

owned by citizens of a foreign nation or with respect to which the citizens of a foreign nation have the right effectively to control, except to the extent and to the degree that the President determines that the government of such foreign nation or any of its political subdivisions has implemented, by statute, regulation, policy, or practice, a national manning requirement for equipment engaged in the exploration, development, or production of oil and gas in its offshore areas.

(Aug. 7, 1953, ch. 345, § 30, as added Pub. L. 95-372, title II, § 208, Sept. 18, 1978, 92 Stat. 669.)

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1356a. Coastal impact assistance program

(a) Definitions

In this section:

(1) Coastal political subdivision

The term “coastal political subdivision” means a political subdivision of a coastal State any part of which political subdivision is—

(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the coastal State as of August 8, 2005; and

(B) not more than 200 nautical miles from the geographic center of any leased tract.

(2) Coastal population

The term “coastal population” means the population, as determined by the most recent official data of the Census Bureau, of each political subdivision any part of which lies within the designated coastal boundary of a State (as defined in a State’s coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)).

(3) Coastal State

The term “coastal State” has the meaning given the term in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(4) Coastline

The term “coastline” has the meaning given the term “coast line” in section 1301 of this title.

(5) Distance

The term “distance” means the minimum great circle distance, measured in statute miles.

(6) Leased tract

The term “leased tract” means a tract that is subject to a lease under section 1335 or 1337 of this title for the purpose of drilling for, developing, and producing oil or natural gas resources.

(7) Leasing moratoria

The term “leasing moratoria” means the prohibitions on preleasing, leasing, and related activities on any geographic area of the outer Continental Shelf as contained in sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3063).

(8) Political subdivision

The term “political subdivision” means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs.

(9) Producing State

(A) In general

The term “producing State” means a coastal State that has a coastal seaward boundary within 200 nautical miles of the geographic center of a leased tract within any area of the outer Continental Shelf.

(B) Exclusion

The term “producing State” does not include a producing State, a majority of the coastline of which is subject to leasing moratoria, unless production was occurring on January 1, 2005, from a lease within 10 nautical miles of the coastline of that State.

(10) Qualified Outer Continental Shelf revenues

(A) In general

The term “qualified Outer Continental Shelf revenues” means all amounts received by the United States from each leased tract or portion of a leased tract—

(i) lying—

(I) seaward of the zone covered by section 1337(g) of this title; or

(II) within that zone, but to which section 1337(g) of this title does not apply; and

(ii) the geographic center of which lies within a distance of 200 nautical miles from any part of the coastline of any coastal State.

(B) Inclusions

The term “qualified Outer Continental Shelf revenues” includes bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued under this subchapter.

(C) Exclusion

The term “qualified Outer Continental Shelf revenues” does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on January 1, 2005.

(b) Payments to producing States and coastal political subdivisions

(1) In general

The Secretary shall, without further appropriation, disburse to producing States and

coastal political subdivisions in accordance with this section \$250,000,000 for each of fiscal years 2007 through 2010.

(2) Disbursement

In each fiscal year, the Secretary shall disburse to each producing State for which the Secretary has approved a plan under subsection (c), and to coastal political subdivisions under paragraph (4), such funds as are allocated to the producing State or coastal political subdivision, respectively, under this section for the fiscal year.

(3) Allocation among producing States

(A) In general

Except as provided in subparagraph (C) and subject to subparagraph (D), the amounts available under paragraph (1) shall be allocated to each producing State based on the ratio that—

- (i) the amount of qualified outer Continental Shelf revenues generated off the coastline of the producing State; bears to
- (ii) the amount of qualified outer Continental Shelf revenues generated off the coastline of all producing States.

(B) Amount of outer Continental Shelf revenues

For purposes of subparagraph (A)—

- (i) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2007 and 2008 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2006; and
- (ii) the amount of qualified outer Continental Shelf revenues for each of fiscal years 2009 and 2010 shall be determined using qualified outer Continental Shelf revenues received for fiscal year 2008.

(C) Multiple producing States

In a case in which more than one producing State is located within 200 nautical miles of any portion of a leased tract, the amount allocated to each producing State for the leased tract shall be inversely proportional to the distance between—

- (i) the nearest point on the coastline of the producing State; and
- (ii) the geographic center of the leased tract.

(D) Minimum allocation

The amount allocated to a producing State under subparagraph (A) shall be at least 1 percent of the amounts available under paragraph (1).

(4) Payments to coastal political subdivisions

(A) In general

The Secretary shall pay 35 percent of the allocable share of each producing State, as determined under paragraph (3) to the coastal political subdivisions in the producing State.

(B) Formula

Of the amount paid by the Secretary to coastal political subdivisions under subparagraph (A)—

- (i) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

- (I) the coastal population of the coastal political subdivision; bears to

- (II) the coastal population of all coastal political subdivisions in the producing State;

- (ii) 25 percent shall be allocated to each coastal political subdivision in the proportion that—

 - (I) the number of miles of coastline of the coastal political subdivision; bears to

 - (II) the number of miles of coastline of all coastal political subdivisions in the producing State; and

- (iii) 50 percent shall be allocated in amounts that are inversely proportional to the respective distances between the points in each coastal political subdivision that are closest to the geographic center of each leased tract, as determined by the Secretary.

(C) Exception for the State of Louisiana

For the purposes of subparagraph (B)(ii), the coastline for coastal political subdivisions in the State of Louisiana without a coastline shall be considered to be $\frac{1}{3}$ the average length of the coastline of all coastal political subdivisions with a coastline in the State of Louisiana.

(D) Exception for the State of Alaska

For the purposes of carrying out subparagraph (B)(iii) in the State of Alaska, the amounts allocated shall be divided equally among the two coastal political subdivisions that are closest to the geographic center of a leased tract.

(E) Exclusion of certain leased tracts

For purposes of subparagraph (B)(iii), a leased tract or portion of a leased tract shall be excluded if the tract or portion of a leased tract is located in a geographic area subject to a leasing moratorium on January 1, 2005, unless the lease was in production on that date.

(5) No approved plan

(A) In general

Subject to subparagraph (B) and except as provided in subparagraph (C), in a case in which any amount allocated to a producing State or coastal political subdivision under paragraph (4) or (5) is not disbursed because the producing State does not have in effect a plan that has been approved by the Secretary under subsection (c), the Secretary shall allocate the undisbursed amount equally among all other producing States.

(B) Retention of allocation

The Secretary shall hold in escrow an undisbursed amount described in subparagraph (A) until such date as the final appeal regarding the disapproval of a plan submitted under subsection (c) is decided.

(C) Waiver

The Secretary may waive subparagraph (A) with respect to an allocated share of a producing State and hold the allocable share

in escrow if the Secretary determines that the producing State is making a good faith effort to develop and submit, or update, a plan in accordance with subsection (c).

(c) Coastal impact assistance plan

(1) Submission of State plans

(A) In general

Not later than July 1, 2008, the Governor of a producing State shall submit to the Secretary a coastal impact assistance plan.

(B) Public participation

In carrying out subparagraph (A), the Governor shall solicit local input and provide for public participation in the development of the plan.

(2) Approval

(A) In general

The Secretary shall approve a plan of a producing State submitted under paragraph (1) before disbursing any amount to the producing State, or to a coastal political subdivision located in the producing State, under this section.

(B) Components

The Secretary shall approve a plan submitted under paragraph (1) if—

(i) the Secretary determines that the plan is consistent with the uses described in subsection (d); and

(ii) the plan contains—

(I) the name of the State agency that will have the authority to represent and act on behalf of the producing State in dealing with the Secretary for purposes of this section;

(II) a program for the implementation of the plan that describes how the amounts provided under this section to the producing State will be used;

(III) for each coastal political subdivision that receives an amount under this section—

(aa) the name of a contact person; and

(bb) a description of how the coastal political subdivision will use amounts provided under this section;

(IV) a certification by the Governor that ample opportunity has been provided for public participation in the development and revision of the plan; and

(V) a description of measures that will be taken to determine the availability of assistance from other relevant Federal resources and programs.

(3) Amendment

Any amendment to a plan submitted under paragraph (1) shall be—

(A) developed in accordance with this subsection; and

(B) submitted to the Secretary for approval or disapproval under paragraph (4).

(4) Procedure

Not later than 90 days after the date on which a plan or amendment to a plan is submitted under paragraph (1) or (3), the Sec-

retary shall approve or disapprove the plan or amendment.

(d) Authorized uses

(1) In general

A producing State or coastal political subdivision shall use all amounts received under this section, including any amount deposited in a trust fund that is administered by the State or coastal political subdivision and dedicated to uses consistent with this section, in accordance with all applicable Federal and State laws, only for one or more of the following purposes:

(A) Projects and activities for the conservation, protection, or restoration of coastal areas, including wetland.

(B) Mitigation of damage to fish, wildlife, or natural resources.

(C) Planning assistance and the administrative costs of complying with this section.

(D) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

(E) Mitigation of the impact of outer Continental Shelf activities through funding of onshore infrastructure projects and public service needs.

(2) Compliance with authorized uses

If the Secretary determines that any expenditure made by a producing State or coastal political subdivision is not consistent with this subsection, the Secretary shall not disburse any additional amount under this section to the producing State or the coastal political subdivision until such time as all amounts obligated for unauthorized uses have been repaid or reobligated for authorized uses.

(3) Limitation

Not more than 23 percent of amounts received by a producing State or coastal political subdivision for any 1 fiscal year shall be used for the purposes described in subparagraphs (C) and (E) of paragraph (1).

(e) Emergency funding

(1) In general

In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

(A) consistent with subsection (d); and

(B) specifically designed to respond to the spill of national significance.

(2) Approval by Secretary

The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

(3) State requirements

(A) Additional information

If the Secretary approves a project for funding under this subsection that is in-

cluded in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

(B) Amendment to plan

If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

(C) Limitation

If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.

(Aug. 7, 1953, ch. 345, §31, as added Pub. L. 106-553, §1(a)(2) [title IX, §903], Dec. 21, 2000, 114 Stat. 2762, 2762A-124; amended Pub. L. 109-58, title III, §384, Aug. 8, 2005, 119 Stat. 739; Pub. L. 111-212, title III, §3013, July 29, 2010, 124 Stat. 2341.)

Editorial Notes

REFERENCES IN TEXT

The Coastal Zone Management Act of 1972, referred to in subsec. (a)(2), is title III of Pub. L. 89-454, as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, which is classified generally to chapter 33 (§1451 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

Sections 107 through 109 of division E of the Consolidated Appropriations Act, 2005, referred to in subsec. (a)(7), are sections 107 to 109 of Pub. L. 108-447, div. E, title I, Dec. 8, 2004, 118 Stat. 3063, 3064, which are not classified to the Code.

The Oil Pollution Act of 1990, referred to in subsec. (e)(1), is Pub. L. 101-380, Aug. 18, 1990, 104 Stat. 484, which is classified principally to chapter 40 (§2701 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of Title 33 and Tables.

AMENDMENTS

2010—Subsec. (e). Pub. L. 111-212 added subsec. (e).

2005—Pub. L. 109-58 amended section catchline and text generally. Prior to amendment, section consisted of subsecs. (a) to (g) relating to construction of section, definitions, authorization of appropriations, payments

to States and political subdivisions, coastal impact assistance plan by the Governor of each producing coastal State, authorized uses of amounts provided, and repayment of amounts inconsistent with authorized uses.

§ 1356b. Transboundary hydrocarbon agreements

(a) Authorization

After December 26, 2013, the Secretary may implement the terms of any transboundary hydrocarbon agreement for the management of transboundary hydrocarbon reservoirs entered into by the President and approved by Congress. In implementing such an agreement, the Secretary shall protect the interests of the United States to promote domestic job creation and ensure the expeditious and orderly development and conservation of domestic mineral resources in accordance with all applicable United States laws governing the exploration, development, and production of hydrocarbon resources on the Outer Continental Shelf.

(b) Submission to Congress

(1) In general

No later than 180 days after all parties to a transboundary hydrocarbon agreement have agreed to its terms, a transboundary hydrocarbon agreement that does not constitute a treaty in the judgment of the President shall be submitted by the Secretary to—

- (A) the Speaker of the House of Representatives;
- (B) the Majority Leader of the Senate;
- (C) the Chair of the Committee on Natural Resources of the House of Representatives; and
- (D) the Chair of the Committee on Energy and Natural Resources of the Senate.

(2) Contents of submission

The submission shall include—

- (A) any amendments to this subchapter or other Federal law necessary to implement the agreement;
- (B) an analysis of the economic impacts such agreement and any amendments necessitated by the agreement will have on domestic exploration, development, and production of hydrocarbon resources on the Outer Continental Shelf; and
- (C) a detailed description of any regulations expected to be issued by the Secretary to implement the agreement.

(c) Implementation of specific transboundary agreement with Mexico

The Secretary may take actions as necessary to implement the terms of the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico, signed at Los Cabos, February 20, 2012, including—

- (1) approving unitization agreements and related arrangements for the exploration, development, or production of oil and natural gas from transboundary reservoirs or geological structures;

- (2) making available, in the limited manner necessary under the agreement and subject to the protections of confidentiality provided by