

115TH CONGRESS
1ST SESSION

H. R. 1756

To require the Secretary of the Interior to conduct offshore oil and gas Lease Sale 220 as soon as practicable, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2017

Mrs. COMSTOCK (for herself, Mr. WITTMAN, and Mr. GRIFFITH) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To require the Secretary of the Interior to conduct offshore oil and gas Lease Sale 220 as soon as practicable, 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 “Virginia Jobs and En-
5 ergy Act”.

6 **SEC. 2. LEASE SALE 220 AND OTHER OCS OIL AND GAS**
7 **LEASE SALES OFFSHORE VIRGINIA.**

8 (a) CONDUCT OF LEASE SALE.—Notwithstanding
9 any 5-year oil and gas leasing program in effect under
10 section 18 of the Outer Continental Shelf Lands Act (43

1 U.S.C. 1344), the Secretary of the Interior shall conduct
2 lease sale 220 (as defined in the Draft Proposed Outer
3 Continental Shelf (OCS) Oil and Gas Leasing Program
4 for 2010–2015 as published in the Federal Register on
5 January 21, 2009 (74 Fed. Reg. 3631)) under section 8
6 of such Act (43 U.S.C. 1337) as soon as practicable, but
7 not later than 1 year after the date of enactment of this
8 Act.

9 (b) INCLUSION IN FUTURE LEASING PROGRAMS.—
10 The Secretary of the Interior shall—

11 (1) conduct at least 2 lease sales in the Virginia
12 lease sale planning area during the effective period
13 of the 2017–2022 OCS Oil and Gas Leasing Pro-
14 gram; and

15 (2) include at least 2 lease sales in the Virginia
16 lease sale planning area in each 5-year oil and gas
17 leasing program proposed after the date of the en-
18 actment of this Act.

19 (c) NEPA EXCLUSION.—Section 102(2)(C) of the
20 National Environmental Policy Act of 1969 (42 U.S.C.
21 4332(2)(C)) shall not apply with respect to any lease sale
22 conducted under subsection (a) or subsection (b)(1).

23 **SEC. 3. PROTECTION OF MILITARY OPERATIONS.**

24 (a) PROHIBITION.—No person may engage in any ex-
25 ploration, development, or production of oil or natural gas

1 off the coast of Virginia that would conflict with any mili-
2 tary operation, as determined in accordance with the
3 Memorandum of Agreement between the Department of
4 Defense and the Department of the Interior on Mutual
5 Concerns on the Outer Continental Shelf signed July 20,
6 1983, and any revision or replacement for that agreement
7 that is agreed to by the Secretary of Defense and the Sec-
8 retary of the Interior after that date but before the date
9 of issuance of the lease under which such exploration, de-
10 velopment, or production is conducted.

11 (b) REVIEW AND UPDATING OF MOA.—The Sec-
12 retary of the Interior and the Secretary of Defense shall
13 periodically review and revise such memorandum of agree-
14 ment to account for new offshore energy production tech-
15 nologies, including those that use wind energy.

16 **SEC. 4. DISPOSITION OF REVENUE.**

17 (a) PAYMENT OF COVERED LEASING REVENUES TO
18 STATES.—Notwithstanding section 9 of the Outer Conti-
19 nental Shelf Lands Act (43 U.S.C. 1338), of the amount
20 of covered leasing revenues received by the United States
21 each fiscal year under any lease in the Virginia lease sale
22 planning area, 37.5 percent shall be allocated and paid
23 in accordance with subsection (b) to States that are af-
24 fected States with respect to the leases under which those
25 revenues are received by the United States.

1 (b) ALLOCATION OF PAYMENTS.—

2 (1) IN GENERAL.—The amount of covered leas-
3 ing revenues received by the United States with re-
4 spect to a leased tract that are required to be paid
5 to States in accordance with this subsection each fis-
6 cal year shall be allocated among and paid to af-
7 fected States that are within 200 miles of the leased
8 tract, in amounts that are inversely proportional to
9 the respective distances between the point on the
10 coastline of each such affected State that is closest
11 to the geographic center of the lease tract, as deter-
12 mined by the Secretary.

13 (2) MINIMUM AND MAXIMUM ALLOCATION.—
14 The amount allocated to a State under paragraph
15 (1) each fiscal year with respect to a leased tract
16 shall be—

17 (A) in the case of a State that is the near-
18 est State to the geographic center of the leased
19 tract, not less than 25 percent of the total
20 amounts allocated with respect to the leased
21 tract; and

22 (B) in the case of any other State, not less
23 than 10 percent, and not more than 15 percent,
24 of the total amounts allocated with respect to
25 the leased tract.

1 (3) ADMINISTRATION.—Amounts allocated to a
2 State under this subsection—

3 (A) shall be available to the State without
4 further appropriation;

5 (B) shall remain available until expended;
6 and

7 (C) shall be in addition to any other
8 amounts available to the State under the Outer
9 Continental Shelf Lands Act (43 U.S.C. 1331
10 et seq.).

11 (4) USE OF FUNDS.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), a State may use funds allo-
14 cated and paid to it under this subsection for
15 any purpose as determined by the laws of that
16 State.

17 (B) RESTRICTION ON USE FOR MATCH-
18 ING.—Funds allocated and paid to a State
19 under this subsection may not be used as
20 matching funds for any other Federal program.

21 (c) DEFINITIONS.—In this section:

22 (1) AFFECTED STATE.—The term “affected
23 State” has the meaning that term has under section
24 2 of the Outer Continental Shelf Lands Act (43
25 U.S.C. 1331).

1 (2) COVERED LEASING REVENUES.—The term
2 “covered leasing revenues” means amounts received
3 by the United States as bonuses, rents, and royalties
4 under leases for oil and gas, wind, tidal, or other en-
5 ergy exploration, development, and production under
6 any lease in the Virginia lease sale planning area.

7 **SEC. 5. OFFSHORE METEOROLOGICAL SITE TESTING AND**
8 **MONITORING PROJECTS.**

9 (a) OFFSHORE METEOROLOGICAL PROJECT PERMIT-
10 TING.—

11 (1) IN GENERAL.—The Secretary of the Inte-
12 rior shall by regulation require that any applicant
13 seeking to conduct an offshore meteorological site
14 testing and monitoring project on the outer Conti-
15 nental Shelf (as that term is defined in the Outer
16 Continental Shelf Lands Act (43 U.S.C. 1331 et
17 seq.)) must obtain a permit and right of way for the
18 project in accordance with this subsection.

19 (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND
20 CONDITIONS.—

21 (A) DEADLINE FOR APPROVAL.—The Sec-
22 retary shall decide whether to issue a permit
23 and right of way for an offshore meteorological
24 site testing and monitoring project within 30
25 days after receiving an application.

1 (B) PUBLIC COMMENT AND CONSULTA-
2 TION.—During the period referred to in sub-
3 paragraph (A), the Secretary shall—

4 (i) provide an opportunity for submis-
5 sion of comments by the public; and

6 (ii) consult with the Secretary of De-
7 fense, the Commandant of the Coast
8 Guard, and the heads of other Federal,
9 State, and local agencies that would be af-
10 fected by issuance of the permit and right
11 of way.

12 (C) DENIAL OF PERMIT; OPPORTUNITY TO
13 REMEDY DEFICIENCIES.—If the application is
14 denied, the Secretary shall provide the appli-
15 cant—

16 (i) in writing, clear and comprehensive
17 reasons why the application was not ap-
18 proved and detailed information concerning
19 any deficiencies in the application; and

20 (ii) an opportunity to remedy such de-
21 ficiencies.

22 (b) NEPA EXCLUSION.—Section 102(2)(C) of the
23 National Environmental Policy Act of 1969 (42 U.S.C.
24 4332(2)(C)) shall not apply with respect to an offshore
25 meteorological site testing and monitoring project.

1 (c) PROTECTION OF INFORMATION.—The informa-
2 tion provided to the Secretary of the Interior pursuant to
3 subsection (d)(3) shall be treated by the Secretary as pro-
4 prietary information and protected against disclosure.

5 (d) DEFINITION OF AN OFFSHORE METEOROLOG-
6 ICAL SITE TESTING AND MONITORING PROJECT.—In this
7 section, the term “offshore meteorological site testing and
8 monitoring project” means a project carried out on or in
9 the waters of the Outer Continental Shelf administered
10 by the Department of the Interior to test or monitor
11 weather (including wind, tidal, current, and solar energy)
12 using towers, buoys, or other temporary ocean infrastruc-
13 ture, that—

14 (1) causes—

15 (A) less than 1 acre of surface or seafloor
16 disruption at the location of each meteorological
17 tower or other device; and

18 (B) not more than 5 acres of surface or
19 seafloor disruption within the proposed area af-
20 fected by the project (including hazards to navi-
21 gation);

22 (2) is decommissioned not more than 5 years
23 after the date of commencement of the project, in-
24 cluding—

1 (A) removal of towers, buoys, or other tem-
2 porary ocean infrastructure from the project
3 site; and

4 (B) restoration of the project site to ap-
5 proximately the original condition of the site;
6 and

7 (3) provides meteorological information ob-
8 tained by the project to the Secretary of the Inte-
9 rior.

10 **SEC. 6. DEFINITION OF VIRGINIA LEASE SALE PLANNING**

11 **AREA.**

12 In this Act, the term “Virginia lease sale planning
13 area” means the area of the outer Continental Shelf (as
14 that term is defined in the Outer Continental Shelf Lands
15 Act (43 U.S.C. 1331 et seq.)) that has—

16 (1) a boundary consisting of a straight line ex-
17 tending from the northernmost point of Virginia’s
18 seaward boundary to the point on the seaward
19 boundary of the United States exclusive economic
20 zone located at 37 degrees 17 minutes 1 second
21 North latitude, 71 degrees 5 minutes 16 seconds
22 West longitude; and

23 (2) a southern boundary consisting of a straight
24 line extending from the southernmost point of Vir-
25 ginia’s seaward boundary to the point on the sea-

1 ward boundary of the United States exclusive eco-
2 nomic zone located at 36 degrees 31 minutes 58 sec-
3 onds North latitude, 71 degrees 30 minutes 1 second
4 West longitude.

5 **SEC. 7. CLARIFICATIONS WITH RESPECT TO EXISTING EX-**
6 **ECUTIVE AUTHORITIES.**

7 Subsection (a) of section 12 of the Outer Continental
8 Shelf Lands Act (43 U.S.C. 1341) is amended to read as
9 follows:

10 “(a) EXECUTIVE AUTHORITIES WITH RESPECT TO
11 UNLEASED LANDS.—The President may make, modify,
12 extend, or revoke withdrawals from disposition of any of
13 the unleased lands of the outer Continental Shelf.”.

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