

111TH CONGRESS
2D SESSION

S. 3431

To improve the administration of the Minerals Management Service, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 26, 2010

Mr. MENENDEZ (for himself and Mr. NELSON of Florida) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To improve the administration of the Minerals Management
Service, 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 “Stop Cozy Relation-
5 ships with Big Oil Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) MINERAL.—The term “mineral” has the
9 meaning given the term “minerals” in section 2 of

the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(2) MINERAL MINING.—

(A) IN GENERAL.—The term “mineral mining” means—

(i) any activity carried out on Federal land on or off a claim (with or without a discovery) for mineral leasing, preleasing, any related activity, prospecting, exploration, development, mining, extraction, milling, beneficiation, processing, or storage of mined or processed materials with respect to any mineral that is under the jurisdiction of the Service; and

(ii) any reclamation activity for any mineral.

(B) INCLUSIONS.—The term “mineral mining” includes the construction and use of roads, transmission lines, pipelines, utility corridors, and other means of access across Federal land for an ancillary facility.

(3) SERVICE.—The term “Service” means the Minerals Management Service or a successor agency.

SEC. 3. EMPLOYEE ETHICAL STANDARDS.

(a) GIFTS.—

1 (1) PROHIBITION.—

2 (A) IN GENERAL.—An employee of the
3 Service may not knowingly accept a gift from
4 an entity that is engaged in the business of
5 mineral mining.

6 (B) EXCEPTIONS.—Except for the value
7 exception, the regulations providing exceptions
8 to the gift rules for Federal employees for gifts
9 from outside sources under part 2635 of title 5,
10 Code of Federal Regulations (or successor regu-
11 lations), shall apply to subparagraph (A).

12 (2) VIOLATION.—Any person that violates para-
13 graph (1) shall be guilty of a felony and fined under
14 title 18, United States Code, imprisoned for not
15 more than 2 years, or both.

16 (b) FINANCIAL DISCLOSURE.—The filing require-
17 ments of section 101(f) of the Ethics in Government Act
18 of 1978 (5 U.S.C. App.) shall apply to an employee of
19 the Service in a position classified at an annual income
20 equivalent to a position at or above GS–13 of the Execu-
21 tive Schedule.

22 (c) DIVESTITURE REQUIREMENT.—An employee of
23 the Service may not own stock or any other interest in
24 an entity that is engaged in the business of mineral mining

1 during the period of employment of the employee by the
2 Service.

3 (d) OUTSIDE EMPLOYMENT.—An employee of the
4 Service may not be employed by any entity that is engaged
5 in the business of mineral mining during the period of em-
6 ployment of the employee by the Service.

7 (e) REVOLVING DOOR.—

8 (1) ANY WORK FOR THE INDUSTRY.—An em-
9 ployee of the Service shall not work for an entity en-
10 gaged in the business of mineral mining during the
11 2-year period beginning on the date of termination
12 of employment of the employee by the Service.

13 (2) VIOLATION.—Any person that violates para-
14 graph (1) shall be guilty of a felony and punished
15 as provided in section 216 of title 18, United States
16 Code.

17 **SEC. 4. FRAUDULENT STATEMENTS BY EMPLOYEES OF THE**
18 **MINERALS MANAGEMENT SERVICE.**

19 (a) IN GENERAL.—Chapter 47 of title 18, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 **“§ 1041. Fraudulent statements by employees of the**
23 **Minerals Management Service**

24 “Any officer, employee, or agent of the Minerals
25 Management Service (or a successor agency) that know-

1 ingly and willfully makes any materially false, fictitious,
 2 or fraudulent statement or representation in the conduct
 3 of activities relating to oil and gas regulation shall be fined
 4 under this title, imprisoned not more than 15 years, or
 5 both.”.

6 (b) TABLE OF SECTIONS.—The table of sections for
 7 chapter 47 of title 18, United States Code, is amended
 8 by adding at the end the following:

“1041. Fraudulent statements by employees of the Minerals Management Service.”.

