

114TH CONGRESS
2D SESSION

S. 3079

To improve the management of the Federal coal leasing program.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2016

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

A BILL

To improve the management of the Federal coal leasing
program.

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 “Fairness, Account-
5 ability, and Certainty for Taxpayers in Coal Leasing Act”.

6 **SEC. 2. SENSE OF THE SENATE RELATING TO A REVIEW OF**
7 **THE FEDERAL COAL LEASING PROGRAM.**

8 It is the sense of the Senate that—

9 (1) the Federal coal leasing program should be
10 reviewed—

1 (A) to ensure that taxpayers receive a fair
2 rate of return for Federal minerals;

3 (B) to provide appropriate transparency;
4 and

5 (C) to ensure that management of Federal
6 land and minerals is in the public interest;

7 (2) the responsible development of coal re-
8 sources on Federal land provides an important
9 source of jobs and revenue for States and local
10 economies; and

11 (3) the review under paragraph (1) should be
12 completed as soon as practicable after the date of
13 enactment of this Act.

14 **SEC. 3. DEADLINE FOR COMPLETION OF A PROGRAMMATIC**
15 **ENVIRONMENTAL IMPACT STATEMENT.**

16 Not later than January 15, 2021, the Secretary of
17 the Interior shall complete the programmatic review of
18 coal leasing on Federal land described in section 4 of Sec-
19 retarial Order 3338, issued by the Secretary of the Inte-
20 rior on January 15, 2016.

21 **SEC. 4. ROYALTY POLICY COMMITTEE.**

22 (a) IN GENERAL.—To ensure consultation with key
23 State, tribal, environmental, energy, and Federal stake-
24 holders, not later than 180 days after the date of enact-
25 ment of this Act, the Secretary of the Interior (referred

1 to in this section as the “Secretary”) shall reestablish the
2 Royalty Policy Committee (referred to in this section as
3 the “Committee”) in accordance with the charter of the
4 Secretary, dated March 26, 2010, as modified by this sec-
5 tion.

6 (b) DUTIES.—The Committee shall—

7 (1) provide advice to the Secretary, acting
8 through the Director of the Office of Natural Re-
9 source Revenue, on the management of Federal and
10 Indian mineral leases and revenues under the law
11 governing the Department of the Interior;

12 (2) review and comment on revenue manage-
13 ment and other mineral and energy-related policies;
14 and

15 (3) provide a forum to convey views representa-
16 tive of mineral lessees, operators, revenue payers,
17 revenue recipients, governmental agencies, and pub-
18 lic interest groups.

19 (c) ADVISORY.—The duties of the Committee shall be
20 solely advisory.

21 (d) MEETINGS.—The Committee shall meet at least
22 once a year at the request of the Secretary.

23 (e) DURATION.—The charter of the Committee may
24 be renewed in 2-year increments by the Secretary.

25 (f) MEMBERSHIP.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary shall appoint non-Federal members
3 and alternates to the Committee for a term of up to
4 3 years.

5 (2) TERMS.—

6 (A) IN GENERAL.—The terms of non-Fed-
7 eral Committee members and alternates shall be
8 staggered to preserve the integrity of the Com-
9 mittee.

10 (B) TERMS.—Except as provided in sub-
11 paragraph (C), the terms of new or reappointed
12 non-Federal members of the Committee shall be
13 3 years.

14 (C) SHORTER TERMS.—If a term of 3
15 years would result in more than $\frac{1}{3}$ of the terms
16 of the non-Federal members expiring in any
17 year, appointments of non-Federal members
18 may be extended for 1 year or 2 terms to pro-
19 vide continuity of the Committee.

20 (D) MAXIMUM NUMBER OF YEARS.—

21 (i) IN GENERAL.—Subject to clause
22 (ii), non-Federal members may not serve
23 more than 6 consecutive years as a mem-
24 ber of the Committee.

1 (ii) REAPPOINTMENT.—After a 2-year
2 break in service, any non-Federal member
3 who has served 6 consecutive years shall be
4 eligible for reappointment to the Com-
5 mittee.

6 (3) MEETINGS.—The Secretary may revoke the
7 appointment of a member of the Committee and the
8 alternate if the appointed member or alternate fails
9 to attend 2 or more consecutive meetings of the
10 Committee.

11 (4) BALANCED REPRESENTATION.—Committee
12 members shall be comprised of non-Federal and
13 Federal members in order to ensure fair and bal-
14 anced representation with consideration for the effi-
15 ciency and fiscal economy of the Committee.

16 (5) DISCRETIONARY SERVICE.—All members of
17 the Committee shall serve at the discretion of the
18 Secretary.

19 (6) NON-FEDERAL MEMBERS.—In appointing
20 non-Federal members of the Committee, the Sec-
21 retary shall appoint up to—

22 (A) 5 members who represent States that
23 receive over \$10,000,000 annually in royalty
24 revenues from Federal leases;

1 (B) 5 members who represent Indian
2 tribes;

3 (C) 5 members who represent various min-
4 eral or energy interests, including at least 1
5 member who represents labor interests; and

6 (D) 5 members who represent public inter-
7 est groups, including groups representing tax-
8 payers and groups with academic expertise.

9 (7) FEDERAL MEMBERS.—The following offi-
10 cials, or their designees, shall be nonvoting, ex-offi-
11 cio members of the Committee:

12 (A) The Assistant Secretary of Indian Af-
13 fairs.

14 (B) The Director of the Bureau of Land
15 Management.

16 (C) The Director of the Office of Natural
17 Resources Revenue.

18 (g) SUBCOMMITTEES.—

19 (1) IN GENERAL.—Subject to the approval of
20 the Secretary and paragraph (2), subcommittees or
21 workgroups of the Committee may be formed for the
22 purposes of compiling information or conducting re-
23 search.

24 (2) ADMINISTRATION.—Subcommittees or
25 workgroups of the Committee shall—

1 (A) act only under the direction of the
2 Committee; and

3 (B) report their recommendations to the
4 full Committee for consideration.

5 (3) APPOINTMENT.—The Committee Chair,
6 with the approval of the Secretary of the Interior,
7 shall appoint subcommittee or workgroup members.

8 (4) MEETINGS.—Subcommittees and
9 workgroups of the Committee shall meet as nec-
10 essary to accomplish assignments, subject to the ap-
11 proval of the Secretary and the availability of re-
12 sources.

13 **SEC. 5. EMERGENCY LEASING.**

14 (a) IN GENERAL.—As soon as practicable after the
15 date of enactment of this Act, the Secretary of the Interior
16 shall amend section 3425.1–4 of title 43, Code of Federal
17 Regulations, and Secretarial Order 3338, issued by the
18 Secretary of the Interior on January 15, 2016, to author-
19 ize earlier emergency leasing than is authorized under sec-
20 tion 3425.1–4 of title 43, Code of Federal Regulations (as
21 of the date of enactment of this Act).

22 (b) ADMINISTRATION.—In carrying out subsection
23 (a), the Secretary of the Interior shall substitute “4 years”
24 for “3 years” each place it appears in section 3425.1–4
25 of title 43, Code of Federal Regulations, for the duration

1 of the programmatic review of the Federal coal program
2 and the limitations on the issuance of Federal coal leases
3 described in Secretarial Order 3338 issued by the Sec-
4 retary of the Interior on January 15, 2016.

○