

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1143

To achieve greater national energy independence by limiting presidential withdrawals of offshore lands from disposition for exploration, development, or production of oil and gas, to authorize States to petition for authorization to conduct offshore oil and natural gas exploration and extraction in any area that is within 50 miles of the coastline of the State and within the seaward lateral boundaries of the State extended, to share offshore oil and gas revenues with States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2009

Mr. POE of Texas introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To achieve greater national energy independence by limiting presidential withdrawals of offshore lands from disposition for exploration, development, or production of oil and gas, to authorize States to petition for authorization to conduct offshore oil and natural gas exploration and extraction in any area that is within 50 miles of the coastline of the State and within the seaward lateral boundaries of the State extended, to share offshore oil and gas revenues with 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Developing Resources  
3 Immediately and Long-Term through Leases on Our Na-  
4 tion’s Offshore Waters Act of 2009” or the “DRILL  
5 NOW Act of 2009”.

6 **SEC. 2. REVOCATION OF EXISTING PRESIDENTIAL AUTHOR-**  
7 **ITY.**

8 Section 12(a) of the Outer Continental Shelf Lands  
9 Act (43 U.S.C. 1341(a)) is amended—

10 (1) by striking “the President” and inserting  
11 “(1) Except as provided in paragraph (2), the Presi-  
12 dent”; and

13 (2) by adding at the end the following: , are  
14 hereby revoked.

15 “(2)(A) The President may not withdraw any lands  
16 of the outer Continental Shelf from disposition for explo-  
17 ration, development, or production of oil and gas, except  
18 as the President determines necessary for national secu-  
19 rity purposes.

20 “(B) This paragraph shall not affect any withdrawal  
21 in effect immediately before the enactment of the DRILL  
22 NOW Act of 2009”.

23 **SEC. 3. AVAILABILITY OF CERTAIN AREAS FOR LEASING.**

24 Section 8 of the Outer Continental Shelf Lands Act  
25 (43 U.S.C. 1337) is amended by adding at the end the  
26 following:

1       “(q) AVAILABILITY OF CERTAIN AREAS FOR LEAS-  
2   ING.—

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

4               “(A) COASTAL ZONE.—The term ‘coastal  
5               zone’ has the meaning that term has in section  
6               304 of the Coastal Zone Management Act of  
7               1972 (16 U.S.C. 1453).

8               “(B) GOVERNOR.—The term ‘Governor’  
9               means the Governor of a State.

10              “(C) QUALIFIED REVENUES.—The term  
11              ‘qualified revenues’ means all rentals, royalties,  
12              bonus bids, and other sums due and payable to  
13              the United States from leases entered into on  
14              or after the date of enactment of the DRILL  
15              NOW Act of 2009 for natural gas exploration  
16              and extraction activities authorized by the Sec-  
17              retary under this subsection.

18              “(2) PETITION.—

19                   “(A) IN GENERAL.—The Governor of a  
20                   State may submit to the Secretary a petition  
21                   requesting that the Secretary issue leases au-  
22                   thorizing the conduct of oil and natural gas ex-  
23                   ploration and extraction activities in any area  
24                   that is within 50 miles of the coastline of the

1 State and within the lateral seaward boundaries  
2 of the State extended.

3 “(B) CONTENTS.—In any petition under  
4 subparagraph (A), the Governor shall include a  
5 detailed plan of the proposed exploration and  
6 extraction activities, as applicable.

7 “(3) ACTION BY SECRETARY.—

8 “(A) IN GENERAL.—Subject to subpara-  
9 graphs (B), (C), and (D), as soon as practicable  
10 after the date of receipt of a petition under  
11 paragraph (2), the Secretary shall approve or  
12 deny the petition.

13 “(B) REQUIREMENTS FOR EXPLORATION  
14 AND EXTRACTION.—The Secretary shall not ap-  
15 prove a petition submitted under paragraph  
16 (2)(A) unless the State enacts a statute author-  
17 izing the issuance of leases for exploration and  
18 extraction of oil and natural gas in the coastal  
19 zone of the State.

20 “(C) CONSISTENCY WITH LEGISLATION.—  
21 The plan provided in the petition under para-  
22 graph (2)(B) shall be consistent with the stat-  
23 ute described in subparagraph (B).

24 “(D) CONFLICTS WITH MILITARY OPER-  
25 ATIONS AND NATIONAL SECURITY.—The Sec-

1           retary shall not approve a petition for a drilling  
2           activity under this paragraph—

3                   “(i) if the drilling activity would con-  
4                   flict with any military operation or na-  
5                   tional security, as determined by the Presi-  
6                   dent; or

7                   “(ii) in any area that is withdrawn  
8                   under section 12(a) for national security  
9                   purposes.

10           “(4) DISPOSITION OF REVENUES.—Notwith-  
11           standing section 9, for each applicable fiscal year,  
12           the Secretary of the Treasury—

13                   “(A) shall deposit 30 percent of qualified  
14                   revenues in a separate account in the Treasury,  
15                   which—

16                   “(i) shall be known as the Clean and  
17                   Alternative Energy Fund; and

18                   “(ii) shall be available to the Sec-  
19                   retary of Energy for making grants for re-  
20                   search and development of clean and alter-  
21                   native energy;

22                   “(B) in the case of a lease tract any por-  
23                   tion of which is located within 50 miles of the  
24                   coastline of one or more States that have a por-

1           tion of such leased tract within the seaward lat-  
2           eral boundaries of such State extended—

3                   “(i) shall pay, in accordance with  
4                   clause (ii), an amount equal to 40 percent  
5                   of qualified revenues under such lease to  
6                   the States with respect to which the lease  
7                   tract is so located and that have enacted a  
8                   statute that establishes a plan for expendi-  
9                   ture of those funds; and

10                   “(ii) shall pay to each such State a  
11                   portion of such amount that is propor-  
12                   tional to the portion of the lease tract that  
13                   is so located with respect to the State; and

14                   “(C) shall deposit the remainder of quali-  
15                   fied revenues in the general fund of the Treas-  
16                   ury.

17           “(r) PAYMENT OF REVENUES UNDER CERTAIN EX-  
18           ISTING LEASES.—Of the funds that would be received by  
19           the United States as royalties under any Federal oil and  
20           gas lease of an area on the outer Continental Shelf located  
21           within 50 miles of the coastline of the State of Texas, Lou-  
22           isiana, Mississippi, or Alabama that is in effect on the date  
23           of enactment of the DRILL NOW Act of 2009 the Sec-  
24           retary of the Treasury—

1           “(1) shall deposit 30 percent in the Clean and  
2 Alternative Energy Fund established under sub-  
3 section (q)(4)(A);

4           “(2) in the case of a lease tract any portion of  
5 which is located within 50 miles of the coastline of  
6 one or more such States that have a portion of such  
7 leased tract within the seaward lateral boundaries of  
8 such State extended—

9           “(A) shall pay, in accordance with sub-  
10 paragraph (B), an amount equal to 40 percent  
11 to the States with respect to which the lease  
12 tract is so located and that have enacted a stat-  
13 ute that establishes a plan for expenditure of  
14 those funds; and

15           “(B) shall pay to each such State a portion  
16 of such amount that is proportional to the por-  
17 tion of the leased tract that is so located with  
18 respect to the State; and

19           “(3) shall deposit the remainder in the general  
20 fund of the Treasury.”.

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