

114TH CONGRESS
1ST SESSION

S. 1276

To amend the Gulf of Mexico Energy Security Act of 2006 to increase energy exploration and production on the outer Continental Shelf in the Gulf of Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2015

Mr. CASSIDY (for himself, Mr. VITTER, Mr. WICKER, Mr. CORNYN, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Gulf of Mexico Energy Security Act of 2006 to increase energy exploration and production on the outer Continental Shelf in the Gulf of Mexico, 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 Energy and
5 Jobs Act of 2015”.

1 **SEC. 2. OUTER CONTINENTAL SHELF LEASING PROGRAM**

2 **REFORMS.**

3 Section 18(a) of the Outer Continental Shelf Lands
4 Act (43 U.S.C. 1344(a)) is amended by adding at the end
5 the following:

6 “(5)(A) In this paragraph, the term ‘available
7 unleased acreage’ means that portion of the outer
8 Continental Shelf that is not under lease at the time
9 of a proposed lease sale, and that has not otherwise
10 been made unavailable for leasing by law in the Gulf
11 of Mexico.

12 “(B) In each oil and gas leasing program under
13 this section, the Secretary shall make available for
14 leasing, and conduct lease sales including, at least
15 50 percent of the available unleased acreage within
16 each outer Continental Shelf planning area in the
17 Gulf of Mexico considered to have the largest undis-
18 covered, technically recoverable oil and gas resources
19 (on a total btu basis) based on the most recent na-
20 tional geologic assessment of the outer Continental
21 Shelf, with an emphasis on offering the most geo-
22 logically prospective parts of the planning area.

23 “(6)(A) The Secretary shall include in each
24 proposed oil and gas leasing program under this sec-
25 tion any State subdivision of an outer Continental
26 Shelf planning area in the Gulf of Mexico that the

1 Governor of the State that represents that subdivi-
 2 sion requests be made available for leasing.

3 “(B) The Secretary may not remove a subdivi-
 4 sion described in subparagraph (A) from the pro-
 5 gram until publication of the final program.

6 “(7)(A) The Secretary shall make available for
 7 leasing under each 5-year oil and gas leasing pro-
 8 gram under this section any outer Continental Shelf
 9 planning area in the Gulf of Mexico that—

10 “(i) is estimated to contain more than
 11 2,500,000,000 barrels of oil; or

12 “(ii) is estimated to contain more than
 13 7,500,000,000,000 cubic feet of natural gas.

14 “(B) To determine which planning areas meet
 15 the criteria described in subparagraph (A), the Sec-
 16 retary shall use the document entitled ‘Bureau of
 17 Ocean Energy Management Assessment of Undis-
 18 covered Technically Recoverable Oil and Gas Re-
 19 sources of the Nation’s Outer Continental Shelf,
 20 2011’.”.

21 **SEC. 3. MORATORIUM ON OIL AND GAS LEASING IN CER-**
 22 **TAIN AREAS OF THE GULF OF MEXICO.**

23 (a) DEFINITION OF MILITARY MISSION LINE.—Sec-
 24 tion 102 of the Gulf of Mexico Energy Security Act of
 25 2006 (43 U.S.C. 1331 note; Public Law 109–432) is

1 amended by striking paragraph (8) and inserting the fol-
 2 lowing:

3 “(8) **MILITARY MISSION LINE.**—The term ‘Mili-
 4 tary Mission Line’ means the western border of the
 5 Eastern Planning Area extending from the State of
 6 Florida waters to the point that is 50 miles south
 7 in the Gulf of Mexico.”.

8 (b) **MORATORIUM.**—Section 104(a) of the Gulf of
 9 Mexico Energy Security Act of 2006 (43 U.S.C. 1331
 10 note; Public Law 109–432) is amended—

11 (1) in paragraph (2), by striking “125” and in-
 12 serting “50”; and

13 (2) by striking paragraph (3) and inserting the
 14 following:

15 “(3) any area in the Central Planning Area
 16 that is within—

17 “(A) the 181 Area; or

18 “(B) 50 miles off the coastline of the State
 19 of Florida.”.

20 **SEC. 4. REQUIREMENT TO IMPLEMENT PROPOSED 2017–**
 21 **2022 OIL AND GAS LEASING PROGRAM.**

22 (a) **IN GENERAL.**—Except as otherwise provided in
 23 this Act and the amendments made by this Act, the Sec-
 24 retary of the Interior shall implement the Proposed Final
 25 Outer Continental Shelf Oil & Gas Leasing Program

(2017–2022) in accordance with the schedule for conducting oil and gas lease sales set forth in that proposed program, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), and other applicable law.

(b) MODIFIED AND ADDITIONAL LEASE SALES.—Notwithstanding subsection (a) and the schedule of lease sales in the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2017–2022), the Secretary shall conduct under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) certain oil and gas lease sales in OCS Planning Areas in accordance with the schedule set forth in following table:

Lease Sale No.	OCS Planning Area	Year
300	Eastern Gulf of Mexico	2018
301	Eastern Gulf of Mexico	2019
302	Eastern Gulf of Mexico	2020.

(c) LEASE SALES DESCRIBED.—For purposes of subsection (b), lease sale numbers 300, 301, and 302 shall be conducted—

(1) for lease tracts in the Eastern Planning Area, as determined by and at the discretion of the Secretary, subject to subparagraph (3);

(2) during the year specified for each such lease sale in the table contained in subsection (b); and

(3) in accordance with the applicable provisions of this Act.

1 **SEC. 5. DISPOSITION OF OUTER CONTINENTAL SHELF REV-**
 2 **ENUES TO GULF PRODUCING STATES.**

3 (a) DEFINITIONS.—Section 102 of the Gulf of Mexico
 4 Energy Security Act of 2006 (43 U.S.C. 1331 note; Public
 5 Law 109–432) is amended—

6 (1) by striking paragraph (7) and inserting the
 7 following:

8 “(7) GULF PRODUCING STATE.—The term ‘Gulf
 9 producing State’ means—

10 “(A) each of the States of Alabama, Lou-
 11 isiana, Mississippi, and Texas; and

12 “(B) effective beginning in fiscal year
 13 2017, the State of Florida.”; and

14 (2) in paragraph (9)(A)—

15 (A) in clause (i)(II), by striking “and” at
 16 the end; and

17 (B) by striking clause (ii) and inserting the
 18 following:

19 “(ii) with respect to the Gulf pro-
 20 ducing States described in paragraph
 21 (7)(A), in the case of fiscal year 2017 and
 22 each fiscal year thereafter, all rentals, roy-
 23 alties, bonus bids, and other sums due and
 24 payable to the United States received on or
 25 after October 1, 2016, from leases entered
 26 into on or after December 20, 2006; and

1 “(iii) with respect to the State of
 2 Florida, all eligible rentals, royalties, bonus
 3 bids, and other sums due and payable to
 4 the United States from leases entered into
 5 in the Eastern Planning Area on or after
 6 October 1, 2016.”.

7 (b) DISPOSITION OF REVENUES.—Section 105(a) of
 8 the Gulf of Mexico Energy Security Act of 2006 (43
 9 U.S.C. 1331 note; Public Law 109–432) is amended by
 10 striking paragraph (2) and inserting the following:

11 “(2) in the case of qualified outer Continental
 12 Shelf revenues generated from outer Continental
 13 Shelf areas adjacent to Gulf producing States, 50
 14 percent in a special account in the Treasury from
 15 which the Secretary shall disburse—

16 “(A) 75 percent to Gulf producing States
 17 in accordance with subsection (b); and

18 “(B) 25 percent to provide financial assist-
 19 ance to States in accordance with section
 20 200305 of title 54, United States Code, which
 21 shall be considered income to the Land and
 22 Water Conservation Fund for purposes of sec-
 23 tion 200302 of that title.”.

24 (c) LIMITATION ON AMOUNT OF DISTRIBUTED
 25 QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

1 Section 105(f) of the Gulf of Mexico Energy Security Act
 2 of 2006 (43 U.S.C. 1331 note; Public Law 109–432) is
 3 amended by striking paragraph (1) and inserting the fol-
 4 lowing:

5 “(1) IN GENERAL.—Subject to paragraph (2),
 6 the total amount of qualified outer Continental Shelf
 7 revenues described in section 102(9)(A)(ii) that are
 8 made available under subsection (a)(2)(A) shall not
 9 exceed—

10 “(A) for fiscal year 2017, \$500,000,000;

11 “(B) for each of fiscal years 2018 through
 12 2025, \$699,000,000; and

13 “(C) for each of fiscal years 2026 through
 14 2055, \$999,000,000.”.

15 **SEC. 6. NATIONAL DEFENSE.**

16 (a) NATIONAL DEFENSE AREAS.—Nothing in this
 17 Act or an amendment made by this Act affects the author-
 18 ity of the Secretary of Defense, with the approval of the
 19 President, to designate national defense areas on the outer
 20 Continental Shelf pursuant to section 12(d) of the Outer
 21 Continental Shelf Lands Act (43 U.S.C. 1341(d)).

22 (b) PROHIBITION ON CONFLICTS WITH MILITARY
 23 OPERATIONS.—No person may engage in any exploration,
 24 development, or production of oil or natural gas on the
 25 outer Continental Shelf under a lease issued under this

1 Act that would conflict with any military operation, as de-
2 termined in accordance with—

3 (1) the agreement entitled “Memorandum of
4 Agreement between the Department of Defense and
5 the Department of the Interior on Mutual Concerns
6 on the Outer Continental Shelf” signed July 20,
7 1983; and

8 (2) any revision or replacement of that agree-
9 ment that is agreed to by the Secretary of Defense
10 and the Secretary of the Interior after that date but
11 before the date of issuance of the lease under which
12 the exploration, development, or production is con-
13 ducted.

14 **SEC. 7. ENVIRONMENTAL IMPACT STATEMENT REQUIRE-**
15 **MENT.**

16 (a) IN GENERAL.—For purposes of this Act and in
17 order to conduct lease sales in accordance with the lease
18 sale schedule established by this Act, the Secretary of the
19 Interior shall prepare a multisale environmental impact
20 statement under section 102 of the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4332) for all lease
22 sales required under this Act that are not included in the
23 Proposed Final Outer Continental Shelf Oil & Gas Leas-
24 ing Program (2017–2022).

1 (b) ACTIONS TO BE CONSIDERED.—Notwithstanding
 2 section 102 of the National Environmental Policy Act of
 3 1969 (42 U.S.C. 4332), with respect to the statement de-
 4 scribed in subsection (a), the Secretary of the Interior—

5 (1) shall not be required—

6 (A) to identify nonleasing alternative
 7 courses of action; or

8 (B) to analyze the environmental effects of
 9 any alternative courses of action; and

10 (2) shall only be required—

11 (A) to identify—

12 (i) a preferred action for leasing; and

13 (ii) not more than 1 alternative leas-
 14 ing proposal; and

15 (B) to analyze the environmental effects
 16 and potential mitigation measures for the pre-
 17 ferred action and alternative leasing proposal
 18 identified under subparagraph (A).

19 **SEC. 8. COASTAL STATE AUTHORIZATION.**

20 Prior to publishing the programmatic environmental
 21 impact statement relating to any Proposed Final Outer
 22 Continental Shelf Oil and Gas Leasing Program, a Gulf
 23 producing State (as defined in section 102 of the Gulf of
 24 Mexico Energy Security Act of 2006 (43 U.S.C. 1331
 25 note; Public Law 109–432)), shall have the option to enter

1 into the offshore oil and gas leasing and development pro-
 2 gram described in that Proposed Final Outer Continental
 3 Shelf Oil and Gas Leasing Program if—

4 (1) the legislature of that Gulf producing State
 5 enacts a law approving entering into the program;
 6 and

7 (2) that resolution is signed by the Governor of
 8 the Gulf producing State.

9 **SEC. 9. AIR EMISSIONS FROM OUTER CONTINENTAL SHELF**
 10 **ACTIVITIES.**

11 Section 328(b) of the Clean Air Act (42 U.S.C.
 12 7627(b)) is amended in the first sentence by inserting
 13 “Florida,” after “Mississippi,”.

14 **SEC. 10. OFFSHORE CERTAINTY.**

15 (a) DEFINITIONS.—In this section:

16 (1) DIRECTOR.—The term “Director” means
 17 the Director of the National Marine Fisheries Serv-
 18 ice.

19 (2) HARASSMENT.—The term “harassment”
 20 has the meaning given the term in section 3 of the
 21 Marine Mammal Protection Act of 1972 (16 U.S.C.
 22 1362).

23 (3) REQUEST FOR INCIDENTAL HARASSMENT
 24 AUTHORIZATION.—The term “request for incidental
 25 harassment authorization” means a request sub-

1 mitted to the Director by an individual or entity
2 subject to this Act (or an amendment made by this
3 Act) to conduct an activity in accordance with this
4 Act (or an amendment made by this Act), regardless
5 of whether the activity may result in incidental har-
6 assment of a marine mammal or marine mammal
7 stock in the wild.

8 (b) REQUESTS FOR INCIDENTAL HARASSMENT AU-
9 THORIZATION.—The Director shall—

10 (1) accept as complete a written request for in-
11 cidental harassment authorization by not later than
12 45 days after the date of submission of the request
13 for incidental harassment authorization; or

14 (2) provide to the requester, by not later than
15 15 days after the date of submission of the request
16 for incidental harassment authorization, a written
17 notice of any additional information required to com-
18 plete the request for incidental harassment author-
19 ization.

20 (c) ACTION ON SUBMISSION OF ADDITIONAL INFOR-
21 MATION.—The Director shall—

22 (1) accept as complete a request for incidental
23 harassment authorization by not later than 30 days
24 after the date of submission of any additional infor-
25 mation required under subsection (b)(2); or

1 (2) return the request for incidental harassment
2 authorization to the requester, together with a writ-
3 ten explanation of the reasons for denial of the re-
4 quest for incidental harassment authorization.

5 (d) FAILURE TO RESPOND.—If the Director fails to
6 respond to a request for incidental harassment authoriza-
7 tion in accordance with an applicable deadline under sub-
8 section (b) or (c), the request for incidental harassment
9 authorization shall be considered to be complete.

10 (e) TREATMENT OF COMPLETE REQUESTS FOR INCI-
11 DENTAL HARASSMENT AUTHORIZATION.—The Director
12 shall proceed with a request for incidental harassment au-
13 thorization that is accepted as, or considered to be, com-
14 plete under subsection (b)(1), (c)(1), or (d) in accordance
15 with section 101(a) of the Marine Mammal Protection Act
16 of 1972 (16 U.S.C. 1371(a)).

17 **SEC. 11. CONTINUOUS OPERATIONS RULE.**

18 The Secretary of the Interior shall amend the regula-
19 tion issued under section 250.180 of title 30, Code of Fed-
20 eral Regulations, so that any requirement in that regula-
21 tion for continuous operation is for a period of 270 days
22 instead of 180 days.

23 **SEC. 12. EXPEDITED JUDICIAL REVIEW.**

24 (a) DEFINITION OF COVERED ENERGY DEVELOP-
25 MENT.—In this section, the term “covered energy develop-

1 ment” means any action or decision by a Federal official
2 regarding—

3 (1) the leasing of offshore Federal land (includ-
4 ing submerged land) in the outer Continental Shelf
5 for the exploration, development, production, proc-
6 essing, or transmission of oil, natural gas, or any
7 other source or form of energy, including actions
8 and decisions regarding the selection or offering of
9 offshore Federal land in the outer Continental Shelf
10 for such leasing; or

11 (2) any action under a lease described in para-
12 graph (1), except that this section shall not apply to
13 a dispute between the parties to a lease entered into
14 under a provision of law authorizing the lease re-
15 garding obligations under the lease or the alleged
16 breach of the lease.

17 (b) EXCLUSIVE JURISDICTION OVER CAUSES AND
18 CLAIMS RELATING TO COVERED ENERGY DEVELOP-
19 MENT.—Notwithstanding any other provision of law, the
20 United States District Court for the District of Columbia
21 shall have exclusive jurisdiction to hear all causes and
22 claims under this section or any other Federal law that
23 arise from any covered energy development, except for any
24 cause or claim arising under the jurisdiction of the United

1 States Court of Appeals for the Fifth Circuit, and brought
2 in a United States court within that circuit.

3 (c) TIME FOR FILING COMPLAINT.—

4 (1) IN GENERAL.—Each case or claim described
5 in subsection (b) shall be filed not later than the end
6 of the 60-day period beginning on the date of the ac-
7 tion or decision by a Federal official on the covered
8 energy development concerned.

9 (2) PROHIBITION.—Any cause or claim de-
10 scribed in subsection (b) that is not filed within the
11 time period described in paragraph (1) shall be
12 barred.

13 (d) DISTRICT COURT FOR DISTRICT OF COLUMBIA
14 DEADLINE.—

15 (1) IN GENERAL.—Each proceeding that is sub-
16 ject to subsection (b) shall—

17 (A) be resolved as expeditiously as prac-
18 ticable and in any event by not later than 180
19 days after the date the cause or claim is filed;
20 and

21 (B) take precedence over all other pending
22 matters before the District Court for the Dis-
23 trict of Columbia.

24 (2) FAILURE TO COMPLY WITH DEADLINE.—If
25 an interlocutory or final judgment, decree, or order

1 has not been issued by the District Court for the
2 District of Columbia by the deadline described in
3 paragraph (1), the cause or claim shall be dismissed
4 with prejudice and all rights relating to the cause or
5 claim shall be terminated.

6 (e) ABILITY TO SEEK APPELLATE REVIEW.—An in-
7 terlocutory or final judgment, decree, or order of the Dis-
8 trict Court for the District of Columbia under this section
9 may be reviewed by no other court except the Supreme
10 Court.

11 **SEC. 13. GAO REPORT ON CUMULATIVE COST OF REGULA-**
12 **TION FOR OFFSHORE ENERGY PRODUCTION.**

13 The Comptroller General of the United States shall—

14 (1) conduct more accurate estimates of the cost
15 of complying with major Federal rules relating to
16 offshore energy development and production activi-
17 ties on the outer Continental Shelf; and

18 (2) submit to the appropriate committees of
19 Congress a report describing the results of the esti-
20 mates calculated under paragraph (1).

○