

[DISCUSSION DRAFT]115TH CONGRESS
2^D SESSION**H. R.** _____

To amend the Mineral Leasing Act and the Outer Continental Shelf Lands Act to enhance State management of Federal lands and waters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Mineral Leasing Act and the Outer Continental Shelf Lands Act to enhance State management of Federal lands and waters, 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 “Enhancing State Man-
5 agement of Federal Lands and Waters Act”.

1 **TITLE I—ONSHORE**

2 **SECTION 1001. ENHANCED MANAGEMENT REGIONS.**

3 (a) IN GENERAL.—The Mineral Leasing Act (30
4 U.S.C. 181 et seq.) is amended by—

5 (1) redesignating section 44 as section 45; and

6 (2) inserting after section 43 the following:

7 **“SEC. 44. ENHANCED MANAGEMENT REGIONS.**

8 **“(a) DEFINITIONS.—**In this section:

9 **“(1) AVAILABLE FEDERAL LAND.—**The term
10 ‘available Federal land’ means Federal land that—

11 **“(A)** is located within the boundaries of a
12 State;

13 **“(B)** is not held by the United States in
14 trust for the benefit of a federally recognized
15 Indian Tribe;

16 **“(C)** is not a unit of the National Park
17 System;

18 **“(D)** is not a unit of the National Wildlife
19 Refuge System;

20 **“(E)** is not a Congressionally-approved wil-
21 derness area under the Wilderness Act (16
22 U.S.C. 1131 et seq.); and

23 **“(F)** is managed by the Director of the
24 Bureau of Land Management or the Director of
25 the Forest Service.

1 “(2) ENHANCED MANAGEMENT REGION.—The
2 term ‘enhanced management region’ means available
3 Federal land for which the Secretary of the Interior
4 has delegated to the State authority under this sec-
5 tion to manage oil and gas leasing, permitting, and
6 production.

7 “(3) ENHANCED MANAGEMENT REGION PRO-
8 GRAM.—The term ‘enhanced management region
9 program’ means a management plan that meets the
10 requirements in subsection (i).

11 “(4) SECRETARY CONCERNED.—The term ‘Sec-
12 retary concerned’ means—

13 “(A) the Secretary of the Interior with re-
14 spect to land administered by the Secretary of
15 the Interior; or

16 “(B) the Secretary of Agriculture with re-
17 spect to land administered by the Secretary of
18 Agriculture.

19 “(b) APPLICATION TO ESTABLISH ENHANCED MAN-
20 AGEMENT REGION.—

21 “(1) SUBMISSION OF ENHANCED MANAGEMENT
22 REGION PROGRAM.—To assume exclusive jurisdiction
23 over the leasing, permitting, and regulation of oil
24 and gas exploration, development, and production
25 within an area of available Federal land, a State

1 shall submit to the Secretary of the Interior an ap-
2 plication including—

3 “(2) a map depicting the area that the State in-
4 tends to administer as an enhanced management re-
5 gion;

6 “(3) a description of the enhanced management
7 region program that the State proposes to develop
8 for such region; and

9 “(4) a statement from the Governor or attorney
10 general of such State that the laws of such State
11 provide adequate authority to carry out the en-
12 hanced management region program.

13 “(5) DEADLINE FOR APPROVAL OR DIS-
14 APPROVAL.—Not later than 60 days after the date
15 of receipt of an application under this subsection, or
16 30 days in the case of an application submitted
17 under subsection (c), the Secretary of the Interior
18 shall approve or disapprove such application.

19 “(6) CONSULTATION WITH SECRETARY OF AG-
20 RICULTURE.—If an application submitted under this
21 section is for an area that includes land managed by
22 the Director of the Forest Service, the Secretary of
23 the Interior shall consult the Secretary of Agri-
24 culture on the approval or disapproval of such appli-
25 cation.

1 “(7) EFFECT OF APPROVAL OF AN ENHANCED
2 MANAGEMENT REGION PROGRAM.—Upon the ap-
3 proval by the Secretary of the Interior of an applica-
4 tion under this section, the relevant State shall as-
5 sume exclusive jurisdiction over the leasing, permit-
6 ting, and regulation of oil and gas exploration, devel-
7 opment, and production within the enhanced man-
8 agement region described in such application in ac-
9 cordance with the enhanced management region pro-
10 gram described in such application.

11 “(c) ESTABLISHMENT OF ENHANCED MANAGEMENT
12 REGION WITHOUT APPLICATION.—Before holding a pub-
13 lic lease sale under this Act for a parcel included in an
14 oil and gas lease sale on available Federal land, the Sec-
15 retary of the Interior shall notify the State and provide
16 the State 30 days to submit an application under this sec-
17 tion for such parcel.

18 “(d) STATE ACTION.—Any action by a State to lease,
19 permit, or regulate oil and gas exploration, development,
20 or production, and any lease or permit issued by a State
21 pursuant to the State’s authority under this section, shall
22 not be considered a Federal action, Federal permit, or
23 Federal license under—

1 “(1) subchapter II of chapter 5 of title 5,
2 United States Code (commonly known as the Admin-
3 istrative Procedures Act);

4 “(2) section 306108 of title 54, United States
5 Code (commonly known as the National Historic
6 Preservation Act);

7 “(3) the Endangered Species Act of 1973 (16
8 U.S.C. 1531 et seq.); or

9 “(4) the National Environmental Policy Act of
10 1969 (42 U.S.C. 4321 et seq.).

11 “(e) RESOURCE MANAGEMENT PLANS.—The Sec-
12 retary concerned shall not enforce a resource management
13 plan in an enhanced management region.

14 “(f) DISTRIBUTION OF REVENUES.—

15 “(1) IN THE CASE OF INCREASED REVENUES.—

16 “(A) IN GENERAL.—If in a fiscal year the
17 oil and gas production in an enhanced manage-
18 ment region yields an amount of bonus bids,
19 rentals, and royalties that is greater than the
20 amount of bonus bids, rentals, and royalties
21 yielded on average over the previous 5 fiscal
22 years, then the State that manages such en-
23 hanced management region shall receive 60 per-
24 cent of such amount.

1 “(B) ADMINISTRATIVE FEE.—The 2 per-
2 cent administrative fee authorized in section
3 35(b) of the Mineral Leasing Act (30 U.S.C.
4 191(b)) shall be waived for a State described in
5 subparagraph (A).

6 “(2) IN THE CASE OF DECREASED REVE-
7 NUES.—

8 “(A) IN GENERAL.—If in a fiscal year the
9 oil and gas production in an enhanced manage-
10 ment region yields an amount of bonus bids,
11 rentals, and royalties that is lower than the
12 amount of bonus bids, rentals, and royalties
13 yielded on average over the previous 5 fiscal
14 years, and if the Secretary determines that such
15 lower amount is not due to a factors listed in
16 subparagraph (B), then the State that manages
17 such enhanced management region shall receive
18 20 percent of such amount.

19 “(B) FACTORS.—The factors described in
20 subparagraph (A) are the following:

21 “(i) Factors other than market condi-
22 tions.

23 “(ii) Decreases in available acreage
24 within the enhanced management region
25 for drilling.

1 “(3) NOTIFICATION OF REVENUE SHARE.—The
2 Secretary of the Interior shall notify each State of
3 the percentage of revenue share the Secretary has
4 determined under this subsection that such State
5 shall receive.

6 “(g) LOST PRODUCTION FEE.—

7 “(1) REQUIREMENT TO PAY FEE.—The Sec-
8 retary shall revoke the authority to manage an en-
9 hanced management region granted under this sec-
10 tion to a State described in subsection (f)(2)(A) un-
11 less the State pays to the Secretary a lost produc-
12 tion fee as calculated under paragraph (2) not later
13 than 30 days after the State has received notifica-
14 tion under subsection (f)(3).

15 “(2) CALCULATION OF FEE.—The Secretary
16 shall determine the amount of a lost production fee
17 with respect to an enhanced management region
18 based on—

19 “(A) the amount of bonus bids, rentals,
20 and royalties yielded on average over the pre-
21 vious 5 fiscal years from such enhanced man-
22 agement region; or

23 “(B) in the case of an enhanced manage-
24 ment region production that has not yielded any
25 bonus bids, rentals, or royalties, the greater of

1 the amount of bonus bids, rentals, and royalties
2 yielded from—

3 “(i) the nearest producing region to
4 the enhanced management region of a
5 similar size; or

6 “(ii) producing regions within 50
7 miles of the enhanced management region
8 that are collectively of a similar size.

9 “(h) LEASES ENTER INTO BEFORE ESTABLISHMENT
10 OF ENHANCED MANAGEMENT REGION.—A State shall ob-
11 tain approval of the leaseholder of any lease entered into
12 before the establishment of the enhanced management re-
13 gion before managing such lease in accordance with an
14 enhanced management region program.

15 “(i) ENHANCED MANAGEMENT REGION PROGRAM.—
16 An enhanced management region program developed
17 under this section shall—

18 “(1) be developed and administered by the
19 State under State law;

20 “(2) be for a period of 5 years; and

21 “(3) describe a management plan over the leas-
22 ing, permitting, and regulation of oil and gas explo-
23 ration, development, and production within an en-
24 hanced management region.”.

1 **TITLE II—OFFSHORE**

2 **SEC. 2001. MAPPING THE OUTER CONTINENTAL SHELF.**

3 The Outer Continental Shelf Lands Act (43 U.S.C.
4 1331 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“SEC. 33. OCS GEOLOGICAL AND GEOPHYSICAL MAPPING**
7 **PROGRAM.**

8 “(a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this section, the Secretary shall
10 establish a program, to be known as the ‘OCS Geological
11 and Geophysical Mapping Program’, to conduct geological
12 and geophysical mapping of the outer Continental Shelf,
13 including mapping of reserves of oil and gas.

14 “(b) DATA COLLECTION.—To conduct the mapping
15 under subsection (a), the Secretary shall—

16 “(1) consolidate relevant data collected by pub-
17 lic sources and, to the extent practicable, relevant
18 data collected by private sources; and

19 “(2) supplement such data, as necessary, by
20 conducting geological and geophysical surveys of the
21 outer Continental Shelf.

22 “(c) MAINTENANCE.—The Secretary shall maintain
23 and regularly update maps created under the OCS Geo-
24 logical and Geophysical Mapping Program.

25 “(d) CONFIDENTIALITY.—

1 “(1) EXEMPTION FROM PUBLIC DISCLOSURE
2 REQUIREMENTS.—Data collected under this section
3 is exempt from public disclosure requirements, in-
4 cluding such requirements under—

5 “(A) this Act;

6 “(B) the Freedom of Information Act (5
7 U.S.C. 552); and

8 “(C) any regulations promulgated under
9 such Acts.

10 “(2) CONSENT FOR PUBLICATION OF DATA.—
11 The Secretary may not provide data collected under
12 this section to the public without the written consent
13 of the party supplying such data.”.

14 **SEC. 2002. STATE APPROVAL OR DISAPPROVAL OF LEASE**
15 **BLOCKS ON THE OUTER CONTINENTAL**
16 **SHELF.**

17 (a) IN GENERAL.—Section 18 of the Outer Conti-
18 nental Shelf Lands Act (43 U.S.C. 1344) is amended by
19 adding at the end the following:

20 “(i) STATE APPROVAL OR DISAPPROVAL OF LEASE
21 BLOCKS ON THE OUTER CONTINENTAL SHELF.—

22 “(1) IN GENERAL.—The Secretary shall offer to
23 each State the option to approve or disapprove each
24 lease block of a lease sale contained in an oil and
25 gas leasing program prepared under this section for

1 an area located on the area of the outer Continental
2 Shelf that is within the State’s administrative
3 boundaries, as such boundaries are determined by
4 the Director of the Bureau on Ocean Energy Man-
5 agement.

6 “(2) TIMING OF REQUEST.—Any approval or
7 disapproval under paragraph (1) shall be sent to the
8 Secretary in writing not later than 45 days after the
9 Secretary publishes in the Federal Register a pro-
10 posed notice of sale with respect to the lease sale.

11 【“(3) FAILURE TO EXERCISE OPTION.—In the
12 instance that the relevant State has neither ap-
13 proved nor disapproved a lease block under para-
14 graph (1) by the end of the period described in para-
15 graph (2), the Secretary may consider the lease
16 block to be approved by the State.】

17 【“(4) EFFECT OF DISAPPROVAL.—During the
18 10-year period beginning on the date of a lease sale
19 described in paragraph (1), the Secretary may not
20 offer for lease for oil and gas exploration, produc-
21 tion, or development under this Act any lease block
22 within such lease sale that a State has disapproved
23 under paragraph (1)—】

24 【“(A) with respect to a State that has dis-
25 approved under paragraph (1) a number of

1 lease blocks that is equal to not more than 50
2 percent of the total number of lease blocks
3 within such lease sale; or】

4 【“(B) with respect to a State that has—
5 】

6 【“(i) disapproved under paragraph
7 (1) a number of lease blocks that is equal
8 to 50 percent or more of the total number
9 lease blocks within such lease sale; and】

10 【“(ii) not later than one month after
11 the date of such lease sale, paid to the
12 United States the amount calculated under
13 paragraph (5).】

14 【“(5) CALCULATION OF PAYMENT.—】】

15 【“(A) IN GENERAL.—The amount to be
16 paid by a State under paragraph (4)(B)(ii)
17 shall be an amount equal to the anticipated
18 valuation calculated under subparagraph (B)
19 multiplied by a percentage equal to—】

20 【“(i) 10 percent; and】

21 【“(ii) an additional 10 percent for
22 each lease block in addition to the number
23 of lease blocks described in paragraph
24 (4)(B)(i).】

1 **【“(B) CALCULATION OF ANTICIPATED**
2 **VALUATION.—**With respect to each lease sale
3 scheduled in an oil and gas leasing program
4 prepared under this section, the Secretary shall
5 calculate an anticipated valuation based on
6 proven mineral potential, oil prices, lease sale
7 demand during the preceding 5 years, estimated
8 lease sale demand during the subsequent 5
9 years, and projection of lost royalty revenues.】

10 **【“(6) REVENUE SHARING.—**The Secretary shall
11 disburse to a State that has—】

12 **【“(A) approved under paragraph (1) all of**
13 the lease blocks in a lease sale described in
14 paragraph (1), 50 percent of the bonus bids,
15 rentals, and royalties received by the Secretary
16 under a lease for oil and gas for areas on such
17 lease blocks; or】

18 **【“(B) approved under paragraph (1) not**
19 less than 50 percent of the lease blocks in a
20 lease sale described in paragraph (1), **【_____】**
21 percent of the bonus bids, rentals, and royalties
22 received by the Secretary under a lease for oil
23 and gas for areas on such lease blocks.”.】

1 (b) DEFINITIONS.—Section 2 of the Outer Conti-
2 nental Shelf Lands Act (43 U.S.C. 1331) is amended by
3 adding at the end the following:

4 “(r) The term ‘lease block’ means an area of land
5 that the Secretary has designated as a lease block and
6 assigned a lease block number.

7 “(s) The term ‘producing State’ means a State, in-
8 cluding any area within the administrative boundaries of
9 such State, as such boundaries are determined by the Di-
10 rector of the Bureau on Ocean Energy Management, in
11 which oil and gas was produced on the outer Continental
12 Shelf under this Act in a fiscal year.”.