

AMENDMENT TO H.R. 1230
OFFERED BY MR. HOLT OF NEW JERSEY

Page 4, after line 6, insert the following (and redesignate accordingly):

1 **SEC. ____ . CERTIFICATION OF RESPONSIBLE STEWARDSHIP**
2 **REQUIRED.**

3 (a) **REQUIREMENT.**—A person shall not be eligible to
4 enter into any lease issued under this Act unless the per-
5 son certifies to the Secretary of the Interior that the per-
6 son (including any related person and any predecessor of
7 such person or related person) meets each of the following
8 requirements:

9 (1) The person is meeting due diligence, safety,
10 and environmental requirements on other leases,
11 easements, and rights-of-way.

12 (2) In the case of a person that is a responsible
13 party for a vessel or a facility from which oil is dis-
14 charged, for purposes of section 1002 of the Oil Pol-
15 lution Act of 1990 (33 U.S.C. 2702), the person has
16 met all of its obligations under that Act to provide
17 compensation for covered removal costs and dam-
18 ages.

1 (3) In the 7-year period ending on the date of
2 certification, the person, in connection with activities
3 in the oil industry (including exploration, develop-
4 ment, production, transportation by pipeline, and re-
5 fining)—

6 (A) was not found to have committed will-
7 ful or repeated violations under the Occupa-
8 tional Safety and Health Act of 1970 (29
9 U.S.C. 651 et seq.) (including State plans ap-
10 proved under section 18(c) of such Act (29
11 U.S.C. 667(e))) at a rate that is higher than
12 five times the rate determined by the Secretary
13 to be the oil industry average for such viola-
14 tions for such period;

15 (B) was not convicted of a criminal viola-
16 tion for death or serious bodily injury;

17 (C) did not have more than 10 fatalities at
18 its exploration, development, and production fa-
19 cilities and refineries as a result of violations of
20 Federal or State health, safety, or environ-
21 mental laws;

22 (D) was not assessed, did not enter into an
23 agreement to pay, and was not otherwise re-
24 quired to pay, civil penalties and criminal fines
25 for violations the person was found to have

1 committed under the Federal Water Pollution
2 Control Act (33 U.S.C. 1251 et seq.) (including
3 State programs approved under sections 402
4 and 404 of such Act (33 U.S.C. 1342 and
5 1344)) in a total amount that is equal to more
6 than \$10,000,000; and

7 (E) was not assessed, did not enter into an
8 agreement to pay, and was not otherwise re-
9 quired to pay, civil penalties and criminal fines
10 for violations the person was found to have
11 committed under the Clean Air Act (42 U.S.C.
12 7401 et seq.) (including State plans approved
13 under section 110 of such Act (42 U.S.C.
14 7410)) in a total amount that is equal to more
15 than \$10,000,000.

16 (b) ENFORCEMENT.—If the Secretary determines
17 that a certification made under subsection (a) is false, the
18 Secretary shall cancel any lease, easement, or right of way
19 and shall revoke any permit with respect to which the cer-
20 tification was required under such subsection.

21 (c) DEFINITION OF RELATED PERSON.—For pur-
22 poses of this section, the term “related person” includes
23 a parent, subsidiary, affiliate, member of the same con-
24 trolled group, contractor, subcontractor, a person holding
25 a controlling interest or in which a controlling interest is

1 held, and a person with substantially the same board
2 members, senior officers, or investors.

