

113TH CONGRESS
1ST SESSION

S. 681

To extend the seaward boundaries of certain States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2013

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To extend the seaward boundaries of certain States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Offshore Fairness
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COAST LINE.—The term “coast line” means
9 the line of ordinary low water along the portion of
10 the coast which is in direct contact with the open
11 sea and the line marking the seaward limit of inland

1 waters, as in existence on the day that is 1 day be-
2 fore the date of enactment of this Act

3 (2) EXISTING INTEREST.—The term “existing
4 interest” means any lease, easement, right of use, or
5 right-of-way on, or for any natural resources or min-
6 erals, underlying, expanded submerged land that is
7 in existence on the date of conveyance of the ex-
8 panded submerged land.

9 (3) EXPANDED SEAWARD BOUNDARY.—The
10 term “expanded seaward boundary” means the
11 boundary of a State that is 3 marine leagues sea-
12 ward of the coast line of the State.

13 (4) EXPANDED SUBMERGED LAND.—The term
14 “expanded submerged land” means the area of the
15 outer Continental Shelf that is located between the
16 point that is 3 miles seaward of the coast line of a
17 State and the point that is 3 marine leagues sea-
18 ward of the coast line of the State.

19 (5) INTEREST OWNER.—The term “interest
20 owner” means any person holding an existing inter-
21 est or a portion of an existing interest.

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (7) STATE.—The term “State” means any of
25 the States of Alabama, Florida, Georgia, Louisiana,

1 Mississippi, North Carolina, South Carolina, and
2 Virginia.

3 **SEC. 3. SEAWARD BOUNDARIES OF CERTAIN STATES.**

4 (a) SEAWARD BOUNDARIES.—Section 4 of the Sub-
5 merged Lands Act (43 U.S.C. 1312) is amended—

6 (1) by striking “The” at the beginning and in-
7 serting the following:

8 “(a) IN GENERAL.—Except for the States described
9 in subsection (b), the”; and

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

11 “(b) SEAWARD BOUNDARIES OF CERTAIN COASTAL
12 STATES.—Subject to subsection (a), the seaward bound-
13 ary of each of the following States shall be a line 3 marine
14 leagues distant from the coast line of the State as of the
15 date that is 1 day before the date of enactment of the
16 Offshore Fairness Act:

17 (1) Alabama.

18 (2) Florida.

19 (3) Georgia.

20 (4) Louisiana.

21 (5) Mississippi.

22 (6) North Carolina.

23 (7) South Carolina.

24 (8) Virginia.”.

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

3 (1) in subsection (a)(2), by inserting “, or 3
4 marine leagues distant from the coast line of a State
5 described in section 4(b),” after “the coast line of
6 each such State”; and

7 (2) in subsection (b)—

8 (A) by striking “from the coast line”;

9 (B) by inserting “from the coast line of a
10 State, or more than 3 marine leagues from the
11 coast line of a State described in section 4(b),”
12 after “three geographical miles”; and

13 (C) by inserting “from the coast line of a
14 State, or more than 3 marine leagues from the
15 coast line of a State described in section 4(b),”
16 after “three marine leagues”.

17 **SEC. 4. CONVEYANCE.**

18 (a) IN GENERAL.—Subject to subsections (b) and (c)
19 and section 5, the Secretary shall, by not later than 120
20 days after the date of enactment of this Act—

21 (1) notify each State of the right to request a
22 conveyance of the applicable interest of the United
23 States in and to the expanded submerged land; and

1 (2) at the request of a State, convey to the ap-
2 plicable State the interest of the United States in
3 and to the expanded submerged land.

4 (b) ADMINISTRATION.—On conveyance under sub-
5 section (a), the Secretary shall transfer to the Governor
6 of the State the authority to exercise the powers and du-
7 ties of the Secretary under the terms of any existing inter-
8 est, subject to the condition that the State—

9 (1) shall not impose any burdens or require-
10 ments on an interest owner that would be stricter
11 than any burdens or requirements imposed under
12 Federal law; and

13 (2) shall not impose any administrative or judi-
14 cial penalty or sanction on an interest owner that is
15 more severe than any administrative or judicial pen-
16 alty or sanction under current Federal law.

17 (c) LIABILITY.—As a condition of accepting the con-
18 veyance, the State shall agree to indemnify the United
19 States from any liability to any interest owner for the tak-
20 ing of a property interest or breach of contract arising
21 from—

22 (1) the conveyance of the expanded submerged
23 land to the State; or

1 (2) the administration by the State of any exist-
2 ing interest on or underlying the expanded sub-
3 merged land.

4 **SEC. 5. EFFECT.**

5 (a) IN GENERAL.—Subject to subsections (b)
6 through (e), this Act and the amendments made by this
7 Act shall not affect any valid existing right in and to the
8 expanded submerged land.

9 (b) SUBMERGED LAND.—Submerged land within the
10 seaward boundaries of a State (as extended by the amend-
11 ments made by this Act) shall be—

12 (1) subject to Federal oil and gas mineral
13 rights to the extent provided by law;

14 (2) considered to be part of the Federal outer
15 Continental Shelf for purposes of the Outer Conti-
16 nental Shelf Lands Act (43 U.S.C. 1331 et seq.);
17 and

18 (3) subject to—

19 (A) leasing under the authority of that
20 Act;

21 (B) the distribution of revenues under sec-
22 tion 8(g)(2) of that Act (43 U.S.C.
23 1337(g)(2)); and

24 (C) any other laws applicable to the leasing
25 of the oil and gas resources of the Federal

1 outer Continental Shelf, including the Gulf of
2 Mexico Energy Security Act of 2006 (43 U.S.C.
3 1331 note; Public Law 109–432).

4 (c) EXISTING LEASES.—

5 (1) IN GENERAL.—The amendments made by
6 this Act shall not affect any Federal oil and gas
7 lease in effect on the date of conveyance under sec-
8 tion 4.

9 (2) DIVIDED LEASES.—If the conveyance under
10 section 4 results in a division of a Federal oil and
11 gas lease that is in existence on the date of convey-
12 ance, the conveyance of the portion of the expanded
13 submerged land that is covered by the lease shall not
14 take effect until the date that is 1 day after the date
15 that the lease expires or terminates.

16 (d) FUTURE INTERESTS.—This section shall not
17 apply to any interest in the expanded submerged land that
18 is granted by the State after the date on which the land
19 is conveyed to the State under section 4.

20 (e) TAXATION.—

21 (1) IN GENERAL.—Subject to paragraph (2), a
22 State may exercise all of the sovereign powers of
23 taxation of the State within the entire extent of the
24 seaward boundaries of the State (as extended by the
25 amendments made by this Act).

1 (2) LIMITATION.—Nothing in this subsection
2 affects the authority of a State to tax any Federal
3 oil and gas lease in effect on the date of enactment
4 of this Act.

5 **SEC. 6. FISHERY MANAGEMENT RIGHTS.**

6 (a) IN GENERAL.—The Secretary of Commerce shall
7 grant to each State exclusive fishery management author-
8 ity over reef fish in the Gulf of Mexico and the Atlantic
9 Ocean in the expanded submerged land.

10 (b) TEMPORARY ADDITIONAL AUTHORITY.—

11 (1) IN GENERAL.—In addition to the authority
12 granted under subsection (a) and subject to para-
13 graph (2), the Secretary of Commerce shall grant to
14 each State exclusive fishery management authority
15 over the red snapper fish (*lutjanus campechanus*), in
16 the Gulf of Mexico and the Atlantic Ocean in the
17 area of the outer Continental Shelf that is located
18 between the expanded seaward boundary of a State
19 and the point that is 200 miles seaward of the coast
20 line of the State, consistent with the jurisdictional
21 limit of the exclusive economic zone.

22 (2) TERM.—The authority under paragraph (1)
23 shall remain in effect for any State until the date on
24 which the Governor of that State has certified to the
25 Secretary of Commerce, in writing, that the Gov-

1 error is confident that the stock assessments of the
2 National Oceanic and Atmospheric Administration
3 for the red snapper fish (*lutjanus campechanus*)
4 within the authority of the State, as established by
5 this Act, are—

6 (A) accurate; and

7 (B) based on sound science.

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