by striking subsections (g) and (l), and re-  
9 designating subsections (h) through (k) as sub-  
10 sections (g) through and (j); and

11              (5) in subsection (g), as so redesignated, by re-  
12 designating paragraphs (2) and (3) as paragraphs  
13 (3) and (4), respectively, and inserting after para-  
14 graph (1) the following:

15              “(2) The Secretary shall not approve a develop-  
16 ment and production plan, or a significant revision  
17 to such a plan, unless—

18                      “(A) the plan is in compliance with all  
19 other applicable environmental and natural re-  
20 source conservation laws; and

21                      “(B) the applicant has available oil spill re-  
22 sponse and clean-up equipment and technology  
23 that has been demonstrated to be capable of ef-  
24 fectively remediating the projected worst-case

1 release of oil from activities conducted pursuant  
2 to the development and production plan.”.

3 **SEC. 216. OIL AND GAS INFORMATION PROGRAM.**

4 Section 26(a)(1) of the Outer Continental Shelf  
5 Lands Act (43 U.S.C. 1352(a)(1)) is amended by—

6 (1) striking the period at the end of subpara-  
7 graph (A) and inserting, “, provided that such data  
8 shall be transmitted in electronic format either in  
9 real-time or as quickly as practicable following the  
10 generation of such data.”; and

11 (2) striking subparagraph (C) and inserting the  
12 following:

13 “(C) Lessees engaged in drilling operations  
14 shall provide to the Secretary all daily reports  
15 generated by the lessee, or any daily reports  
16 generated by contractors or subcontractors en-  
17 gaged in or supporting drilling operations on  
18 the lessee’s lease, no more than 24 hours after  
19 the end of the day for which they should have  
20 been generated.”.

21 **SEC. 217. LIMITATION ON ROYALTY-IN-KIND PROGRAM.**

22 Section 27(a) of the Outer Continental Shelf Lands  
23 Act (43 U.S.C. 1353(a)) is amended by striking the period  
24 at the end of paragraph (1) and inserting “, except that

1 the Secretary shall not conduct a regular program to take  
2 oil and gas lease royalties in oil or gas.”.

3 **SEC. 218. RESTRICTIONS ON EMPLOYMENT.**

4 Section 29 of the Outer Continental Shelf Lands Act  
5 (43 U.S.C. 1355) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by striking “SEC. 29” and all that fol-  
8 lows through “No full-time” and inserting the  
9 following:

10 **“SEC. 29. RESTRICTIONS ON EMPLOYMENT.**

11 “(a) IN GENERAL.—No full-time”; and

12 (B) by striking “, and who was at any  
13 time during the twelve months preceding the  
14 termination of his employment with the Depart-  
15 ment compensated under the Executive Sched-  
16 ule or compensated at or above the annual rate  
17 of basic pay for grade GS-16 of the General  
18 Schedule”;

19 (2) in paragraph (1)—

20 (A) in subparagraph (A), by inserting “or  
21 advise” after “represent”;

22 (B) in subparagraph (B), by striking “with  
23 the intent to influence, make” and inserting  
24 “act with the intent to influence, directly or in-  
25 directly, or make”; and

1 (C) in the matter following subparagraph

2 (C)—

3 (i) by inserting “inspection or enforce-  
4 ment action,” before “or other particular  
5 matter”; and

6 (ii) by striking “or” at the end;

7 (3) in paragraph (2)—

8 (A) in subparagraph (A), by inserting “or  
9 advise” after “represent”;

10 (B) in subparagraph (B), by striking “with  
11 the intent to influence, make” and inserting  
12 “act with the intent to influence, directly or in-  
13 directly, or make”; and

14 (C) by striking the period at the end and  
15 inserting “; or”; and

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

17 “(3) during the 2-year period beginning on the  
18 date on which the employment of the officer or em-  
19 ployee ceased at the Department, accept employment  
20 or compensation from any party that has a direct  
21 and substantial interest—

22 “(A) that was pending under the official  
23 responsibility of the officer or employee as an  
24 officer at any point during the 2-year period



1 preceding the date of termination of the respon-  
2 sibility; or

3 “(B) in which the officer or employee par-  
4 ticipated personally and substantially as an offi-  
5 cer or employee of the Department.

6 “(b) PRIOR DEALINGS.—No full-time officer or em-  
7 ployee of the Department of the Interior who directly or  
8 indirectly discharged duties or responsibilities under this  
9 Act shall participate personally and substantially as a  
10 Federal officer or employee, through decision, approval,  
11 disapproval, recommendation, the rendering of advice, in-  
12 vestigation, or otherwise, in a proceeding, application, re-  
13 quest for a ruling or other determination, contract, claim,  
14 controversy, charge, accusation, inspection, enforcement  
15 action, or other particular matter in which, to the knowl-  
16 edge of the officer or employee—

17 “(1) the officer or employee or the spouse,  
18 minor child, or general partner of the officer or em-  
19 ployee has a financial interest;

20 “(2) any organization in which the officer or  
21 employee is serving as an officer, director, trustee,  
22 general partner, or employee has a financial interest;

23 “(3) any person or organization with whom the  
24 officer or employee is negotiating or has any ar-

1       rangement concerning prospective employment has a  
2       financial interest; or

3               “(4) any person or organization in which the of-  
4       ficer or employee has, within the preceding 1-year  
5       period, served as an officer, director, trustee, general  
6       partner, agent, attorney, consultant, contractor, or  
7       employee.

8       “(c) GIFTS FROM OUTSIDE SOURCES.—No full-time  
9       officer or employee of the Department of the Interior who  
10      directly or indirectly discharges duties or responsibilities  
11      under this Act shall, directly or indirectly, solicit or accept  
12      any gift in violation of subpart B of part 2635 of title  
13      5, Code of Federal Regulations (or successor regulations).

14      “(d) PENALTY.—Any person that violates subsection  
15      (a) or (b) shall be punished in accordance with section  
16      216 of title 18, United States Code.”.

17      **SEC. 219. REPEAL OF ROYALTY RELIEF PROVISIONS.**

18      (a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT  
19      OF 2005.—The following provisions of the Energy Policy  
20      Act of 2005 (Public Law 109–58) are repealed:

21              (1) Section 344 (42 U.S.C. 15904; relating to  
22      incentives for natural gas production from deep wells  
23      in shallow waters of the Gulf of Mexico).

1           (2) Section 345 (42 U.S.C. 15905; relating to  
2           royalty relief for deep water production in the Gulf  
3           of Mexico).

4           (b) REPEAL OF PROVISIONS RELATING TO PLAN-  
5           NING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of  
6           the Outer Continental Shelf Lands Act (43 U.S.C.  
7           1337(a)(3)(B)) is amended by striking “and in the Plan-  
8           ning Areas offshore Alaska”.

9           **SEC. 220. MANNING AND BUY- AND BUILD-AMERICAN RE-**  
10           **QUIREMENTS.**

11           Section 30 of the Outer Continental Shelf Lands Act  
12           (43 U.S.C. 1356) is amended—

13           (1) in subsection (a), by striking “shall issue  
14           regulations which” and inserting “shall issue regula-  
15           tions that shall be supplemental to and complemen-  
16           tary with and under no circumstances a substitution  
17           for the provisions of the Constitution and laws of the  
18           United States extended to the subsoil and seabed of  
19           the outer Continental Shelf pursuant to section  
20           4(a)(1) of this Act, except insofar as such laws  
21           would otherwise apply to individuals who have ex-  
22           traordinary ability in the sciences, arts, education,  
23           or business, which has been demonstrated by sus-  
24           tained national or international acclaim, and that”;  
25           and

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

2 “(d) BUY AND BUILD AMERICAN.—It is the intention  
3 of the Congress that this Act, among other things, result  
4 in a healthy and growing American industrial, manufac-  
5 turing, transportation, and service sector employing the  
6 vast talents of America’s workforce to assist in the devel-  
7 opment of energy from the outer Continental Shelf. More-  
8 over, the Congress intends to monitor the deployment of  
9 personnel and material on the outer Continental Shelf to  
10 encourage the development of American technology and  
11 manufacturing to enable United States workers to benefit  
12 from this Act by good jobs and careers, as well as the  
13 establishment of important industrial facilities to support  
14 expanded access to American resources.”.

15 **Subtitle B—Safety, Environmental,**  
16 **and Financial Reform of the**  
17 **Federal Onshore Oil and Gas**  
18 **Leasing Program**

19 **SEC. 231. DILIGENT DEVELOPMENT.**

20 (a) REGULATIONS.—The Secretary shall issue regula-  
21 tions within one year after the date of enactment of this  
22 Act that define “diligent development” for purposes of all  
23 new leases issued under the Mineral Leasing Act (30  
24 U.S.C. 181 et seq.) and all new leases issued under the

1 Outer Continental Shelf Lands Act (43 U.S.C. 1331 et  
2 seq.). Such regulations shall—

3 (1) include benchmarks for oil and gas develop-  
4 ment that will ensure that leaseholders take all ap-  
5 propriate measures necessary to produce oil and gas  
6 from each lease that contains commercial quantities  
7 of oil and gas within the original term of the lease;

8 (2) require each leaseholder to submit to the  
9 Secretary a diligent development plan showing how  
10 the lessee will meet the benchmarks;

11 (3) provide accommodation for development  
12 delays, including lease suspensions, directed by the  
13 Secretary that restrict diligent development in order  
14 to meet environmental stipulations and consider-  
15 ations; and

16 (4) require submission of diligent development  
17 plans in an electronic format proscribed by the Sec-  
18 retary, which the Secretary shall make available for  
19 public review.

20 (b) FAILURE TO COMPLY WITH REQUIREMENTS.—

21 If any person fails to comply with the requirements of any  
22 regulation issued under this section, or any order issued  
23 to implement such a regulation, with respect to a lease,  
24 such lease may be terminated by the Secretary.

1 **SEC. 232. REPORTING REQUIREMENTS.**

2 (a) BIENNIAL REPORTS.—The Secretary shall re-  
3 quire biennial reports from each Federal oil and gas les-  
4 see that holds a nonproducing lease on the actions the les-  
5 see has taken to diligently develop each Federal lease the  
6 lessee holds.

7 (b) ELECTRONIC DATABASE.—The Secretary shall  
8 establish and maintain an electronic database that is avail-  
9 able to the public that identifies each Federal oil and gas  
10 lease, each lessee under such lease, the acreage held by  
11 each such lessee, and the progress made toward produc-  
12 tion under each such lease.

13 **SEC. 233. NOTICE REQUIREMENTS.**

14 Section 17(f) of the Mineral Leasing Act (30 U.S.C.  
15 226(f)) is amended—

16 (1) by striking all through the first 2 sentences  
17 and inserting the following:

18 “(f)(1) At least 45 days before offering lands for  
19 lease under this section, and at least 30 days before ap-  
20 proving applications for permits to drill under the provi-  
21 sions of a lease or substantially modifying the terms of  
22 any lease issued under this section, the secretary shall pro-  
23 vide notice of the proposed action to—

24 “(A) the general public by posting such notice  
25 in the appropriate local office and on the electronic

1 website of the leasing and land management agen-  
2 cies offering the lands for lease;

3 “(B) all surface land owners in the area of the  
4 lands being offered for lease; and

5 “(C) the holders of special recreation permits  
6 for commercial use, competitive events, and other or-  
7 ganized activities on the lands being offered for  
8 lease.

9 “(2)”; and

10 (2) by designating the last sentence as para-  
11 graph (3).

12 **SEC. 234. OIL AND GAS LEASING SYSTEM.**

13 (a) ONSHORE OIL AND GAS LEASING.—Section 17(a)  
14 of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended  
15 to read as follows:

16 “(a)(1) All lands subject to disposition under this Act  
17 that are known or believed to contain oil or gas deposits  
18 may be leased by the Secretary.

19 “(2) Leasing activities under this Act shall be con-  
20 ducted to assure receipt of fair market value for the lands  
21 and resources leased and the rights conveyed by the Fed-  
22 eral Government.”.

23 (b) COMPETITIVE BIDDING.—Section 17(b) of the  
24 Mineral Leasing Act (30 U.S.C. 226(b)), is amended by

1 striking so much as precedes paragraph (2) and inserting  
2 the following:

3       “(b)(1)(A) All lands to be leased shall be leased as  
4 provided in this paragraph to the highest responsible  
5 qualified bidder by competitive bidding under general reg-  
6 ulations in units of not more than 2,560 acres, except in  
7 Alaska, where units shall be not more than 5,760 acres.  
8 Such units shall be as nearly compact as possible. Lease  
9 sales shall be conducted by sealed bid. Lease sales shall  
10 be held for a State on a statewide basis where eligible  
11 lands in such States are available no more than 3 times  
12 per year per State, unless the Secretary of the Interior  
13 determines additional sales are necessary. A lease shall be  
14 conditioned upon the payment of a royalty at a rate of  
15 not less than 12.5 percent in amount or value of the pro-  
16 duction removed or sold from the lease. The Secretary  
17 may issue a lease to the responsible qualified bidder with  
18 the highest bid that is equal to or greater than the na-  
19 tional minimum acceptable bid, with evaluation of the  
20 value of the lands proposed for lease. The Secretary shall  
21 decide whether to accept a bid and issue a lease within  
22 90 days following payment by the successful bidder of the  
23 remainder of the bonus bid, if any, and the annual rental  
24 for the first lease year. All bids for less than the national  
25 minimum acceptable bid shall be rejected.



1           “(B)(i) The national minimum acceptable bid shall  
2 be \$2.50 per acre, except that the Secretary may establish  
3 a higher minimum acceptable bid for leases of areas in  
4 a State for all leases awarded after the 2-year period be-  
5 ginning on the date of enactment of the Consolidated  
6 Land, Energy, and Aquatic Resources Act of 2010, if the  
7 Secretary finds that such a higher amount is necessary—

8                   “(I) to enhance financial returns to the United  
9 States; and

10                   “(II) to promote more efficient management of  
11 oil and gas resources on Federal lands.

12           “(ii) The proposal or promulgation of any regulation  
13 to establish a higher minimum acceptable bid for a State  
14 shall not be considered a major Federal action that is sub-  
15 ject to the requirements of section 102(2)(C) of the Na-  
16 tional Environmental Policy Act of 1969 (42 U.S.C. 2  
17 4332(2)(c)).”.

18           (c) RENTALS.—Section 17(d) of the Mineral Leasing  
19 (30 U.S.C. 226(d)) is amended to read as follows:

20           “(d)(1) During the 2-year period beginning on the  
21 date of enactment of the Consolidated Land, Energy, and  
22 Aquatic Resources Act of 2010, all leases issued under  
23 this section shall be conditioned upon payment by the les-  
24 see of a rental of not less than \$2.50 per acre per year  
25 for the first through fifth years of the lease and not less

1 than \$3 per acre per year for each year thereafter. After  
2 the end of such 2-year period, the Secretary may establish  
3 higher rental rates for all subsequent years, if the Sec-  
4 retary finds that such action is necessary—

5           “(A) to enhance financial returns to the United  
6 States; and

7           “(B) to promote more efficient management of  
8 oil and gas and alternative energy resources on Fed-  
9 eral lands.

10          “(2) A minimum royalty in lieu of rental of not less  
11 than the rental that otherwise would be required for that  
12 lease year shall be payable at the expiration of each lease  
13 year beginning on or after a discovery of oil or gas in pay-  
14 ing quantities on the land leased.”.

15          (d) ELIMINATION OF NONCOMPETITIVE LEASING.—  
16 The Mineral Leasing Act is amended—

17           (1) in section 17(b) (30 U.S.C. 226(b)), by  
18 striking paragraph (3);

19           (2) in section 17 (30 U.S.C. 226) by striking  
20 subsection (c);

21           (3) in section 17(e) (30 U.S.C. 226(e))—

22                   (A) by striking “Competitive and non-  
23 competitive leases” and inserting “Leases”; and

24                   (B) by striking “competitive”;

1 (4) in section 31(d)(1) (30 U.S.C. 188(d)(1) by  
2 striking “or section 17(e)”;

3 (5) in section 31(e) (30 U.S.C. 188(e))—

4 (A) in paragraph (2) by striking “, or the  
5 inclusion” and all that follows and inserting a  
6 semicolon; and

7 (B) in paragraph (3) by striking “(A)”  
8 and by striking subparagraph (B);

9 (6) by striking section 31(f) (30 U.S.C. 188(f));  
10 and

11 (7) in section 31(g) (30 U.S.C. 188(g))—

12 (A) in paragraph (1) by striking “a com-  
13 petitive” and all that follows through the semi-  
14 colon and inserting “in the same manner as the  
15 original lease issued pursuant to section 17;”;

16 (B) by striking paragraph (2); and

17 (C) in paragraph (3) by striking “, appli-  
18 cable to leases issued under subsection 17(e) of  
19 this Act (30 U.S.C. 226(e)) except,” and insert-  
20 ing “, except”.

21 **SEC. 235. ELECTRONIC REPORTING.**

22 (a) RIGHTS-OF-WAY.—Section 28(w) of the Mineral  
23 Leasing Act (30 U.S.C. 185(w)) is amended by adding  
24 at the end the following:

1           “(4) Upon request of a Committee listed under  
2           paragraph (2), that Committee may receive notifica-  
3           tions under this subsection in electronic format in  
4           addition to in writing, or in electronic format alone.  
5           The Committee shall designate to the Secretary the  
6           appropriate individual or individuals on the Com-  
7           mittee to receive such electronic notices.”.

8           (b) LEASE REINSTATEMENT.—Section 31(e) of the  
9           Mineral Leasing Act (30 U.S.C. 188(e)) is amended by  
10          adding at the end the following: “Upon request of such  
11          a Committee, that Committee may receive notifications  
12          under this subsection in electronic format in addition to  
13          in writing, or in electronic format alone. The Committee  
14          shall designate to the Secretary the appropriate individual  
15          or individuals on the Committee to receive such electronic  
16          notices.”.

17          **SEC. 236. BEST MANAGEMENT PRACTICES.**

18          Not later than one year after the date of enactment  
19          of this Act, the Secretary of the Interior shall promulgate  
20          final regulations that require oil and gas operators to use  
21          best management practices that ensure the sound, effi-  
22          cient, and environmentally responsible development of oil  
23          and gas on Federal lands in a manner that avoids where  
24          practical, minimizes, and mitigates actual and anticipated  
25          impacts to environmental habitat functions resulting from

1 oil and gas development. Such regulations may allow the  
2 Secretary to approve site-specific adjustments to address  
3 unique issues and circumstances, on a case-by-case basis.  
4 All such regulations shall be consistent with the United  
5 States trust responsibility to Indian tribes.

6 **SEC. 237. SURFACE DISTURBANCE, RECLAMATION.**

7 Section 17(g) of the Mineral Leasing Act (30 U.S.C.  
8 226(g)) is amended to read as follows:

9 “(g) REGULATION OF SURFACE-DISTURBING ACTIVI-  
10 TIES; APPROVAL OF PLAN OF OPERATIONS; BOND OR  
11 SURETY; FAILURE TO COMPLY WITH RECLAMATION RE-  
12 QUIREMENTS AS BARRING LEASE; OPPORTUNITY TO COM-  
13 PLY WITH REQUIREMENTS; STANDARDS; MONITORING.—

14 “(1) DEFINITIONS.—In this subsection:

15 “(A) INTERIM RECLAMATION PLAN.—The  
16 term “Interim Reclamation Plan” means an on-  
17 going plan specifying reclamation steps to be  
18 taken on all disturbed areas covered by any  
19 lease issued under this Act which are not need-  
20 ed for active operations. Such Interim Reclama-  
21 tion Plans shall be reviewed by the relevant  
22 Secretary at regular intervals and shall be  
23 amended as warranted, subject to the approval  
24 of the relevant Secretary.

1           “(B) FINAL RECLAMATION PLAN.—The  
2           term ‘Final Reclamation Plan’ includes a de-  
3           tailed description of all reclamation activity to  
4           be conducted for all disturbed areas covered by  
5           a lease issued under this Act prior to final  
6           abandonment. Final Reclamation Plans shall in-  
7           clude reclamation of all locations, facilities,  
8           trenches, rights-of-way, roads and any other  
9           surface disturbance on lands covered by the  
10          lease.

11          “(2) IN GENERAL.—The Secretary of the Inte-  
12          rior, or for National Forest lands, the Secretary of  
13          Agriculture, shall regulate all surface-disturbing ac-  
14          tivities conducted pursuant to any lease issued under  
15          this Act, and shall determine reclamation and other  
16          actions as required in the interest of conservation of  
17          surface resources.

18          “(3) RECLAMATION PLANS REQUIRED.—

19                 “(A) APPLICATIONS FOR PERMITS TO  
20                 DRILL.—Each application for a permit to drill  
21                 submitted to the Secretary pursuant to this Act  
22                 shall include both an Interim Reclamation Plan  
23                 and a Final Reclamation Plan.

24                 “(B) ANALYSIS AND APPROVAL RE-  
25                 QUIRED.—No permit to drill on an oil and gas

1 lease issued under this Act may be granted  
2 without the analysis and approval by the Sec-  
3 retary concerned of both an interim reclamation  
4 plan and a final reclamation plan covering pro-  
5 posed surface-disturbing activities within the  
6 lease area.

7 “(C) PLANS OF OPERATIONS.—All Plans  
8 of Operations submitted and approved pursuant  
9 to this Act shall include an Interim Reclama-  
10 tion Plan.

11 “(4) BONDING.—The Secretary concerned shall,  
12 by regulation, require that an adequate bond, surety,  
13 or other financial arrangement will be established  
14 prior to the commencement of surface-disturbing ac-  
15 tivities on any lease, to ensure the complete and  
16 timely reclamation of the lease tract, and the res-  
17 toration of any lands or surface waters adversely af-  
18 fected by lease operations after the abandonment or  
19 cessation of oil and gas operations on the lease. The  
20 Secretary shall not issue a lease or leases or approve  
21 the assignment of any lease or leases under the  
22 terms of this section to any person, association, cor-  
23 poration, or any subsidiary, affiliate, or person con-  
24 trolled by or under common control with such per-  
25 son, association, or corporation, during any period in

1       which, as determined by the Secretary of the Inte-  
2       rior or Secretary of Agriculture, such entity has  
3       failed or refused to comply in any material respect  
4       with the reclamation requirements and other stand-  
5       ards established under this section for any prior  
6       lease to which such requirements and standards ap-  
7       plied. Prior to making such determination with re-  
8       spect to any such entity the concerned Secretary  
9       shall provide such entity with adequate notification  
10      and an opportunity to comply with such reclamation  
11      requirements and other standards and shall consider  
12      whether any administrative or judicial appeal is  
13      pending. Once the entity has complied with the rec-  
14      lamation requirement or other standard concerned  
15      an oil or gas lease may be issued to such entity  
16      under this Act.

17           “(5) STANDARDS.—The Secretary of the Inte-  
18      rior and the Secretary of Agriculture shall, by regu-  
19      lation, establish uniform standards for all Interim  
20      and Final Reclamation Plans. The goal of such  
21      plans shall be the restoration of the affected eco-  
22      system to a condition approximating or equal to that  
23      which existed prior to the surface disturbance. Such  
24      standards shall include, but are not limited to, res-  
25      toration of natural vegetation and hydrology, habitat



1 restoration, salvage, storage and reuse of topsoils,  
2 erosion control, control of invasive species and nox-  
3 ious weeds and natural contouring.

4 “(6) MONITORING.—The Secretary concerned  
5 shall not approve final abandonment and shall not  
6 release any bond required by this Act until the  
7 standards and requirement for final reclamation es-  
8 tablished pursuant to this Act have been met.”.

9 **SEC. 238. WILDLIFE SUSTAINABILITY.**

10 (a) DEFINITIONS.—In this section:

11 (1) DESIRED NONNATIVE SPECIES.—The term  
12 “desired nonnative species” means those wild species  
13 of plants or animals that are not indigenous to a  
14 planning area but are valued for their contribution  
15 to species diversity or their social, cultural, or eco-  
16 nomic value.

17 (2) FOCAL SPECIES.—The term “focal species”  
18 means species selected, based on best available  
19 science, for monitoring because their population sta-  
20 tus and trends are believed to provide useful infor-  
21 mation regarding the effects of management activi-  
22 ties, or other factors, on the diversity of ecological  
23 systems to which they belong, and to validate the  
24 monitoring of habitats and ecological conditions.

1           (3) NATIVE SPECIES.—The term “native spe-  
2           cies” means species of plants and animals indige-  
3           nous to a planning area.

4           (4) PLANNING AREA.—The term “planning  
5           area” means any geographic unit of National Forest  
6           System lands or Bureau of Land Management lands  
7           covered by an individual management plan.

8           (5) SECRETARY.—The term “Secretary”  
9           means—

10           (A) the Secretary of the Interior, with re-  
11           spect to land under such Secretary’s jurisdic-  
12           tion; and

13           (B) the Secretary of Agriculture, with re-  
14           spect to land under such Secretary’s jurisdic-  
15           tion.

16           (6) SUSTAINABLE POPULATION.—The term  
17           “sustainable population” means a population of a  
18           species that has a high likelihood of persisting well  
19           distributed throughout its range within a planning  
20           area based on the best available scientific informa-  
21           tion, including information obtained through the  
22           monitoring program under subsection (c), regarding  
23           its habitat and ecological conditions, abundance and  
24           distribution.

1 (b) PLANNING FOR AND MANAGEMENT OF SUSTAIN-  
2 ABLE POPULATIONS.—

3 (1) MANAGEMENT DIRECTION.—Each Sec-  
4 retary, in cooperation with the appropriate State fish  
5 and wildlife agency, shall plan for and manage plan-  
6 ning areas under the Secretary's respective jurisdic-  
7 tion in order to maintain sustainable populations of  
8 native species and desired nonnative species within  
9 each planning area consistent with—

10 (A) the Federal Land Policy and Manage-  
11 ment Act of 1976 (43 U.S.C. 1701 et seq.);

12 (B) the National Forest Management Act  
13 (16 U.S.C. 1600); and

14 (C) all other applicable laws.

15 (2) MANAGEMENT COORDINATION.—If a popu-  
16 lation of a species extends across more than one  
17 planning area, each Secretary shall coordinate the  
18 management of lands in the planning areas con-  
19 taining such population in order to maintain a sus-  
20 tainable population of such species.

21 (3) EXTRINSIC CONDITIONS.—If a Secretary,  
22 using the best available science and after providing  
23 notice to the public by publication in the Federal  
24 Register and opportunity for public comment for a  
25 period of at least 60 days, determines that condi-

1 tions beyond such Secretary's authority make it im-  
2 possible for the Secretary to maintain a sustainable  
3 population of a native species or desired nonnative  
4 species within a planning area, or, under the cir-  
5 cumstances identified in paragraph (2), within two  
6 or more planning areas, such Secretary shall—

7 (A) manage lands within the planning area  
8 or areas in order to achieve, to the maximum  
9 extent possible, the survival and health of that  
10 population; and

11 (B) certify that, to the maximum extent  
12 practicable, any activity authorized, funded, or  
13 carried out within the planning area or areas  
14 does not increase the likelihood of extirpation of  
15 the population in such planning area or areas.

16 (4) COMPLIANCE.—Each Secretary shall certify  
17 that land management plans for a planning area  
18 under the Secretary's respective jurisdiction and ac-  
19 tions implementing or authorized under such plans  
20 comply with this section.

21 (c) MONITORING AND EVALUATION.—

22 (1) ESTABLISHMENT OF MONITORING PRO-  
23 GRAMS.—To provide a basis for determining the sus-  
24 tainability of native species and desired nonnative  
25 species populations for purposes of subsection (b),

1 each Secretary shall adopt and implement, as part  
2 of the land management planning for a planning  
3 area, a strategically targeted monitoring program for  
4 identified focal species to determine the status and  
5 trends of such species populations in such planning  
6 area.

7 (2) MONITORING PROGRAM REQUIREMENTS.—  
8 The monitoring programs established under para-  
9 graph (1) shall designate focal species representing  
10 the diversity of ecological systems in the planning  
11 area and provide for—

12 (A) monitoring of the status and trends of  
13 the habitats and ecological conditions that sup-  
14 port focal species; and

15 (B) population surveys of focal species  
16 identified in the monitoring program to estab-  
17 lish that monitoring of habitats and ecological  
18 conditions is providing accurate information re-  
19 garding the status and trends of species' popu-  
20 lations in the planning area.

21 (3) CONSULTATION AND COOPERATION WITH  
22 STATES.—Each Secretary shall develop and imple-  
23 ment, to the maximum extent practicable, the moni-  
24 toring program established under this section, in-  
25 cluding the selection of native species and desired

1 nonnative species, focal species, habitat, and ecologi-  
2 cal conditions to be monitored and methodologies for  
3 conducting such monitoring, in consultation with the  
4 U.S. Fish and Wildlife Service, State fish and wild-  
5 life agencies and in coordination with other State  
6 agencies with responsibility for management of nat-  
7 ural resources. Each Secretary shall consider and  
8 utilize relevant population data maintained by other  
9 Federal agencies, State agencies, tribes, or other rel-  
10 evant entities.

11 (d) COORDINATION.—

12 (1) MANAGEMENT COORDINATION.—To the  
13 maximum extent practicable and consistent with ap-  
14 plicable law, each Secretary shall coordinate the  
15 management of planning areas with the management  
16 of the National Wildlife Refuge System and the Na-  
17 tional Park System, other Federal agencies, State  
18 fish and wildlife agencies, other State agencies with  
19 responsibility for management of natural resources,  
20 tribes, local governments, and nongovernmental or-  
21 ganizations engaged in species conservation in order  
22 to—

23 (A) maintain sustainable populations of  
24 native species and desired nonnative species;

1 (B) develop strategies to address the im-  
2 pacts of climate change on native species and  
3 desired nonnative species;

4 (C) establish linkages between habitats and  
5 discrete populations;

6 (D) reintroduce extirpated species, where  
7 appropriate, when a species population is no  
8 longer present; and

9 (E) conduct other joint efforts in support  
10 of sustainable plant and animal communities  
11 across jurisdictional boundaries.

12 (2) COORDINATION WITH CONSERVATION AC-  
13 TIVITIES.—In planning for the management of lands  
14 for the purpose of maintaining sustainable popu-  
15 lations of native species and desired nonnative spe-  
16 cies in a planning area, each Secretary shall, to the  
17 maximum extent practicable and consistent with  
18 Federal law—

19 (A) consult with and offer opportunities  
20 for participation to adjoining Federal, State,  
21 tribal, local, and private landowners, State and  
22 tribal fish and wildlife agencies, and other State  
23 and tribal agencies with responsibility for man-  
24 agement of natural resources; and

1           (B) coordinate such management planning  
2           with relevant conservation plans for fish, plants,  
3           and wildlife and their habitats, including State  
4           comprehensive wildlife strategies and other  
5           State conservation strategies for species, Na-  
6           tional Fish Habitat partnerships, North Amer-  
7           ican Wetland Conservation Joint Ventures, and  
8           the Federal-State-private partnership known as  
9           Partners in Flight.

10           (3) NO EFFECT ON NATIONAL WILDLIFE REF-  
11           UGE SYSTEM OR NATIONAL PARK SYSTEM.—Nothing  
12           in this section affects the laws or management  
13           standards applicable to lands or species populations  
14           within the National Wildlife Refuge System or Na-  
15           tional Park System.

16           (d) IMPLEMENTING REGULATIONS.—

17           (1) REGULATIONS.—Not later than one year  
18           following the date of enactment of this Act, each  
19           Secretary shall issue regulations implementing all  
20           provisions of this section.

21           (2) REGULATIONS UNDER THE NATIONAL FOR-  
22           EST MANAGEMENT ACT.—Issuance of regulations  
23           consistent with the requirements of this section shall  
24           be deemed consistent with the Secretary's obligation  
25           to promulgate regulations to specify guidelines for



1 land management plans for the National Forest Sys-  
2 tem which provide for diversity of plant and animal  
3 communities pursuant to the National Forest Man-  
4 agement Act (16 U.S.C. sec. 1604(g)(3)(B)).

5 (e) CONSTRUCTION.—Nothing in this section shall be  
6 construed to—

7 (1) affect the authority, jurisdiction, or respon-  
8 sibility of each of the several States to manage, con-  
9 trol, or regulate fish, plants, and wildlife under the  
10 laws and regulations of each of the States; or

11 (2) authorize a Secretary to control or regulate  
12 within a State the fishing or hunting of fish and  
13 wildlife within the State except insofar as the Sec-  
14 retary may exercise authority granted to him or her  
15 under other laws.

16 **SEC. 239. ONLINE AVAILABILITY TO THE PUBLIC OF INFOR-**  
17 **MATION RELATING TO OIL AND GAS CHEM-**  
18 **ICAL USE.**

19 (a) IN GENERAL.—An operator authorized to explore  
20 for, develop, or produce oil and gas under any Federal  
21 mineral leasing law shall, within 30 days after completion  
22 of drilling a well on a lease area or any portion thereof,  
23 make the list of chemicals used in drilling or completing  
24 the well, including the chemical constituents of mixtures,  
25 Chemical Abstracts Service numbers, and material safety

1 data sheets, available to the public on an Internet website  
2 created and maintained by the Bureau of Safety and Envi-  
3 ronmental Enforcement.

4 (b) PROPRIETARY CHEMICAL FORMULAS.—This sec-  
5 tion does not authorize the Director of the Bureau of Safe-  
6 ty and Environmental Enforcement to require the public  
7 disclosure of proprietary chemical formulas .

8 (c) RULEMAKING AUTHORITY.—Not later than 1  
9 year after the date of enactment of this Act, the Secretary,  
10 after providing notice and an opportunity for public com-  
11 ment, shall promulgate regulations to implement this sec-  
12 tion.

13 **SEC. 240. LIMITATION ON ROYALTY-IN-KIND PROGRAM.**

14 Section 36 of the Mineral Leasing Act (30 U.S.C.  
15 192) is amended by inserting before the period at the end  
16 of the first paragraph the following: “, except that the Sec-  
17 retary shall not conduct a regular program to take oil and  
18 gas lease royalties in oil or gas”.

19 **SEC. 241. ENVIRONMENTAL REVIEW.**

20 Section 390 of the Energy Policy Act of 2005 (Public  
21 Law 109–58; 42 U.S.C. 15942) is repealed.

22 **SEC. 242. FEDERAL LANDS URANIUM LEASING.**

23 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is  
24 amended by redesignating section 44 as section 45, and  
25 by inserting after section 43 the following new section:

1 **“SEC. 44. LEASING OF LANDS FOR URANIUM MINING.**

2 “(a) IN GENERAL.—

3 “(1) WITHDRAWAL FROM ENTRY; LEASING RE-  
4 QUIREMENT.—Effective upon the date of enactment  
5 of the Consolidated Land, Energy, and Aquatic Re-  
6 sources Act of 2010, all Federal lands are hereby  
7 permanently withdrawn from location and entry  
8 under section 2319 of the Revised Statutes (30  
9 U.S.C. 22 et seq.) for uranium. After the end of the  
10 2-year period beginning on such date of enactment,  
11 no uranium may be produced from Federal lands ex-  
12 cept pursuant to a lease issued under this Act.

13 “(2) LEASING.—The Secretary—

14 “(A) may divide any lands subject to this  
15 Act that are not withdrawn from mineral leas-  
16 ing and that are otherwise available for ura-  
17 nium leasing under applicable law, including  
18 lands available under the terms of land use  
19 plans prepared by the Federal agency managing  
20 the land, into leasing tracts of such size as the  
21 Secretary finds appropriate and in the public  
22 interest; and

23 “(B) thereafter shall, in the Secretary’s  
24 discretion, upon the request of any qualified ap-  
25 plicant or on the Secretary’s own motion, from  
26 time to time, offer such lands for uranium leas-

1           ing and award uranium leases thereon by com-  
2           petitive bidding.

3           “(b) FAIR MARKET VALUE REQUIRED.—

4           “(1) IN GENERAL.—No bid for a uranium lease  
5           shall be accepted that is less than the fair market  
6           value, as determined by the Secretary, of the ura-  
7           nium subject to the lease.

8           “(2) PUBLIC COMMENT.—Prior to the Sec-  
9           retary’s determination of the fair market value of  
10          the uranium subject to the lease, the Secretary shall  
11          give opportunity for and consideration to public com-  
12          ments on the fair market value.

13          “(3) DISCLOSURE NOT REQUIRED.—Nothing in  
14          this section shall be construed to require the Sec-  
15          retary to make public the Secretary’s judgment as to  
16          the fair market value of the uranium to be leased,  
17          or the comments the Secretary receives thereon prior  
18          to the issuance of the lease.

19          “(c) LANDS UNDER THE JURISDICTION OF OTHER  
20          AGENCIES.—Leases covering lands the surface of which  
21          is under the jurisdiction of any Federal agency other than  
22          the Department of the Interior may be issued only—

23                 “(1) upon consent of the head of the other Fed-  
24                 eral agency; and

1           “(2) upon such conditions the head of such  
2           other Federal agency may prescribe with respect to  
3           the use and protection of the nonmineral interests in  
4           those lands.

5           “(d) CONSIDERATION OF EFFECTS OF MINING.—Be-  
6           fore issuing any uranium lease, the Secretary shall con-  
7           sider effects that mining under the proposed lease might  
8           have on an impacted community or area, including im-  
9           pacts on the environment, on agricultural, on cultural re-  
10          sources, and other economic activities, and on public serv-  
11          ices.

12          “(e) NOTICE OF PROPOSED LEASE.—No lease sale  
13          shall be held for lands until after a notice of the proposed  
14          offering for lease has been given once a week for three  
15          consecutive weeks in a newspaper of general circulation  
16          in the county in which the lands are situated, or in elec-  
17          tronic format, in accordance with regulations prescribed  
18          by the Secretary.

19          “(f) AUCTION REQUIREMENTS.—All lands to be  
20          leased under this section shall be leased to the highest re-  
21          sponsible qualified bidder—

22                 “(1) under general regulations;

23                 “(2) in units of not more than 2,560 acres that  
24                 are as nearly compact as possible; and

25                 “(3) by oral bidding.

1 “(g) REQUIRED PAYMENTS.—

2 “(1) IN GENERAL.—A lease under this section  
3 shall be conditioned upon the payment by the lessee  
4 of—

5 “(A) a royalty at a rate of not less than  
6 12.5 percent in amount or value of the produc-  
7 tion removed or sold under the lease; and

8 “(B) a rental of—

9 “(i) not less than \$2.50 per acre per  
10 year for the first through fifth years of the  
11 lease; and

12 “(ii) not less than \$3 per acre per  
13 year for each year thereafter.

14 “(2) USE OF REVENUES.—Amounts received as  
15 revenues under this subsection with respect to a  
16 lease may be used by the Secretary of the Interior,  
17 subject to the availability of appropriations, for  
18 cleaning up uranium mill tailings and reclaiming  
19 abandoned uranium mines on Federal lands in ac-  
20 cordance with the priorities and eligibility restric-  
21 tions, respectively, under subsections (c) and (d) of  
22 section 411 of the Surface Mining Control and Rec-  
23 lamation Act of 1977 (30 U.S.C. 1240a).

24 “(h) LEASE TERM.—A lease under this section—

1           “(1) shall be effective for a primary term of 10  
2           years; and

3           “(2) shall continue in effect after such primary  
4           term for so long is as uranium is produced under  
5           the lease in paying quantities.

6           “(i) EXPLORATION LICENSES.—

7           “(1) IN GENERAL.—The Secretary may, under  
8           such regulations as the Secretary may prescribe,  
9           issue to any person an exploration license. No per-  
10          son may conduct uranium exploration for commer-  
11          cial purposes on lands subject to this Act without  
12          such an exploration license. Each exploration license  
13          shall be for a term of not more than two years and  
14          shall be subject to a reasonable fee. An exploration  
15          license shall confer no right to a lease under this  
16          Act. The issuance of exploration licenses shall not  
17          preclude the Secretary from issuing uranium leases  
18          at such times and locations and to such persons as  
19          the Secretary deems appropriate. No exploration li-  
20          cense may be issued for any land on which a ura-  
21          nium lease has been issued. A separate exploration  
22          license shall be required for exploration in each  
23          State. An application for an exploration license shall  
24          identify general areas and probable methods of ex-  
25          ploration. Each exploration license shall be limited

1 to specific geographic areas in each State as deter-  
2 mined by the Secretary, and shall contain such rea-  
3 sonable conditions as the Secretary may require, in-  
4 cluding conditions to ensure the protection of the en-  
5 vironment, and shall be subject to all applicable Fed-  
6 eral, State, and local laws and regulations. Upon vio-  
7 lation of any such conditions or laws the Secretary  
8 may revoke the exploration license.

9 “(2) LIMITATIONS.—A licensee may not cause  
10 substantial disturbance to the natural land surface.  
11 A licensee may not remove any uranium for sale but  
12 may remove a reasonable amount of uranium from  
13 the lands subject to this Act included under the Sec-  
14 retary’s license for analysis and study. A licensee  
15 must comply with all applicable rules and regula-  
16 tions of the Federal agency having jurisdiction over  
17 the surface of the lands subject to this Act. Explo-  
18 ration licenses covering lands the surface of which is  
19 under the jurisdiction of any Federal agency other  
20 than the Department of the Interior may be issued  
21 only upon such conditions as it may prescribe with  
22 respect to the use and protection of the nonmineral  
23 interests in those lands.

24 “(3) SHARING OF DATA.—The licensee shall  
25 furnish to the Secretary copies of all data (including



1 geological, geophysical, and core drilling analyses)  
2 obtained during such exploration. The Secretary  
3 shall maintain the confidentiality of all data so ob-  
4 tained until after the areas involved have been leased  
5 or until such time as the Secretary determines that  
6 making the data available to the public would not  
7 damage the competitive position of the licensee,  
8 whichever comes first.

9 “(4) EXPLORATION WITHOUT A LICENSE.—Any  
10 person who willfully conducts uranium exploration  
11 for commercial purposes on lands subject to this Act  
12 without an exploration license issued under this sub-  
13 section shall be subject to a fine of not more than  
14 \$1,000 for each day of violation. All data collected  
15 by such person on any Federal lands as a result of  
16 such violation shall be made immediately available to  
17 the Secretary, who shall make the data available to  
18 the public as soon as it is practicable. No penalty  
19 under this subsection shall be assessed unless such  
20 person is given notice and opportunity for a hearing  
21 with respect to such violation.

22 “(j) CONVERSION OF MINING CLAIMS TO MINERAL  
23 LEASES.—

24 “(1) IN GENERAL.—The owner of any mining  
25 claim (in this subsection referred to as a ‘claimant’)

1 located prior to the date of enactment of the Con-  
2 solidated Land, Energy, and Aquatic Resources Act  
3 of 2010 may, within two years after such date, apply  
4 to the Secretary of the Interior to convert the claim  
5 to a lease under this section. The Secretary shall  
6 issue a uranium lease under this section to the  
7 claimant upon a demonstration by the claimant, to  
8 the satisfaction of the Secretary, within one year  
9 after the date of the application to the Secretary,  
10 that the claim was, as of such date of enactment,  
11 supported by the discovery of a valuable deposit of  
12 uranium on the claimed land. The holder of a lease  
13 issued upon conversion from a mining claim under  
14 this subsection shall be subject to all the require-  
15 ments of this section governing uranium leases, ex-  
16 cept that the holder shall pay a royalty of 6.25 per-  
17 cent on the value of the uranium produced under the  
18 lease, until beginning ten years after the date the  
19 claim is converted to a lease.

20 “(2) OTHER CLAIMS EXTINGUISHED.—All min-  
21 ing claims located for uranium on Federal lands  
22 whose claimant does not apply to the Secretary for  
23 conversion to a lease, or whose claimant cannot  
24 make such a demonstration of discovery, shall be-

1       come null and void by operation of law three years  
2       after such date of enactment.”.

3                   **TITLE III—OIL AND GAS**  
4                   **ROYALTY REFORM**

5   **SEC. 301. AMENDMENTS TO DEFINITIONS.**

6       Section 3 of the Federal Oil and Gas Royalty Man-  
7   agement Act of 1982 (30 U.S.C. 1702) is amended—

8               (1) in paragraph (8), by striking the semicolon  
9       and inserting “including but not limited to the Act  
10      of October 20, 1914 (38 Stat. 741); the Act of Feb-  
11      ruary 25, 1920 (41 Stat. 437); the Act of April 17,  
12      1926 (44 Stat. 301); the Act of February 7, 1927  
13      (44 Stat. 1057); and all Acts heretofore or hereafter  
14      enacted that are amendatory of or supplementary to  
15      any of the foregoing Acts;”;

16              (2) in paragraph (20)(A), by striking “: *Pro-*  
17      *vided, That*” and all that follows through “subject of  
18      the judicial proceeding”;

19              (3) in paragraph (20)(B), by striking “(with  
20      written notice to the lessee who designated the des-  
21      ignee)”;

22              (4) in paragraph (23)(A), by striking “(with  
23      written notice to the lessee who designated the des-  
24      ignee)”;

1           (5) by striking paragraph (24) and inserting  
2           the following:

3           “(24) ‘designee’ means a person who pays, off-  
4           sets, or credits monies, makes adjustments, requests  
5           and receives refunds, or submits reports with respect  
6           to payments a lessee must make pursuant to section  
7           102(a);”;

8           (6) in paragraph (25)(B)—

9           (A) by striking “(subject to the provisions  
10           of section 102(a) of this Act)”; and

11           (B) in clause (ii) by striking the matter  
12           after subclause (IV) and inserting the following:

13           “that arises from or relates to any lease, easement,  
14           right-of-way, permit, or other agreement regardless of  
15           form administered by the Secretary for, or any mineral  
16           leasing law related to, the exploration, production, and de-  
17           velopment of oil and gas or other energy resource on Fed-  
18           eral lands or the Outer Continental Shelf;”;

19           (7) in paragraph (29), by inserting “or permit”  
20           after “lease”; and

21           (8) by striking “and” after the semicolon at the  
22           end of paragraph (32), by striking the period at the  
23           end of paragraph (33) and inserting a semicolon,  
24           and by adding at the end the following new para-  
25           graphs:

1           “(34) ‘compliance review’ means a full-scope or  
2           a limited-scope examination of a lessee’s lease ac-  
3           counts to compare one or all elements of the royalty  
4           equation (volume, value, royalty rate, and allow-  
5           ances) against anticipated elements of the royalty  
6           equation to test for variances; and

7           “(35) ‘marketing affiliate’ means an affiliate of  
8           a lessee whose function is to acquire the lessee’s pro-  
9           duction and to market that production.”.

10 **SEC. 302. COMPLIANCE REVIEWS.**

11           Section 101 of the Federal Oil and Gas Royalty Man-  
12           agement Act of 1982 (30 U.S.C. 1711) is amended by  
13           adding at the end the following new subsection:

14           “(d) The Secretary may, as an adjunct to audits of  
15           accounts for leases, utilize compliance reviews of accounts.  
16           Such reviews shall not constitute nor substitute for audits  
17           of lease accounts. Any disparity uncovered in such a com-  
18           pliance review shall be immediately referred to a program  
19           auditor. The Secretary shall, before completion of a com-  
20           pliance review, provide notice of the review to designees  
21           whose obligations are the subject of the review.”.

1 **SEC. 303. CLARIFICATION OF LIABILITY FOR ROYALTY PAY-**  
2 **MENTS.**

3 Section 102(a) of the Federal Oil and Gas Royalty  
4 Management Act of 1982 (30 U.S.C. 1712(a)) is amended  
5 to read as follows:

6 “(a) In order to increase receipts and achieve effec-  
7 tive collections of royalty and other payments, a lessee who  
8 is required to make any royalty or other payment under  
9 a lease, easement, right-of-way, permit, or other agree-  
10 ment, regardless of form, or under the mineral leasing  
11 laws, shall make such payment in the time and manner  
12 as may be specified by the Secretary or the applicable dele-  
13 gated State. Any person who pays, offsets, or credits mon-  
14 ies, makes adjustments, requests and receives refunds, or  
15 submits reports with respect to payments the lessee must  
16 make is the lessee’s designee under this Act. Notwith-  
17 standing any other provision of this Act to the contrary,  
18 a designee shall be liable for any payment obligation of  
19 any lessee on whose behalf the designee pays royalty under  
20 the lease. The person owning operating rights in a lease  
21 and a person owning legal record title in a lease shall be  
22 liable for that person’s pro rata share of payment obliga-  
23 tions under the lease.”.

1 **SEC. 304. REQUIRED RECORDKEEPING.**

2 Section 103(b) of the Federal Oil and Gas Royalty  
3 Management Act of 1982 (30 U.S.C. 1712(a)) is amended  
4 by striking “6” and inserting “7”.

5 **SEC. 305. FINES AND PENALTIES.**

6 Section 109 of the Federal Oil and Gas Royalty Man-  
7 agement Act of 1982 (30 U.S.C. 1719) is amended—

8 (1) in subsection (a) in the matter following  
9 paragraph (2), by striking “\$500” and inserting  
10 “\$1,000”;

11 (2) in subsection (a)(2)(B), by inserting “(i)”  
12 after “such person”, and by striking the period at  
13 the end and inserting “; and (ii) has not received no-  
14 tice, pursuant to paragraph (1), of more than two  
15 prior violations in the current calendar year.”;

16 (3) in subsection (b), by striking “\$5,000” and  
17 inserting “\$10,000”;

18 (4) in subsection (c)—

19 (A) in paragraph (2), by striking “; or”  
20 and inserting “, including any failure or refusal  
21 to promptly tender requested documents;”;

22 (B) in paragraph (3)—

23 (i) by striking “\$10,000” and insert-  
24 ing “\$20,000”; and

25 (ii) by striking the period at the end  
26 and inserting a semicolon; and

1 (C) by adding at the end the following new  
2 paragraphs:

3 “(4) knowingly or willfully fails to make any  
4 royalty payment in the amount or value as specified  
5 by statute, regulation, order, or terms of the lease;  
6 or

7 “(5) fails to correctly report and timely provide  
8 operations or financial records necessary for the Sec-  
9 retary or any authorized designee of the Secretary to  
10 accomplish lease management responsibilities,”;

11 (5) in subsection (d), by striking “\$25,000”  
12 and inserting “\$50,000”;

13 (6) in subsection (h), by striking “by registered  
14 mail” and inserting “a common carrier that provides  
15 proof of delivery”; and

16 (7) by adding at the end the following sub-  
17 section:

18 “(l)(1) Any determination by the Secretary or a des-  
19 ignee of the Secretary that a person has committed a vio-  
20 lation under subsection (a), (c), or (d)(1) shall toll any  
21 applicable statute of limitations for all oil and gas leases  
22 held or operated by such person, until the later of—

23 “(A) the date on which the person corrects the  
24 violation and certifies that all violations of a like na-



1       ture have been corrected for all of the oil and gas  
2       leases held or operated by such person; or

3               “(B) the date a final, nonappealable order has  
4       been issued by the Secretary or a court of competent  
5       jurisdiction.

6       “(2) A person determined by the Secretary or a des-  
7       ignee of the Secretary to have violated subsection (a), (c),  
8       or (d)(1) shall maintain all records with respect to the per-  
9       son’s oil and gas leases until the later of—

10              “(A) the date the Secretary releases the person  
11       from the obligation to maintain such records; and

12              “(B) the expiration of the period during which  
13       the records must be maintained under section  
14       103(b).”.

15       **SEC. 306. INTEREST ON OVERPAYMENTS.**

16       Section 111 of the Federal Oil and Gas Royalty Man-  
17       agement Act of 1982 (30 U.S.C. 1721) is amended—

18              (1) by amending subsections (h) and (i) to read  
19       as follows:

20              “(h) Interest shall not be allowed nor paid nor cred-  
21       ited on any overpayment, and no interest shall accrue from  
22       the date such overpayment was made.

23              “(i) A lessee or its designee may make a payment  
24       for the approximate amount of royalties (hereinafter in  
25       this subsection referred to as the ‘estimated payment’)

1 that would otherwise be due for such lease by the date  
2 royalties are due for that lease. When an estimated pay-  
3 ment is made, actual royalties are payable at the end of  
4 the month following the month in which the estimated  
5 payment is made. If the estimated payment was less than  
6 the amount of actual royalties due, interest is owed on  
7 the underpaid amount. If the lessee or its designee makes  
8 a payment for such actual royalties, the lessee or its des-  
9 ignee may apply the estimated payment to future royal-  
10 ties. Any estimated payment may be adjusted, recouped,  
11 or reinstated by the lessee or its designee provided such  
12 adjustment, recoupment, or reinstatement is made within  
13 the limitation period for which the date royalties were due  
14 for that lease.”;

15 (2) by striking subsection (j); and

16 (3) in subsection (k)(4)—

17 (A) by striking “or overpaid royalties and  
18 associated interest”; and

19 (B) by striking “, refunded, or credited”.

20 **SEC. 307. ADJUSTMENTS AND REFUNDS.**

21 Section 111A of the Federal Oil and Gas Royalty  
22 Management Act of 1982 (30 U.S.C. 1721a) is amend-  
23 ed—

1           (1) in subsection (a)(3), by inserting “(A)”  
2 after “(3)”, and by striking the last sentence and in-  
3 serting the following:

4           “(B) Except as provided in subparagraph  
5 (C), no adjustment may be made with respect  
6 to an obligation that is the subject of an audit  
7 or compliance review after completion of the  
8 audit or compliance review, respectively, unless  
9 such adjustment is approved by the Secretary  
10 or the applicable delegated State, as appro-  
11 priate.

12           “(C) If an overpayment is identified during  
13 an audit, the Secretary shall allow a credit in  
14 the amount of the overpayment.”;

15           (2) in subsection (a)(4)—

16           (A) by striking “six” and inserting “four”;  
17 and

18           (B) by striking “shall” and inserting  
19 “may”; and

20           (3) in subsection (b)(1) by striking “and” after  
21 the semicolon at the end of subparagraph (C), by  
22 striking the period at the end of subparagraph (D)  
23 and inserting “; and”, and by adding at the end the  
24 following:

1                   “(E) is made within the adjustment period  
2                   for that obligation.”.

3 **SEC. 308. CONFORMING AMENDMENT.**

4           Section 114 of the Federal Oil and Gas Royalty Man-  
5 agement Act of 1982 is repealed.

6 **SEC. 309. OBLIGATION PERIOD.**

7           Section 115(c) of the Federal Oil and Gas Royalty  
8 Management Act of 1982 (30 U.S.C. 1724(c)) is amended  
9 by adding at the end the following new paragraph:

10                   “(3) ADJUSTMENTS.—In the case of an adjust-  
11 ment under section 111A(a) in which a recoupment  
12 by the lessee results in an underpayment of an obli-  
13 gation, for purposes of this Act the obligation be-  
14 comes due on the date the lessee or its designee  
15 makes the adjustment.”.

16 **SEC. 310. NOTICE REGARDING TOLLING AGREEMENTS AND**  
17 **SUBPOENAS.**

18           (a) TOLLING AGREEMENTS.—Section 115(d)(1) of  
19 the Federal Oil and Gas Royalty Management Act of 1982  
20 (30 U.S.C. 1724(d)(1)) is amended by striking “(with no-  
21 tice to the lessee who designated the designee)”.

22           (b) SUBPOENAS.—Section 115(d)(2)(A) of the Fed-  
23 eral Oil and Gas Royalty Management Act of 1982 (30  
24 U.S.C. 1724(d)(2)(A)) is amended by striking “(with no-

1 tice to the lessee who designated the designee, which notice  
2 shall not constitute a subpoena to the lessee)".

3 **SEC. 311. APPEALS AND FINAL AGENCY ACTION.**

4 Paragraphs (1) and (2) of section 115(h) the Federal  
5 Oil and Gas Royalty Management Act of 1982 (30 U.S.C.  
6 1724(h)) are amended by striking "33" each place it ap-  
7 pears and inserting "48".

8 **SEC. 312. ASSESSMENTS.**

9 Section 116 of the Federal Oil and Gas Royalty Man-  
10 agement Act of 1982 (30 U.S.C. 1724) is repealed.

11 **SEC. 313. COLLECTION AND PRODUCTION ACCOUNT-**  
12 **ABILITY.**

13 (a) PILOT PROJECT.—Within two years after the  
14 date of enactment of this Act, the Secretary shall complete  
15 a pilot project with willing operators of oil and gas leases  
16 on the Outer Continental Shelf that assesses the costs and  
17 benefits of automatic transmission of oil and gas volume  
18 and quality data produced under Federal leases on the  
19 Outer Continental Shelf in order to improve the produc-  
20 tion verification systems used to ensure accurate royalty  
21 collection and audit.

22 (b) REPORT.—The Secretary shall submit to Con-  
23 gress a report on findings and recommendations of the  
24 pilot project within 3 years after the date of enactment  
25 of this Act.

1 **SEC. 314. NATURAL GAS REPORTING.**

2 The Secretary shall, within 180 days after the date  
3 of enactment of this Act, implement the steps necessary  
4 to ensure accurate determination and reporting of BTU  
5 values of natural gas from all Federal oil and gas leases  
6 to ensure accurate royalty payments to the United States.

7 Such steps shall include, but not be limited to—

8 (1) establishment of consistent guidelines for  
9 onshore and offshore BTU information from gas  
10 producers;

11 (2) development of a procedure to determine  
12 the potential BTU variability of produced natural  
13 gas on a by-reservoir or by-lease basis;

14 (3) development of a procedure to adjust BTU  
15 frequency requirements for sampling and reporting  
16 on a case-by-case basis;

17 (4) systematic and regular verification of BTU  
18 information; and

19 (5) revision of the “MMS–2014” reporting  
20 form to record, in addition to other information al-  
21 ready required, the natural gas BTU values that  
22 form the basis for the required royalty payments.

23 **SEC. 315. PENALTY FOR LATE OR INCORRECT REPORTING**  
24 **OF DATA.**

25 (a) **IN GENERAL.**—The Secretary shall issue regula-  
26 tions by not later than 1 year after the date of enactment

1 of this Act that establish a civil penalty for late or incor-  
2 rect reporting of data under the Federal Oil and Gas Roy-  
3 alty Management Act of 1982 (30 U.S.C. 1701 et seq.).

4 (b) AMOUNT.—The amount of the civil penalty shall  
5 be—

6 (1) an amount (subject to paragraph (2)) that  
7 the Secretary determines is sufficient to ensure filing  
8 of data in accordance with that Act; and

9 (2) not less than \$10 for each failure to file  
10 correct data in accordance with that Act.

11 (c) CONTENT OF REGULATIONS.—Except as provided  
12 in subsection (b), the regulations issued under this section  
13 shall be substantially similar to part 216.40 of title 30,  
14 Code of Federal Regulations, as most recently in effect  
15 before the date of enactment of this Act.

16 **SEC. 316. REQUIRED RECORDKEEPING.**

17 Within 1 year after the date of enactment of this Act,  
18 the Secretary shall publish final regulations concerning re-  
19 quired recordkeeping of natural gas measurement data as  
20 set forth in part 250.1203 of title 30, Code of Federal  
21 Regulations (as in effect on the date of enactment of this  
22 Act), to include operators and other persons involved in  
23 the transporting, purchasing, or selling of gas under the  
24 requirements of that rule, under the authority provided

1 in section 103 of the Federal Oil and Gas Royalty Man-  
2 agement Act of 1982 (30 U.S.C. 1713).

3 **SEC. 317. SHARED CIVIL PENALTIES.**

4 Section 206 of the Federal Oil and Gas Royalty Man-  
5 agement Act of 1982 (30 U.S.C. 1724) is amended by  
6 striking “Such amount shall be deleted from any com-  
7 pensation due such State or Indian Tribe under section  
8 202 or section 205 or such State under section 205.”.

9 **SEC. 318. APPLICABILITY TO OTHER MINERALS.**

10 Section 304 of the Federal Oil and Gas Royalty Man-  
11 agement Act of 1982 (30 U.S.C. 1753) is amended by  
12 adding at the end the following new subsection:

13 “(e) APPLICABILITY TO OTHER MINERALS.—

14 “(1) Notwithstanding any other provision of  
15 law, sections 107, 109, and 110 of this Act and the  
16 regulations duly promulgated with respect thereto  
17 shall apply to any lease authorizing the development  
18 of coal or any other solid mineral on any Federal  
19 lands or Indian lands, to the same extent as if such  
20 lease were an oil and gas lease, on the same terms  
21 and conditions as those authorized for oil and gas  
22 leases.

23 “(2) Notwithstanding any other provision of  
24 law, sections 107, 109, and 110 of this Act and the  
25 regulations duly promulgated with respect thereto



1 shall apply with respect to any lease, easement,  
2 right-of-way, or other agreement, regardless of form  
3 (including any royalty, rent, or other payment due  
4 thereunder)—

5 “(A) under section 8(k) or 8(p) of the  
6 Outer Continental Shelf Lands Act (43 U.S.C.  
7 1337(k) and 1337(p)); or

8 “(B) under the Geothermal Steam Act (30  
9 U.S.C. 1001 et seq.), to the same extent as if  
10 such lease, easement, right-of-way, or other  
11 agreement were an oil and gas lease on the  
12 same terms and conditions as those authorized  
13 for oil and gas leases.

14 “(3) For the purposes of this subsection, the  
15 term ‘solid mineral’ means any mineral other than  
16 oil, gas, and geo-pressured-geothermal resources,  
17 that is authorized by an Act of Congress to be pro-  
18 duced from public lands (as that term is defined in  
19 section 103 of the Federal Land Policy and Manage-  
20 ment Act of 1976 (43 U.S.C. 1702)).”.

21 **SEC. 319. ENTITLEMENTS.**

22 Not later than 180 days after the date of enactment  
23 of this Act, the Secretary shall publish final regulations  
24 prescribing when a Federal lessee or designee must report  
25 and pay royalties on the volume of oil and gas it takes

1 under either a Federal or Indian lease or on the volume  
2 to which it is entitled to based upon its ownership interest  
3 in the Federal or Indian lease. The Secretary shall give  
4 consideration to requiring 100 percent entitlement report-  
5 ing and paying based upon the lease ownership.

6 **TITLE IV—FULL FUNDING FOR**  
7 **THE LAND AND WATER CON-**  
8 **SERVATION AND HISTORIC**  
9 **PRESERVATION FUNDS**

10 **Subtitle A—Land and Water**  
11 **Conservation Fund**

12 **SEC. 401. AMENDMENTS TO THE LAND AND WATER CON-**  
13 **SERVATION FUND ACT OF 1965.**

14 Except as otherwise expressly provided, whenever in  
15 this subtitle an amendment or repeal is expressed in terms  
16 of an amendment to, or repeal of, a section or other provi-  
17 sion, the reference shall be considered to be made to a  
18 section or other provision of the Land and Water Con-  
19 servation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

20 **SEC. 402. EXTENSION OF THE LAND AND WATER CON-**  
21 **SERVATION FUND.**

22 Section 2 (16 U.S.C. 460l–5) is amended by striking  
23 “September 30, 2015” both places it appears and insert-  
24 ing “September 30, 2040”.

1 **SEC. 403. PERMANENT FUNDING.**

2 (a) IN GENERAL.—The text of section 3 (16 U.S.C.  
3 4601–6) is amended to read as follows: “Of the moneys  
4 covered into the fund, \$900,000,000 shall be available  
5 each fiscal year for expenditure for the purposes of this  
6 Act without further appropriation. Moneys made available  
7 for obligation or expenditure from the fund or from the  
8 special account established under section 4(i)(1) may be  
9 obligated or expended only as provided in this Act.”.

10 (b) CONFORMING AMENDMENT.—Section 2(c)(2) (16  
11 U.S.C. 4601–5(c)(2)) is amended by striking “: *Provided*”  
12 and all that follows through the end of the sentence and  
13 inserting a period.

14 **Subtitle B—National Historic**  
15 **Preservation Fund**

16 **SEC. 411. PERMANENT FUNDING.**

17 The text of section 108 (16 U.S.C. 470h) of the Na-  
18 tional Historic Preservation Act is amended to read as fol-  
19 lows: “To carry out the provisions of this Act, there is  
20 hereby established the Historic Preservation Fund (here-  
21 inafter referred to as the ‘fund’) in the Treasury of the  
22 United States. There shall be covered into the fund  
23 \$150,000,000 for fiscal years 1982 through 2040 from  
24 revenues due and payable to the United States under the  
25 Outer Continental Shelf Lands Act (67 Stat. 462, 469),  
26 as amended (43 U.S.C. 1338) and/or under the Act of

1 June 4, 1920 (41 Stat. 813), as amended (30 U.S.C.  
2 191), notwithstanding any provision of law that such pro-  
3 ceeds shall be credited to miscellaneous receipts of the  
4 Treasury. Such moneys shall be used only to carry out  
5 the purposes of this Act and shall be available for expendi-  
6 ture without further appropriation.”.

7 **TITLE V—ALTERNATIVE ENERGY**  
8 **DEVELOPMENT**

9 **SEC. 501. COMMERCIAL WIND AND SOLAR LEASING PRO-**  
10 **GRAM.**

11 (a) IN GENERAL.—Pursuant to the Federal Land  
12 Policy and Management Act of 1976 (43 U.S.C. 1701 et  
13 seq.) and the National Forest Management Act of 1976  
14 (16 U.S.C. 1600 et seq.), the Secretary, acting through  
15 the Director of the Bureau of Energy and Resource Man-  
16 agement, may issue leases, on a competitive basis, for  
17 commercial electricity generation from solar or wind re-  
18 sources on Federal lands under the administrative juris-  
19 diction of the Bureau of Land Management or of the For-  
20 est Service, except that the Secretary may not issue any  
21 such lease on National Forest System lands over the objec-  
22 tion of the Secretary of Agriculture.

23 (b) FINAL REGULATIONS.—Not later than 18 months  
24 after the date of enactment of this Act, the Secretary of  
25 the Interior shall publish final regulations establishing a

1 commercial wind and solar leasing program under sub-  
2 section (a).

3 (c) COMMENCEMENT OF COMMERCIAL LEASING FOR  
4 SOLAR AND WIND ENERGY ON PUBLIC LANDS.—Not  
5 later than 90 days after completion of regulations required  
6 under subsection (b), or as soon as practicable thereafter,  
7 and following consultation with affected governors and  
8 other stakeholders, the Secretary may conduct lease sales  
9 under the regulations under this subtitle.

10 (d) EASEMENTS, SPECIAL-USE PERMITS, AND  
11 RIGHTS-OF-WAY.—Upon completion of regulations re-  
12 quired under subsection (b), easements, special-use per-  
13 mits, and rights-of-way shall not be available for commer-  
14 cial wind and solar projects on Federal lands under the  
15 administrative jurisdiction of the Bureau of Land Man-  
16 agement or Forest Service, except for the placement and  
17 operation of testing or data collection devices or facilities  
18 that will not result in the commercial sale of electric  
19 power.

20 (e) NONCOMPETITIVE LEASING.—

21 (1) IN GENERAL.—The Secretary may issue  
22 leases under this section on a noncompetitive basis  
23 if—

24 (A) the lease is for resource data collection  
25 or equipment testing;

1 (B) the lease will not result in the commer-  
2 cial sale of electric power;

3 (C) the lease has a term of not more than  
4 5 years; and

5 (D) the Secretary, after public notice of a  
6 proposed lease, determines that there is no  
7 competitive interest.

8 (2) PREFERENCE.—In any competitive lease  
9 sale for lands subject to a lease awarded under this  
10 subsection, the Secretary may give a preference to  
11 the holder of the lease under this subsection.

12 (f) TRANSITION TO COMMERCIAL LEASING.—The  
13 Secretary of the Interior, for lands under the jurisdiction  
14 of the Bureau of Land Management, and the Secretary  
15 of Agriculture, for lands under the jurisdiction of the For-  
16 est Service, may issue an easement, special-use permit, or  
17 right-of-way for a commercial wind or solar project for  
18 which—

19 (1) a plan of development has been submitted  
20 to the relevant Secretary before the date of enact-  
21 ment of this Act; or

22 (2) a meteorological testing tower or other data  
23 collection device has been installed under an ap-  
24 proved easement, special-use permit, or right-of-way  
25 before the date of enactment of this Act.

1 (g) DILIGENT DEVELOPMENT REQUIREMENTS.—The  
2 Secretary shall, by regulation, designate work require-  
3 ments and milestones to ensure that diligent development  
4 is carried out under each lease issued under this subtitle.

5 **SEC. 502. LAND MANAGEMENT.**

6 The Secretary, in consultation with the Director of  
7 the Bureau of Land Management and the Chief of the  
8 Forest Service, shall issue regulations that—

9 (1) establish the duration of leases under this  
10 subtitle;

11 (2) require the holder of a lease granted under  
12 this subtitle to—

13 (A) furnish a surety bond or other form of  
14 security, as prescribed by the Director of the  
15 Bureau of Energy and Resource Management,  
16 to assure the completion of—

17 (i) interim and final reclamation and  
18 the restoration of the area that is subject  
19 to the lease to the condition in which the  
20 area existed before the granting of the  
21 lease; or

22 (ii) mitigation activities, including  
23 compensatory mitigation, if restoration to  
24 such condition is impractical; and

1 (B) comply with such other requirements  
2 as the Director of the Bureau of Energy and  
3 Resource Management and affected Federal  
4 land manager consider necessary to protect the  
5 interests of the public and the United States;  
6 and

7 (3) establish best management practices and re-  
8 quire renewable energy operators to comply with  
9 those practices to ensure the sound, efficient, and  
10 environmentally responsible development of wind and  
11 solar resources on Federal lands in a manner that  
12 shall avoid, minimize, and mitigate actual and an-  
13 ticipated impacts to habitat and ecosystem function  
14 resulting from such development and to areas pro-  
15 posed for wilderness or other protection.

16 **SEC. 503. REVENUES.**

17 (a) ESTABLISHMENT OF PAYMENT REQUIRE-  
18 MENTS.—The Secretary shall establish royalties, fees,  
19 rentals, bonus bids, or other payments for leases issued  
20 under this subtitle, that shall—

21 (1) encourage development of solar and wind  
22 energy on public lands;

23 (2) ensure a fair return to the United States;  
24 and



1           (3) be commensurate with similar payments for  
2           the development of solar and wind energy on State  
3           and private lands.

4           (b) DEPOSIT.—All revenues for payments established  
5           under this section shall be deposited in the general fund  
6           of the Treasury.

7   **SEC. 504. RECORDKEEPING AND REPORTING REQUIRE-**  
8                                   **MENTS.**

9           (a) IN GENERAL.—A lessee, permit holder, operator,  
10          or other person directly involved in developing, producing,  
11          processing, transporting, purchasing, or selling renewable  
12          energy under this title, through the point of royalty com-  
13          putation, shall establish and maintain any records, make  
14          any reports, and provide any information that the Sec-  
15          retary may reasonably require for the purposes of imple-  
16          menting this section or determining compliance with rules  
17          or orders under this section. Such records shall include,  
18          but not be limited to, periodic reports, records, documents,  
19          and other data. Such reports may include, but not be lim-  
20          ited to, pertinent technical and financial data relating to  
21          the resources being developed under the lease. Upon the  
22          request of any officer or employee duly designated by the  
23          Secretary conducting an audit or investigation pursuant  
24          to this section, the appropriate records, reports, or infor-  
25          mation that may be required by this section shall be made

1 available for inspection and duplication by such officer or  
2 employee. Failure by a claim holder, operator, or other  
3 person referred to in the first sentence to cooperate with  
4 such an audit, provide data required by the Secretary, or  
5 grant access to information may, at the discretion of the  
6 Secretary, result in involuntary forfeiture of the lease or  
7 permit.

8 (b) MAINTENANCE.—Records required by the Sec-  
9 retary under this section shall be maintained for 7 years  
10 after release of financial assurance unless the Secretary  
11 notifies the operator that the Secretary has initiated an  
12 audit or investigation involving such records and that such  
13 records must be maintained for a longer period. In any  
14 case when an audit or investigation is underway, records  
15 shall be maintained until the Secretary releases the oper-  
16 ator of the obligation to maintain such records.

17 **SEC. 505. AUDITS.**

18 The Secretary may conduct such audits of all lessees  
19 and permit holders, operators, transporters, purchasers,  
20 processors, or other persons directly or indirectly involved  
21 in the production or sales of renewable energy resources  
22 covered by this Act, as the Secretary deems necessary for  
23 the purposes of ensuring compliance with the require-  
24 ments of this title. For purposes of performing such au-  
25 dits, the Secretary shall, at reasonable times and upon re-

1 quest, have access to, and may copy, all books, papers and  
2 other documents that relate to compliance with any provi-  
3 sion of this section by any person.

4 **SEC. 506. TRADE SECRETS.**

5 Trade secrets, proprietary information, and other  
6 confidential information protected from disclosure under  
7 section 552 of title 5, United States Code (popularly  
8 known as the Freedom of Information Act), shall be made  
9 available by the Secretary to other Federal agencies as  
10 necessary to assure compliance with this Act and other  
11 Federal laws.

12 **SEC. 507. INTEREST AND SUBSTANTIAL UNDERREPORTING**  
13 **ASSESSMENTS.**

14 (a) INTEREST.—In the case of renewable energy  
15 leases or permits under which royalty payments are not  
16 received by the Secretary on the date that such payments  
17 are due, the Secretary shall charge interest on such under-  
18 payments at the same interest rate as the rate applicable  
19 under section 6621(a)(2) of the Internal Revenue Code of  
20 1986. In the case of an underpayment, interest shall be  
21 computed and charged only on the amount of the defi-  
22 ciency and not on the total amount.

23 (b) PENALTY.—If there is any underreporting of roy-  
24 alty owed on production from a lease or permit for any  
25 production month by any person liable for royalty pay-

1 ments under this title, the Secretary shall assess a penalty  
2 of not greater than 25 percent of the amount of that  
3 underreporting.

4 (c) UNDERREPORTING DEFINED.—For the purposes  
5 of this section, the term “underreporting” means the dif-  
6 ference between the royalty on the value of the production  
7 that should have been reported and the royalty on the  
8 value of the production that was reported, if the value that  
9 should have been reported is greater than the value that  
10 was reported.

11 (d) WAIVER OR REDUCTION.—

12 (1) IN GENERAL.—The Secretary may waive or  
13 reduce the assessment provided in subsection (b) if  
14 the person liable for royalty payments under this  
15 section corrects the underreporting before the date  
16 such person receives notice from the Secretary that  
17 an underreporting may have occurred, or before 90  
18 days after the date of the enactment of this section,  
19 whichever is later.

20 (2) REQUIRED WAIVER.—The Secretary shall  
21 waive any portion of an assessment under subsection  
22 (b) attributable to that portion of the underreporting  
23 for which the person responsible for paying the roy-  
24 alty demonstrates that—

1 (A) such person had written authorization  
2 from the Secretary to report royalty on the  
3 value of the production on basis on which it was  
4 reported;

5 (B) such person had substantial authority  
6 for reporting royalty on the value of the produc-  
7 tion on the basis on which it was reported;

8 (C) such person previously had notified the  
9 Secretary, in such manner as the Secretary may  
10 by rule prescribe, of relevant reasons or facts  
11 affecting the royalty treatment of specific pro-  
12 duction that led to the underreporting; or

13 (D) such person meets any other exception  
14 that the Secretary may, by rule, establish.

15 (e) EXPANDED ROYALTY OBLIGATIONS.—Each per-  
16 son liable for royalty payments under this section shall  
17 be jointly and severally liable for royalty on renewable en-  
18 ergy resources produced under a lease issued under this  
19 Act when such loss or waste is due to negligence on the  
20 part of any person or due to the failure to comply with  
21 any rule, regulation, or order issued under this section.

22 (f) FAILURE TO COMPLY WITH ROYALTY REQUIRE-  
23 MENTS.—Any person who fails to comply with the require-  
24 ments of this section or any regulation or order issued to  
25 implement this section shall be liable for a civil penalty

1 under section 109 of the Federal Oil and Gas Royalty  
2 Management Act of 1982 (30 U.S.C. 1719) to the same  
3 extent as if the failure to comply occurred under that Act.

4 (g) DEPOSIT OF PENALTIES.—All penalties collected  
5 under this subsection shall be deposited in the general  
6 fund of the Treasury.

7 **SEC. 508. INDIAN SAVINGS PROVISION.**

8 Nothing in this subtitle shall abridge, diminish, or  
9 alter any right or interest of any affected Indian tribe.  
10 Nothing in this subtitle shall authorize any Federal agency  
11 or official to abridge, diminish, or alter any right or inter-  
12 est of any affected Indian tribe.

13 **SEC. 509. TRANSMISSION SAVINGS PROVISION.**

14 Nothing in this title shall affect the authority of a  
15 Federal agency to issue right-of-way grants for electric  
16 transmission facilities.

17 **TITLE VI—COORDINATION AND**  
18 **PLANNING**

19 **SEC. 601. REGIONAL COORDINATION.**

20 (a) IN GENERAL.—The purpose of this title is to pro-  
21 mote—

22 (1) better coordination, communication, and  
23 collaboration between Federal agencies with authori-  
24 ties for ocean, coastal, and Great Lakes manage-  
25 ment; and

1           (2) coordinated and collaborative regional plan-  
2           ning efforts using the best available science, and to  
3           ensure the protection and maintenance of marine  
4           ecosystem health, in decisions affecting the sustain-  
5           able development and use of Federal renewable and  
6           nonrenewable resources on, in, or above the ocean  
7           (including the Outer Continental Shelf) and the  
8           Great Lakes for the long-term economic and envi-  
9           ronmental benefit of the United States.

10          (b) OBJECTIVES OF REGIONAL EFFORTS.—Such re-  
11         gional efforts shall achieve the following objectives:

12           (1) Greater systematic communication and co-  
13           ordination among Federal, coastal State, and af-  
14           fected tribal governments concerned with the con-  
15           servation of and the sustainable development and  
16           use of Federal renewable and nonrenewable re-  
17           sources of the oceans, coasts, and Great Lakes.

18           (2) To the maximum extent feasible, greater re-  
19           liance on a multiobjective, science- and ecosystem-  
20           based, spatially explicit management approach that  
21           integrates regional economic, ecological, affected  
22           tribal, and social objectives into ocean, coastal, and  
23           Great Lakes management decisions.

1           (3) Identification and prioritization of shared  
2           State and Federal ocean, coastal, and Great Lakes  
3           management issues.

4           (4) Identification of data and information need-  
5           ed by the Regional Outer Coordination Councils es-  
6           tablished under section 602.

7           (c) REGIONS.—There are hereby designated the fol-  
8           lowing Coordination Regions:

9           (1) PACIFIC REGION.—The Pacific Coordination  
10          Region, which shall consist of the coastal waters and  
11          Exclusive Economic Zone adjacent to the States of  
12          Washington, Oregon, and California.

13          (2) GULF OF MEXICO REGION.—The Gulf of  
14          Mexico Coordination Region, which shall consist of  
15          the coastal waters and Exclusive Economic Zone ad-  
16          jacent to the States of Texas, Louisiana, Mississippi,  
17          and Alabama, and the west coast of Florida.

18          (3) NORTH ATLANTIC REGION.—The North At-  
19          lantic Coordination Region, which shall consist of  
20          the coastal waters and Exclusive Economic Zone ad-  
21          jacent to the States of Maine, New Hampshire, Mas-  
22          sachusetts, Rhode Island, and Connecticut

23          (4) MID ATLANTIC REGION.—The Mid Atlantic  
24          Coordination Region, which shall consist of the  
25          coastal waters and Exclusive Economic Zone adja-



1 cent to the States of New York, New Jersey, Penn-  
2 sylvania, Delaware, Maryland, and Virginia.

3 (5) SOUTH ATLANTIC REGION.—The South At-  
4 lantic Coordination Region, which shall consist of  
5 the coastal waters and Exclusive Economic Zone ad-  
6 jacent to the States of North Carolina, South Caro-  
7 lina, Georgia, the east coast of Florida, and the  
8 Straits of Florida Planning Area.

9 (6) ALASKA REGION.—The Alaska Coordination  
10 Region, which shall consist of the coastal waters and  
11 Exclusive Economic Zone adjacent to the State of  
12 Alaska.

13 (7) PACIFIC ISLANDS REGION.—The Pacific Is-  
14 lands Coordination Region, which shall consist of the  
15 coastal waters and Exclusive Economic Zone adja-  
16 cent to the State of Hawaii, the Commonwealth of  
17 the Northern Mariana Islands, American Samoa,  
18 and Guam.

19 (8) CARIBBEAN REGION.—The Caribbean Co-  
20 ordination Region, which shall consist of the coastal  
21 waters and Exclusive Economic Zone adjacent to  
22 Puerto Rico and the United States Virgin Islands.

23 (9) GREAT LAKES REGION.—The Great Lakes  
24 Coordination Region, which shall consist of waters of  
25 the Great Lakes in the States of Illinois, Indiana,

1 Michigan, Minnesota, New York, Ohio, Pennsyl-  
2 vania, and Wisconsin.

3 **SEC. 602. REGIONAL COORDINATION COUNCILS.**

4 (a) IN GENERAL.—Within 180 days after the date  
5 of enactment of this Act, the Chairman of the Council on  
6 Environmental Quality, in consultation with the affected  
7 coastal States and affected Indian tribes, shall establish  
8 or designate a Regional Coordination Council for each of  
9 the Coordination Regions designated by section 601(c).

10 (b) MEMBERSHIP.—

11 (1) FEDERAL REPRESENTATIVES.—Within 90  
12 days after the date of enactment of this Act, the  
13 Chairman of the Council on Environmental Quality  
14 shall publish the titles of the officials of each Fed-  
15 eral agency and department that shall participate in  
16 each Council. The Councils shall include representa-  
17 tives of each Federal agency and department that  
18 has authorities related to the development of ocean,  
19 coastal, or Great Lakes policies or engages in plan-  
20 ning, management, or scientific activities that sig-  
21 nificantly affect or inform the use of ocean, coastal,  
22 or Great Lakes resources. The Chairman of the  
23 Council on Environmental Quality shall determine  
24 which Federal agency representative shall serve as  
25 the chairperson of each Council.

1 (2) COASTAL STATE REPRESENTATIVES.—

2 (A) NOTICE OF INTENT TO PARTICI-  
3 PATE.—The Governor of each coastal State  
4 within each Coordination Region designated by  
5 section 601(c) shall within 3 months after the  
6 date of enactment of this Act, inform the Chair-  
7 man of the Council on Environmental Quality  
8 whether or not the State intends to participate  
9 in the Regional Coordination Council for the  
10 Region.

11 (B) APPOINTMENT OF RESPONSIBLE  
12 STATE OFFICIAL.—If a coastal State intends to  
13 participate in such Council, the Governor of the  
14 coastal State shall appoint an officer or em-  
15 ployee of the coastal State agency with primary  
16 responsibility for overseeing ocean and coastal  
17 policy or resource management to that Council.

18 (3) REGIONAL FISHERY MANAGEMENT COUNCIL  
19 REPRESENTATION.—The Chairman of each Regional  
20 Fishery Management Council with jurisdiction in the  
21 Coordination Region of a Regional Coordination  
22 Council and the executive director of the interstate  
23 marine fisheries commission with jurisdiction in the  
24 Coordination Region of a Regional Coordination  
25 Council shall each serve as a member of the Council.

1           (4) REGIONAL OCEAN PARTNERSHIP REP-  
2           RESENTATION.—A representative of any Regional  
3           Ocean Partnership that has been established for any  
4           part of the Coordination Region of a Regional Co-  
5           ordination Council may appoint a representative to  
6           serve on the Council in addition to any Federal or  
7           State appointments.

8           (5) TRIBAL REPRESENTATION.—An appropriate  
9           tribal official selected by affected Indian tribes situ-  
10          ated in the affected Coordination Region may elect  
11          to appoint a representative of such tribes collectively  
12          to serve as a member of the Regional Coordination  
13          Council for that Region.

14          (6) LOCAL REPRESENTATION.—The Chairman  
15          of the Council on Environmental Quality shall, in  
16          consultation with the Governors of the coastal States  
17          within each Coordination Region, identify and ap-  
18          point representatives of county and local govern-  
19          ments, as appropriate, to serve as members of the  
20          Regional Coordination Council for that Region.

21          (c) ADVISORY COMMITTEE.—Each Regional Coordi-  
22          nation Council shall establish an advisory committee made  
23          up of a balanced representation from the energy, shipping,  
24          and transportation, marine tourism, and recreation indus-  
25          tries, from marine environmental nongovernmental organi-

1 zations, and from scientific and educational authorities  
2 with expertise in the conservation and management of  
3 ocean, coastal, and Great Lakes resources to advise the  
4 Council during the development of Regional Assessments  
5 and Regional Strategic Plans and in its other activities.

6 (d) COORDINATION WITH EXISTING PROGRAMS.—  
7 Each Regional Coordination Council shall build upon and  
8 complement current State, multistate, and regional capac-  
9 ity and governance and institutional mechanisms to man-  
10 age and protect ocean waters, coastal waters, and ocean  
11 resources.

12 **SEC. 603. REGIONAL STRATEGIC PLANS.**

13 (a) INITIAL REGIONAL ASSESSMENT.—

14 (1) IN GENERAL.—Each Regional Coordination  
15 Council, shall, within one year after the date of en-  
16 actment of this Act, prepare an initial assessment of  
17 its Coordination Region that shall identify defi-  
18 ciencies in data and information necessary to in-  
19 formed decisionmaking. Each initial assessment shall  
20 to the extent feasible—

21 (A) identify the Coordination Region's re-  
22 newable and non renewable resources, including  
23 current and potential energy resources;

24 (B) identify and include a spatially and  
25 temporally explicit inventory of existing and po-

1           tential uses of the Coordination Region, includ-  
2           ing fishing and fish habitat, tourism, recreation,  
3           and energy development;

4           (C) document the health and relative envi-  
5           ronmental sensitivity of the marine ecosystem  
6           within the Coordination Region, including a  
7           comprehensive survey and status assessment of  
8           species, habitats, and indicators of ecosystem  
9           health;

10          (D) identify marine habitat types and im-  
11          portant ecological areas within the Coordination  
12          Region;

13          (E) assess the Coordination Region's ma-  
14          rine economy and cultural attributes and in-  
15          clude regionally-specific ecological and socio-  
16          economic baseline data;

17          (F) identify and prioritize additional sci-  
18          entific and economic data necessary to inform  
19          the development of Strategic Plans; and

20          (G) include other information to improve  
21          decision making as determined by the Regional  
22          Coordination Council.

23          (2) DATA.—Each initial assessment shall—

24                (A) use the best available data;

1 (B) collect and provide data in a spatially  
2 explicit manner wherever practicable and pro-  
3 vide such data to the interagency comprehensive  
4 digital mapping initiative as described in section  
5 2 of Public Law 109–58 (42 U.S.C. 15801);  
6 and

7 (C) make publicly available any such data  
8 that is not classified information.

9 (3) PUBLIC PARTICIPATION.—Each Regional  
10 Coordination Council shall provide adequate oppor-  
11 tunity for review and input by stakeholders and the  
12 general public during the preparation of the initial  
13 assessment and any revised assessments.

14 (b) REGIONAL STRATEGIC PLANS.—

15 (1) REQUIREMENT.—Each Regional Coordina-  
16 tion Council shall, within 3 years after the comple-  
17 tion of the initial regional assessment, prepare and  
18 submit to the Chairman of the Council on Environ-  
19 mental Quality a multiobjective, science- and eco-  
20 system-based, spatially explicit, integrated Strategic  
21 Plan in accordance with this subsection for the  
22 Council’s Coordination Region.

23 (2) MANAGEMENT OBJECTIVE.—The manage-  
24 ment objective of the Strategic Plans under this sub-  
25 section shall be to foster comprehensive, integrated,

1 and sustainable development and use of ocean,  
2 coastal, and Great Lakes resources, while protecting  
3 marine ecosystem health and sustaining the long-  
4 term economic and ecosystem values of the oceans.

5 (3) CONTENTS.—Each Strategic Plan prepared  
6 by a Regional Coordination Council shall—

7 (A) be based on the initial regional assess-  
8 ment and updates for the Coordination Region  
9 under subsections (a) and (c), respectively;

10 (B) foster the sustainable and integrated  
11 development and use of ocean, coastal, and  
12 Great Lakes resources in a manner that pro-  
13 tects the health of marine ecosystems;

14 (C) identify areas with potential for siting  
15 and developing renewable and nonrenewable en-  
16 ergy resources in the Coordination Region cov-  
17 ered by the Strategic Plan;

18 (D) identify other current and potential  
19 uses of the ocean and coastal resources in the  
20 Coordination Region;

21 (E) identify and recommend long-term  
22 monitoring needs for ecosystem health and so-  
23 cioeconomic variables within the Coordination  
24 Region covered by the Strategic Plan;



1 (F) identify existing State and Federal  
2 regulating authorities within the Coordination  
3 Region covered by the Strategic Plan;

4 (G) identify best available technologies to  
5 minimize adverse environmental impacts and  
6 use conflicts in the development of ocean and  
7 coastal resources in the Coordination Region;

8 (H) identify additional research, informa-  
9 tion, and data needed to carry out the Strategic  
10 Plan;

11 (I) identify performance measures and  
12 benchmarks for purposes of fulfilling the re-  
13 sponsibilities under this section to be used to  
14 evaluate the Strategic Plan's effectiveness;

15 (J) define responsibilities and include an  
16 analysis of the gaps in authority, coordination,  
17 and resources, including funding, that must be  
18 filled in order to fully achieve those perform-  
19 ance measures and benchmarks; and

20 (K) include such other information at the  
21 Chairman of the Council on Environmental  
22 Quality determines is appropriate.

23 (4) PUBLIC PARTICIPATION.—Each Regional  
24 Coordination Council shall provide adequate oppor-  
25 tunities for review and input by stakeholders and the

1       general public during the development of the Stra-  
2       tegic Plan and any Strategic Plan revisions.

3       (c) UPDATED REGIONAL ASSESSMENTS.—Each Re-  
4       gional Coordination Council shall update the initial re-  
5       gional assessment prepared under subsection (a) in coordi-  
6       nation with each Strategic Plan revision under subsection  
7       (e), to provide more detailed information regarding the re-  
8       quired elements of the assessment and to include any rel-  
9       evant new information that has become available in the  
10      interim.

11      (d) REVIEW AND APPROVAL.—

12           (1) COMMENCEMENT OF REVIEW.—Within 10  
13      days after receipt of a Strategic Plan under this sec-  
14      tion, or any revision to such a Strategic Plan, from  
15      a Regional Coordination Council, the Chairman of  
16      the Council of Environmental Quality shall com-  
17      mence a review of the Strategic Plan or the revised  
18      Strategic Plan, respectively.

19           (2) PUBLIC NOTICE AND COMMENT.—Imme-  
20      diately after receipt of such a Strategic Plan or revi-  
21      sion, the Chairman of the Council of Environmental  
22      Quality shall publish the Strategic Plan or revision  
23      in the Federal Register and provide an opportunity  
24      for the submission of public comment for a 90-day  
25      period beginning on the date of such publication.

1           (3) REQUIREMENTS FOR APPROVAL.—Before  
2           approving a Strategic Plan, or any revision to a  
3           Strategic Plan, the Chairman of the Council on En-  
4           vironmental Quality must find that the Strategic  
5           Plan or revision—

6                   (A) is consistent with the Outer Conti-  
7                   nental Shelf Lands Act;

8                   (B) complies with subsection (b); and

9                   (C) complies with the purposes of this title  
10                  as identified in section 601(a) and the objec-  
11                  tives identified in section 601(b).

12           (4) DEADLINE FOR COMPLETION.—Within 180  
13           days after the receipt of a Strategic Plan, or a revi-  
14           sion to a Strategic Plan, the Chairman of the Coun-  
15           cil of Environmental Quality shall approve or dis-  
16           approve the Strategic Plan or revision. If the Chair-  
17           man disapproves the Strategic Plan or revision, the  
18           Chairman shall transmit to the Regional Coordina-  
19           tion Council that submitted the Strategic Plan or re-  
20           vision, an identification of the deficiencies and rec-  
21           ommendations to improve it. The Council shall sub-  
22           mit a revised Strategic Plan or revision to such plan  
23           with 180 days after receiving the recommendations  
24           from the Chairman.

1 (e) PLAN REVISION.—Each Strategic Plan shall be  
2 reviewed and revised by the relevant Regional Coordina-  
3 tion Council at least once every 5 years. Such review and  
4 revision shall be based on the most recently updated re-  
5 gional assessment. Any proposed revisions to the Strategic  
6 Plan shall be submitted to the Chairman of the Council  
7 on Environmental Quality for review and approval pursu-  
8 ant to this section.

9 **SEC. 604. REGULATIONS.**

10 The Chairman of the Council on Environmental  
11 Quality may issue such regulations as the Chairman con-  
12 siders necessary to ensure proper administration of this  
13 title.

14 **SEC. 605. OCEAN RESOURCES CONSERVATION AND ASSIST-**  
15 **ANCE FUND.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—There is established in the  
18 Treasury of the United States a separate account to  
19 be known as the Ocean Resources Conservation and  
20 Assistance Fund (in this section .

21 (2) CREDITS.—The ORCA Fund shall be cred-  
22 ited with amounts as specified in section 9 of the  
23 Outer Continental Shelf Lands Act (43 U.S.C.  
24 1338), as amended by section 207 of this Act.

25 (3) ALLOCATION OF THE ORCA FUND.—

1 (A) IN GENERAL.—Of the amounts depos-  
2 ited in the ORCA Fund each fiscal year—

3 (i) 70 percent shall be allocated to the  
4 Secretary, of which—

5 (I) 1/2 shall be used to make  
6 grants to coastal States and affected  
7 Indian tribes under subsection (b);  
8 and

9 (II) 1/2 shall be used for the  
10 ocean, coastal, and Great Lakes  
11 grants program established by sub-  
12 section (c);

13 (ii) 20 percent shall be allocated to  
14 the Secretary to carry out the purposes of  
15 subsection (e); and

16 (iii) 10 percent shall be allocated to  
17 the Secretary to make grants to Regional  
18 Ocean Partnerships under subsection (d).

19 (B) AVAILABILITY.—Amounts allocated to  
20 the Secretary under subparagraph (A) shall be  
21 available without further appropriation.

22 (4) PROCEDURES.—The Secretary shall estab-  
23 lish application, review, oversight, financial account-  
24 ability, and performance accountability procedures

1 for each grant program for which funds are allo-  
2 cated under this subsection.

3 (b) GRANTS TO COASTAL STATES.—

4 (1) GRANT AUTHORITY.—The Secretary may  
5 use amounts allocated under subsection  
6 (a)(3)(A)(I)(I) to make grants to—

7 (A) coastal States pursuant to the formula  
8 established under section 306(c) of the Coastal  
9 Zone Management Act of 1972 (16 U.S.C.  
10 1455(c)); and

11 (B) affected Indian tribes based on and  
12 proportional to any specific coastal and ocean  
13 management authority granted to an affected  
14 tribe pursuant to affirmation of a Federal re-  
15 served right.

16 (2) ELIGIBILITY.—To be eligible to receive a  
17 grant under this subsection, a coastal State or af-  
18 fected Indian tribe must prepare and revise a 5-year  
19 plan and annual work plans that—

20 (A) demonstrate that activities for which  
21 the coastal State or affected Indian tribe will  
22 use the funds are consistent with the eligible  
23 uses of the Fund described in subsection (f);  
24 and

1 (B) provide mechanisms to ensure that  
2 funding is made available to government, non-  
3 government, and academic entities to carry out  
4 eligible activities at the county and local level.

5 (3) APPROVAL OF STATE AND AFFECTED TRIB-  
6 AL PLANS.—

7 (A) IN GENERAL.—Plans required under  
8 paragraph (2) must be submitted to and ap-  
9 proved by the Secretary.

10 (B) PUBLIC INPUT AND COMMENT.—In de-  
11 termining whether to approve such plans, the  
12 Secretary shall provide opportunity for, and  
13 take into consideration, public input and com-  
14 ment on the plans from stakeholders and the  
15 general public.

16 (5) ENERGY PLANNING GRANTS.—For each of  
17 the fiscal years 2011 through 2015, the Secretary  
18 may use funds allocated for grants under this sub-  
19 section to make grants to coastal States and affected  
20 tribes under section 320 of the Coastal Zone Man-  
21 agement Act of 1972 (16 U.S.C. 1451 et seq.), as  
22 amended by this Act.

23 (6) USE OF FUNDS.—Any amounts provided as  
24 a grant under this subsection, other than as a

1 grants under paragraph (5), may only be used for  
2 activities described in subsection (f).

3 (c) OCEAN AND COASTAL COMPETITIVE GRANTS  
4 PROGRAM.—

5 (1) ESTABLISHMENT.—The Secretary shall use  
6 amounts allocated under subsection (a)(3)(A)(I)(II)  
7 to make competitive grants for conservation and  
8 management of ocean, coastal, and Great Lakes eco-  
9 systems and marine resources.

10 (2) OCEAN, COASTAL, AND GREAT LAKES RE-  
11 VIEW PANEL.—

12 (A) IN GENERAL.—The Secretary shall es-  
13 tablish an Ocean, Coastal, and Great Lakes Re-  
14 view Panel (in this subsection referred to as the  
15 “Panel”), which shall consist of 12 members  
16 appointed by the Secretary with expertise in the  
17 conservation and management of ocean, coastal,  
18 and Great Lakes ecosystems and marine re-  
19 sources. In appointing members to the Council,  
20 the Secretary shall include a balanced diversity  
21 of representatives of relevant Federal agencies,  
22 the private sector, nonprofit organizations, and  
23 academia.

24 (B) FUNCTIONS.—The Panel shall—



1 (i) review, in accordance with the pro-  
2 cedures and criteria established under  
3 paragraph (3), grant applications under  
4 this subsection;

5 (ii) make recommendations to the  
6 Secretary regarding which grant applica-  
7 tions should be funded and the amount of  
8 each grant; and

9 (iii) establish any specific require-  
10 ments, conditions, or limitations on a grant  
11 application recommended for funding.

12 (3) PROCEDURES AND ELIGIBILITY CRITERIA  
13 FOR GRANTS.—

14 (A) IN GENERAL.—The Secretary shall es-  
15 tablish—

16 (i) procedures for applying for a grant  
17 under this subsection and criteria for eval-  
18 uating applications for such grants; and

19 (ii) criteria, in consultation with the  
20 Panel, to determine what persons are eligi-  
21 ble for grants under the program.

22 (B) ELIGIBLE PERSONS.—Persons eligible  
23 under the criteria under subparagraph (A)(ii)  
24 shall include Federal, State, affected tribal, and  
25 local agencies, fishery or wildlife management

1 organizations, nonprofit organizations, and aca-  
2 demic institutions.

3 (4) APPROVAL OF GRANTS.—In making grants  
4 under this subsection the Secretary shall give the  
5 highest priority to the recommendations of the  
6 Panel. If the Secretary disapproves a grant rec-  
7 ommended by the Panel, the Secretary shall explain  
8 that disapproval in writing.

9 (5) USE OF GRANT FUNDS.—Any amounts pro-  
10 vided as a grant under this subsection may only be  
11 used for activities described in subsection (f).

12 (d) GRANTS TO REGIONAL OCEAN PARTNERSHIPS.—

13 (1) GRANT AUTHORITY.—The Secretary may  
14 use amounts allocated under subsection (a)(3)(A)(iii)  
15 to make grants to Regional Ocean Partnerships.

16 (2) ELIGIBILITY.—In order to be eligible to re-  
17 ceive a grant, a Regional Ocean Partnership must  
18 prepare and annually revise a plan that—

19 (A) identifies regional science and informa-  
20 tion needs, regional goals and priorities, and  
21 mechanisms for facilitating coordinated and col-  
22 laborative responses to regional issues;

23 (B) establishes a process for coordinating  
24 and collaborating with the Regional Coordina-  
25 tion Councils established under section 602 to

1 address regional issues and information needs  
2 and achieve regional goals and priorities; and

3 (C) demonstrates that activities to be car-  
4 ried out with such funds are eligible uses of the  
5 funds identified in subsection (f).

6 (3) APPROVAL BY SECRETARY.—Such plans  
7 must be submitted to and approved by the Sec-  
8 retary.

9 (4) PUBLIC INPUT AND COMMENT.—In deter-  
10 mining whether to approve such plans, the Secretary  
11 shall provide opportunity for, and take into consider-  
12 ation, input and comment on the plans from stake-  
13 holders and the general public.

14 (5) USE OF FUNDS.—Any amounts provided as  
15 a grant under this subsection may only be used for  
16 activities described in subsection (f).

17 (e) LONG-TERM OCEAN AND COASTAL OBSERVA-  
18 TIONS.—

19 (1) IN GENERAL.—The Secretary shall use the  
20 amounts allocated under subsection (a)(3)(A)(ii) to  
21 build, operate, and maintain the system established  
22 under section 12304 of Public Law 111–11 (33  
23 U.S.C. 3603), in accordance with the purposes and  
24 policies for which the system was established.

1           (2) ADMINISTRATION OF FUNDS.—The Sec-  
2       retary shall administer and distribute funds under  
3       this subsection based upon comprehensive system  
4       budgets adopted by the Council referred to in section  
5       12304(c)(1)(A) of the Integrated Coastal and Ocean  
6       Observation System Act of 2009 (33 U.S.C.  
7       3603(c)(1)(A)).

8           (f) ELIGIBLE USE OF FUNDS.—Any funds made  
9       available under this section may only be used for activities  
10      that contribute to the conservation, protection, mainte-  
11      nance, and restoration of ocean, coastal, and Great Lakes  
12      ecosystems in a manner that is consistent with Federal  
13      environmental laws and that avoids environmental deg-  
14      radation, including—

15           (1) activities to conserve, protect, maintain, and  
16      restore coastal, marine, and Great Lakes ecosystem  
17      health;

18           (2) activities to protect marine biodiversity and  
19      living marine and coastal resources and their habi-  
20      tats, including fish populations;

21           (3) the development and implementation of  
22      multiobjective, science- and ecosystem-based plans  
23      for monitoring and managing the wide variety of  
24      uses affecting ocean, coastal, and Great Lakes eco-

1 systems and resources that consider cumulative im-  
2 pacts and are spatially explicit where appropriate;

3 (4) activities to improve the resiliency of those  
4 ecosystems;

5 (5) activities to improve the ability of those eco-  
6 systems to become more resilient, and to adapt to  
7 and withstand the impacts of climate change and  
8 ocean acidification;

9 (6) planning for and managing coastal develop-  
10 ment to minimize the loss of life and property asso-  
11 ciated with sea level rise and the coastal hazards re-  
12 sulting from it;

13 (7) research, assessment, monitoring, and dis-  
14 semination of information that contributes to the  
15 achievement of these purposes; and

16 (8) research of, protection of, enhancement to,  
17 and activities to improve the resiliency of culturally  
18 significant areas and resources.

19 (g) DEFINITIONS.—In this section:

20 (1) ORCA FUND.—The term “ORCA Fund”  
21 means the Ocean Resources Conservation and As-  
22 sistance Fund established by this section

23 (2) SECRETARY.—Notwithstanding section 3,  
24 the term “Secretary” means the Secretary of Com-  
25 merce.

1 **SEC. 606. WAIVER.**

2 The Federal Advisory Committee Act (5 U.S.C. App.)  
3 shall not apply to the Regional Coordination Councils es-  
4 tablished under section 602.

5 **TITLE VII—MISCELLANEOUS**  
6 **PROVISIONS**

7 **SEC. 701. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED**  
8 **ROYALTY RELIEF FOR THE OIL AND GAS IN-**  
9 **DUSTRY.**

10 (a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT  
11 OF 2005.—The following provisions of the Energy Policy  
12 Act of 2005 (Public Law 109–58) are repealed:

13 (1) Section 344 (42 U.S.C. 15904; relating to  
14 incentives for natural gas production from deep wells  
15 in shallow waters of the Gulf of Mexico).

16 (2) Section 345 (42 U.S.C. 15905; relating to  
17 royalty relief for deep water production in the Gulf  
18 of Mexico).

19 (b) PROVISIONS RELATING TO PLANNING AREAS  
20 OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer  
21 Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B))  
22 is amended by striking “and in the Planning Areas off-  
23 shore Alaska” after “: West longitude”.

24 (c) PROVISIONS RELATING TO NAVAL PETROLEUM  
25 RESERVE IN ALASKA.—Section 107 of the Naval Petro-  
26 leum Reserves Production Act of 1976 (as transferred, re-

1 designated, moved, and amended by section 347 of the En-  
2 ergy Policy Act of 2005 (119 Stat. 704)) is amended—

3 (1) in subsection (i) by striking paragraphs (2)  
4 through (6); and

5 (2) by striking subsection (k).

6 **SEC. 702. CONSERVATION FEE.**

7 (a) ESTABLISHMENT.—The Secretary shall, within  
8 180 days after the date of enactment of this Act, issue  
9 regulations to establish an annual conservation fee for all  
10 oil and gas leases on Federal onshore and offshore lands.

11 (b) AMOUNT.—The amount of the fee shall be, for  
12 each barrel or barrel equivalent produced from land that  
13 is subject to a lease from which oil or natural gas is pro-  
14 duced in a calendar year, \$2 per barrel of oil and 20 cents  
15 per million BTU of natural gas in 2010 dollars.

16 (c) ASSESSMENT AND COLLECTION.—The Secretary  
17 shall assess and collect the fee established under this sec-  
18 tion.

19 (d) REGULATIONS.—The Secretary may issue regula-  
20 tions to prevent evasion of the fee under this section.

21 (e) SUNSET.—This section and the fee established  
22 under this section shall expire on December 31, 2021.

1 **SEC. 703. LEASING ON INDIAN LANDS.**

2 Nothing in this Act modifies, amends, or affects leas-  
3 ing on Indian lands as currently carried out by the Bureau  
4 of Indian Affairs.

5 **SEC. 704. OFFSHORE AQUACULTURE CLARIFICATION.**

6 (a) NO AUTHORITY.—The Secretary of Commerce,  
7 the Administrator of the National Oceanic and Atmos-  
8 pheric Administration, or the Regional Fishery Manage-  
9 ment Councils shall not develop or approve a fishery man-  
10 agement plan or fishery management plan amendment to  
11 permit or regulate offshore aquaculture.

12 (b) PERMITS INVALID.—Any permit issued for the  
13 conduct of offshore aquaculture, including the siting or op-  
14 eration of offshore aquaculture facilities, under the Mag-  
15 nuson-Stevens Fishery Conservation and Management Act  
16 (16 U.S.C. 1801 et seq.) shall be invalid upon enactment  
17 of this Act.

18 (c) DEFINITIONS.—In this section:

19 (1) OFFSHORE AQUACULTURE.—The term “off-  
20 shore aquaculture” means all activities related to—

21 (A) the placement of any installation, facil-  
22 ity, or structure in the exclusive economic zone  
23 for the purposes of propagation or rearing, or  
24 attempting to propagate or rear, any species; or

25 (B) the operation of offshore aquaculture  
26 facilities in the exclusive economic zone involved



1 in the propagation or rearing, or attempted  
2 propagation or rearing, of species.

3 (2) OFFSHORE AQUACULTURE FACILITY.—The  
4 term “offshore aquaculture facility” means—

5 (A) a structure, installation, or other com-  
6 plex used, in whole or in part, for offshore  
7 aquaculture; or

8 (B) an area of the seabed or the subsoil  
9 used for offshore aquaculture.

10 **SEC. 705. OUTER CONTINENTAL SHELF STATE BOUND-**  
11 **ARIES.**

12 (a) GENERAL.—Not later than 2 years after the date  
13 of enactment of this Act, the President, acting through  
14 the Secretary of the Interior, shall publish a final deter-  
15 mination under section 4(a)(2) of the Outer Continental  
16 Shelf Lands Act (43 U.S.C. 1333(a)(2)) of the boundaries  
17 of coastal States projected seaward to the outer margin  
18 of the Outer Continental Shelf.

19 (b) NOTICE AND COMMENT.—In determining the  
20 projected boundaries specified in subsection (a), the Sec-  
21 retary shall comply with the notice and comment require-  
22 ments under chapter 5 of title 5, United States Code.

23 (c) SAVINGS CLAUSE.—The determination and publi-  
24 cation of projected boundaries under subsection (a) shall  
25 not be construed to alter, limit, or modify the jurisdiction,

1 control, or any other authority of the United States over  
2 the Outer Continental Shelf.

3 **SEC. 706. LIABILITY FOR DAMAGES TO NATIONAL WILDLIFE**  
4 **REFUGES.**

5 Section 4 of the National Wildlife Refuge System Ad-  
6 ministration Act of 1966 (16 U.S.C. 668dd) is amended  
7 by adding at the end the following new subsection:

8 “(p) DESTRUCTION OR LOSS OF, OR INJURY TO,  
9 REFUGE RESOURCES.—

10 “(1) LIABILITY.—

11 “(A) LIABILITY TO UNITED STATES.—Any  
12 person who destroys, causes the loss of, or in-  
13 jures any refuge resource is liable to the United  
14 States for an amount equal to the sum of—

15 “(i) the amount of the response costs  
16 and damages resulting from the destruc-  
17 tion, loss, or injury; and

18 “(ii) interest on that amount cal-  
19 culated in the manner described under  
20 section 1005 of the Oil Pollution Act of  
21 1990 (33 U.S.C. 2705).

22 “(B) LIABILITY IN REM.—Any instrumen-  
23 tality, including a vessel, vehicle, aircraft, or  
24 other equipment, that destroys, causes the loss  
25 of, or injures any refuge resource shall be liable

1 in rem to the United States for response costs  
2 and damages resulting from such destruction,  
3 loss, or injury to the same extent as a person  
4 is liable under subparagraph (A).

5 “(C) DEFENSES.—A person is not liable  
6 under this paragraph if that person establishes  
7 that—

8 “(i) the destruction or loss of, or in-  
9 jury to, the refuge resource was caused  
10 solely by an act of God, an act of war, or  
11 an act or omission of a third party, and  
12 the person acted with due care;

13 “(ii) the destruction, loss, or injury  
14 was caused by an activity authorized by  
15 Federal or State law; or

16 “(iii) the destruction, loss, or injury  
17 was negligible.

18 “(D) LIMITS TO LIABILITY.—Nothing in  
19 sections 30501 to 30512 or section 30706 of  
20 title 46, United States Code, shall limit the li-  
21 ability of any person under this section.

22 “(2) RESPONSE ACTIONS.—The Secretary may  
23 undertake or authorize all necessary actions to pre-  
24 vent or minimize the destruction or loss of, or injury

1 to, refuge resources, or to minimize the imminent  
2 risk of such destruction, loss, or injury.

3 “(3) CIVIL ACTIONS FOR RESPONSE COSTS AND  
4 DAMAGES.—

5 “(A) IN GENERAL.—The Attorney General,  
6 upon request of the Secretary, may commence  
7 a civil action against any person or instrumen-  
8 tality who may be liable under paragraph (1)  
9 for response costs and damages. The Secretary,  
10 acting as trustee for refuge resources for the  
11 United States, shall submit a request for such  
12 an action to the Attorney General whenever a  
13 person may be liable for such costs or damages.

14 “(B) JURISDICTION AND VENUE.—An ac-  
15 tion under this subsection may be brought in  
16 the United States district court for any district  
17 in which—

18 “(i) the defendant is located, resides,  
19 or is doing business, in the case of an ac-  
20 tion against a person;

21 “(ii) the instrumentality is located, in  
22 the case of an action against an instru-  
23 mentality; or

24 “(iii) the destruction of, loss of, or in-  
25 jury to a refuge resource occurred.

1           “(4) USE OF RECOVERED AMOUNTS.—Response  
2 costs and damages recovered by the Secretary under  
3 this subsection shall be retained by the Secretary in  
4 the manner provided for in section 107(f)(1) of the  
5 Comprehensive Environmental Response, Compensa-  
6 tion, and Liability Act of 1980 (42 U.S.C.  
7 9607(f)(1)) and used as follows:

8           “(A) RESPONSE COSTS.—Amounts recov-  
9 ered by the United States for costs of response  
10 actions and damage assessments under this  
11 subsection shall be used, as the Secretary con-  
12 sidered appropriate—

13           “(i) to reimburse the Secretary or any  
14 other Federal or State agency that con-  
15 ducted those activities; and

16           “(ii) after reimbursement of such  
17 costs, to restore, replace, or acquire the  
18 equivalent of any refuge resource.

19           “(B) OTHER AMOUNTS.—All other  
20 amounts recovered shall be used, in order of  
21 priority—

22           “(i) to restore, replace, or acquire the  
23 equivalent of the refuge resources that  
24 were the subject of the action, including

1 the costs of monitoring the refuge re-  
2 sources;

3 “(ii) to restore degraded refuge re-  
4 sources of the refuge that was the subject  
5 of the action, giving priority to refuge re-  
6 sources that are comparable to the refuge  
7 resources that were the subject of the ac-  
8 tion; and

9 “(iii) to restore degraded refuge re-  
10 sources of other refuges.

11 “(5) DEFINITIONS.—In this subsection, the  
12 term—

13 “(A) ‘damages’ includes—

14 “(i) compensation for—

15 “(I)(aa) the cost of replacing, re-  
16 storing, or acquiring the equivalent of  
17 a refuge resource; and

18 “(bb) the value of the lost use of  
19 a refuge resource pending its restora-  
20 tion or replacement or the acquisition  
21 of an equivalent refuge resource; or

22 “(II) the value of a refuge re-  
23 source if the refuge resource cannot  
24 be restored or replaced or if the equiv-

1           alent of such resource cannot be ac-  
2           quired;

3           “(ii) the cost of conducting damage  
4           assessments;

5           “(iii) the reasonable cost of moni-  
6           toring appropriate to the injured, restored,  
7           or replaced refuge resource; and

8           “(iv) the cost of enforcement actions  
9           undertaken by the Secretary in response to  
10          the destruction or loss of, or injury to, a  
11          refuge resource;

12          “(B) ‘response costs’ means the costs of  
13          actions taken or authorized by the Secretary to  
14          minimize destruction or loss of, or injury to,  
15          refuge resources, or to minimize the imminent  
16          risks of such destruction, loss, or injury, includ-  
17          ing costs related to seizure, forfeiture, storage,  
18          or disposal arising from liability, or to monitor  
19          ongoing effects of incidents causing such de-  
20          struction, loss, or injury under this subsection;  
21          and

22          “(C) ‘refuge resource’ means any living or  
23          nonliving resource of a refuge that contributes  
24          to the conservation, management, and restora-  
25          tion mission of the System, including living or

1 nonliving resources of a marine national monu-  
2 ment that may be managed as a unit of the  
3 System.”.

4 **SEC. 707. STRENGTHENING COASTAL STATE OIL SPILL**  
5 **PLANNING AND RESPONSE.**

6 The Coastal Zone Management Act of 1972 (16  
7 U.S.C. 1451 et seq.) is amended adding at the end the  
8 following new section:

9 **“SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RE-**  
10 **SPONSE AND PLANNING.**

11 “(a) GRANTS TO STATES.—

12 “(1) IN GENERAL.—The Secretary may make  
13 grants to eligible coastal states—

14 “(A) to revise management programs ap-  
15 proved under section 306 (16 U.S.C. 1455) to  
16 identify and implement new enforceable policies  
17 and procedures to ensure sufficient response ca-  
18 pabilities at the state level to address the envi-  
19 ronmental, economic and social impacts of oil  
20 spills or other accidents resulting from Outer  
21 Continental Shelf energy activities with the po-  
22 tential to affect any land or water use or nat-  
23 ural resource of the coastal zone; and

24 “(B) to review and revise where necessary  
25 applicable enforceable policies within approved



1 state management programs affecting coastal  
2 energy activities and energy to ensure that  
3 these policies are consistent with—

4 “(i) other emergency response plans  
5 and policies developed under Federal or  
6 State law; and

7 “(ii) new policies and procedures de-  
8 veloped under subparagraph (A); and

9 “(C) after a State has adopted new or re-  
10 vised enforceable policies and procedures under  
11 subparagraphs (A) and (B)—

12 “(i) the State shall submit the policies  
13 and procedures to the Secretary; and

14 “(ii) the Secretary shall notify the  
15 State whether the Secretary approves or  
16 disapproves the incorporation of the poli-  
17 cies and procedures into the State’s man-  
18 agement program pursuant to section  
19 306(e)).

20 “(b) ELEMENTS.—New enforceable policies and pro-  
21 cedures developed by coastal states with grants awarded  
22 under this section shall consider, but not be limited to—

23 “(1) other existing emergency response plans,  
24 procedures and enforceable policies developed under

1 other Federal or State law that affect the coastal  
2 zone;

3 “(2) identification of critical infrastructure es-  
4 sential to facilitate spill or accident response activi-  
5 ties;

6 “(3) identification of coordination, logistics and  
7 communication networks between Federal and State  
8 government agencies, and between State agencies  
9 and affected local communities, to ensure the effi-  
10 cient and timely dissemination of data and other in-  
11 formation;

12 “(4) inventories of shore locations and infra-  
13 structure and equipment necessary to respond to oil  
14 spills or other accidents resulting from Outer Conti-  
15 nental Shelf energy activities;

16 “(5) identification and characterization of sig-  
17 nificant or sensitive marine ecosystems or other  
18 areas possessing important conservation, rec-  
19 reational, ecological, historic, or aesthetic values;

20 “(6) inventories and surveys of shore locations  
21 and infrastructure capable of supporting alternative  
22 energy development; and

23 “(7) other information or actions as may be  
24 necessary.

1       “(c) GUIDELINES.—The Secretary shall, within 180  
2 days after the date of enactment of this section and after  
3 consultation with the coastal states, publish guidelines for  
4 the application for and use of grants under this section.

5       “(d) PARTICIPATION.—A coastal state shall provide  
6 opportunity for public participation in developing new en-  
7 forceable policies and procedures under this section pursu-  
8 ant to sections 306(d)(1) and 306(e), especially by rel-  
9 evant Federal agencies, other coastal state agencies, local  
10 governments, regional organizations, port authorities, and  
11 other interested parties and stakeholders, public and pri-  
12 vate, that are related to, or affected by Outer Continental  
13 Shelf energy activities.

14       “(e) ANNUAL GRANTS.—

15               “(1) IN GENERAL.—For each of fiscal years  
16 2011 through 2015, the Secretary may make a  
17 grant to a coastal state to develop new enforceable  
18 polices and procedures as required under this sec-  
19 tion.

20               “(2) GRANT AMOUNTS AND LIMIT ON  
21 AWARDS.—The amount of any grant to any one  
22 coastal State under this section shall not exceed  
23 \$750,000 for any fiscal year. No coastal state may  
24 receive more than two grants under this section.

1           “(3) NO STATE MATCHING CONTRIBUTION RE-  
2           QUIRED.—As it is in the national interest to be able  
3           to respond efficiently and effectively at all levels of  
4           government to oil spills and other accidents resulting  
5           from Outer Continental Shelf energy activities, a  
6           coastal state shall not be required to contribute any  
7           portion of the cost of a grant awarded under this  
8           section.

9           “(4) SECRETARIAL REVIEW AND LIMIT ON  
10          AWARDS.—After an initial grant is made to a coastal  
11          state under this section, no subsequent grant may be  
12          made to that coastal state under this section unless  
13          the Secretary finds that the coastal state is satisfac-  
14          torily developing revisions to address offshore energy  
15          impacts. No coastal state is eligible to receive grants  
16          under this section for more than 2 fiscal years.

17          “(f) APPLICABILITY.—The requirements of this sec-  
18          tion shall only apply if appropriations are provided to the  
19          Secretary to make grants under this section. This section  
20          shall not be construed to convey any new authority to any  
21          coastal state, or repeal or supersede any existing authority  
22          of any coastal state, to regulate the siting, licensing, leas-  
23          ing, or permitting of energy facilities in areas of the Outer  
24          Continental Shelf under the administration of the Federal

1 Government. Nothing in this section repeals or supersedes  
2 any existing coastal state authority.

3 “(g) ASSISTANCE BY THE SECRETARY.—The Sec-  
4 retary as authorized under section 310(a) and to the ex-  
5 tent practicable, shall make available to coastal states the  
6 resources and capabilities of the National Oceanic and At-  
7 mospheric Administration to provide technical assistance  
8 to the coastal states to prepare revisions to approved man-  
9 agement programs to meet the requirements under this  
10 section.”.

11 **SEC. 708. INFORMATION SHARING.**

12 Section 388(b) of the Energy Policy Act of 2005 (43  
13 U.S.C. 1337 note) is amended by adding at the end the  
14 following:

15 “(4) AVAILABILITY OF DATA AND INFORMA-  
16 TION.—All heads of departments and agencies of the  
17 Federal Government shall, upon request of the Sec-  
18 retary, provide to the Secretary all data and infor-  
19 mation that the Secretary deems necessary for the  
20 purpose of including such data and information in  
21 the mapping initiative, except that no department or  
22 agency of the Federal Government shall be required  
23 to provide any data or information that is privileged  
24 or proprietary.”.

1 **SEC. 709. REPEAL OF FUNDING.**

2 Effective October 1, 2010, section 999H of the En-  
3 ergy Policy Act of 2005 (42 U.S.C. 16378) is amended—

4 (1) by striking subsections (a), (b), (e), and (f);

5 (2) by redesignating subsections (d) and (e) as  
6 subsections (a) and (b), respectively;

7 (3) in subsection (a), as so redesignated, by  
8 striking “obligated from the Fund under subsection  
9 (a)(1)” and inserting “available under this section”;  
10 and

11 (4) in subsection (b), as so redesignated, by  
12 striking “In addition to other amounts that are  
13 made available to carry out this section, there” and  
14 inserting “There”.

15 **SEC. 710. SAVINGS CLAUSE.**

16 None of the funds authorized or made available by  
17 this Act may be used to carry out any activity or pay any  
18 cost for which a responsible party (as such term is defined  
19 in section 1001 of the Oil Pollution Act of 1990 (33  
20 U.S.C. 2701)) is liable under the Oil Pollution Act of 1990  
21 (33 U.S.C. 2701 et seq.) or other law.

22 **TITLE VIII—GULF OF MEXICO**  
23 **RESTORATION**

24 **SEC. 801. GULF OF MEXICO RESTORATION PROGRAM.**

25 (a) PROGRAM.—There is established a Gulf of Mexico  
26 Restoration Program for the purposes of coordinating

1 Federal, State, and local restoration programs and  
2 projects to maximize efforts in restoring biological integ-  
3 rity, productivity and ecosystem functions in the Gulf of  
4 Mexico.

5 (b) GULF OF MEXICO RESTORATION TASK FORCE.—

6 (1) ESTABLISHMENT.—There is established a  
7 task force to be known as the Gulf of Mexico Res-  
8 toration Task Force (in this section referred to as  
9 the “Restoration Task Force”).

10 (2) MEMBERSHIP.—The Restoration Task  
11 Force shall consist of the Governors of each of the  
12 Gulf coast States and the heads of appropriate Fed-  
13 eral agencies selected by the President. The chair-  
14 person of the Restoration Task Force (in this sub-  
15 section referred to as the “Chair”) shall be ap-  
16 pointed by the President. The Chair shall be a per-  
17 son who, as the result of experience and training, is  
18 exceptionally well-qualified to manage the work of  
19 the Restoration Task Force. The Chair shall serve  
20 in the Executive Office of the President.

21 (3) ADVISORY COMMITTEES.—The Restoration  
22 Task Force may establish advisory committees and  
23 working groups as necessary to carry out its du-  
24 ties under this Act.

25 (c) GULF OF MEXICO RESTORATION PLAN.—

1           (1) IN GENERAL.—Not later than nine months  
2           after the date of enactment of this Act, the Restora-  
3           tion Task Force shall issue a proposed comprehen-  
4           sive plan for long-term restoration of the Gulf of  
5           Mexico. Not later than 12 months after the date of  
6           enactment and after notice and opportunity for pub-  
7           lic comment, the Restoration Task Force shall pub-  
8           lish a final plan. The Plan shall be updated every  
9           five years in the same manner.

10           (2) ELEMENTS OF RESTORATION PLANS.—The  
11           Plan shall—

12                   (A) identify processes and strategies for  
13                   coordinating Federal, State, and local restora-  
14                   tion programs and projects to maximize efforts  
15                   in restoring biological integrity, productivity  
16                   and ecosystem functions in the Gulf of Mexico  
17                   region;

18                   (B) identify mechanisms for scientific re-  
19                   view and input to evaluate the benefits and  
20                   long-term effectiveness of restoration programs  
21                   and projects;

22                   (C) identify, using the best science avail-  
23                   able, strategies for implementing restoration  
24                   programs and projects for natural resources in-  
25                   cluding—



1 (i) restoring species population and  
2 habitat including oyster reefs, sea grass  
3 beds, coral reefs, tidal marshes and other  
4 coastal wetlands and barrier islands and  
5 beaches;

6 (ii) restoring fish passage and improv-  
7 ing migratory pathways for wildlife;

8 (iii) research that directly supports  
9 restoration programs and projects;

10 (iv) restoring the biological produc-  
11 tivity and ecosystem function in the Gulf  
12 of Mexico region; and

13 (v) improving the resilience of natural  
14 resources to withstand the impacts of cli-  
15 mate change and ocean acidification to en-  
16 sure the long-term effectiveness of the res-  
17 toration program.

18 (3) REPORT.—The Task Force shall annually  
19 provide a report to Congress about the progress in  
20 implementing the Plan.

21 (d) DEFINITIONS.—For purposes of this section, the  
22 term—

23 (1) “Gulf coast State” means each of the  
24 States of Texas, Louisiana, Mississippi, Alabama,  
25 and Florida; and

1           (2) “restoration programs and projects” means  
2           activities that support the restoration, rehabilitation,  
3           replacement, or acquisition of the equivalent, of in-  
4           jured or lost natural resources including the ecologi-  
5           cal services and benefits provided by such resources.

6           (e) RELATIONSHIP TO OTHER LAW.—Nothing in this  
7           section affects the ability or authority of the Federal Gov-  
8           ernment to recover costs from a person determined to be  
9           a responsible party pursuant to the Oil Pollution Act of  
10          1990 (33 U.S.C. 2701 et seq.) or other law.

