

[DISCUSSION DRAFT]

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Outer Continental Shelf Lands Act to provide for a leasing program for offshore renewable energy, 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 Outer Continental Shelf Lands Act to provide for a leasing program for offshore renewable energy, 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 “National OCS Renew-  
5 able Energy Leasing Program Act”.

1 **SEC. 2. LEASING PROGRAM FOR ENERGY FROM SOURCES**  
2 **OTHER THAN OIL AND GAS.**

3 The Outer Continental Shelf Lands Act (43 U.S.C.  
4 1331 et seq.) is amended—

5 (1) in section 8(p) (43 U.S.C. 1337(p))—

6 (A) in paragraph (1), by inserting “, the  
7 Secretary of Commerce, the Secretary of En-  
8 ergy, affected United States Regional Fishery  
9 Management Councils,” after “Coast Guard is  
10 operating”;

11 (B) in paragraph (8)—

12 (i) by inserting after the heading the  
13 following:

14 “(A) IN GENERAL.—”; and

15 (ii) by adding at the end the fol-  
16 lowing:

17 “(B) MEMORANDUM OF UNDER-  
18 STANDING.—Not later than 270 days after the  
19 date of the enactment of this subparagraph, the  
20 Secretary in consultation with the Secretary of  
21 Defense shall update the Memorandum of  
22 Agreement entitled ‘Memorandum of Agreement  
23 Between the Department of Defense and the  
24 Department of the Interior on Mutual Concerns  
25 on the Outer Continental Shelf’ to include  
26 leases, easements, and rights-of-way for activi-

1 ties listed in paragraph (1)(C) of this sub-  
2 section.”; and

3 (C) by adding at the end the following:

4 “(11) SCHEDULE OF PROPOSED LEASE SALES  
5 FOR ENERGY PRODUCED FROM SOURCES OTHER  
6 THAN OIL AND GAS.—

7 “(A) IN GENERAL.—The Secretary shall  
8 prepare, periodically revise, and maintain a  
9 leasing program for the production of energy  
10 from sources other than oil and gas, and for  
11 supporting such production and the transpor-  
12 tation or transmission of such energy.

13 “(B) SCHEDULE.—The leasing program  
14 shall consist of a schedule of proposed lease  
15 sales indicating, as precisely as possible, the  
16 size, timing, and location of leasing activity,  
17 that the Secretary determines will best meet na-  
18 tional energy needs for a minimum of four  
19 years following the program’s approval or re-ap-  
20 proval.

21 “(C) PRE-LEASE SALE NOTICE.—

22 “(i) IN GENERAL.—No later than one  
23 year before holding a lease sale under such  
24 program, the Secretary shall issue a public  
25 notice describing nonmonetary factors, or

1 bidding credits, that will be considered as  
2 components of a bid in such a sale, includ-  
3 ing—

4 “(I) value of each bidding credit;

5 “(II) eligibility and terms of each  
6 bidding credit; and

7 “(III) any other information the  
8 Secretary considers relevant to the  
9 lease sale.

10 “(ii) BIDDING CREDIT DEFINED.—In  
11 this subparagraph the term ‘bidding credit’  
12 means a value to be received by the lessee  
13 under the terms of a proposed lease,  
14 that—

15 “(I) does not exceed 10 percent  
16 of the total value offered by a bidder  
17 in such a sale;

18 “(II) is not an exclusive agree-  
19 ment; and

20 “(III) is not an agreement with,  
21 approval by, document generated in  
22 compliance with the National Envi-  
23 ronmental Policy Act of 1969 (42  
24 U.S.C. 4322 et seq.) by, or project  
25 evaluation determination by, any Fed-

1                   eral agency before the lease sale.”;

2                   and

3                   (2) in section 19 (43 U.S.C. 1345) by—

4                   (A) in subsection (a), by inserting “ or to  
5                   a proposed lease, easement, or right-of-way for  
6                   activities conducted under section 8(p)(1)(C)”  
7                   after “proposed development and production  
8                   plan”;

9                   (B) in subsection (b), by inserting “ or  
10                   such a proposed lease, easement, or right-of-  
11                   way for activities conducted under section  
12                   8(p)(1)(C)” after “such development and pro-  
13                   duction plan”; and

14                   (C) in subsection (c), by inserting “or en-  
15                   ergy produced from sources other than oil and  
16                   gas” after “oil and gas supplies”.