

114TH CONGRESS  
1ST SESSION

# S. 55

To extend the seaward boundaries of certain States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 7, 2015

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

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## A BILL

To extend the seaward boundaries of certain States, 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 “Offshore Fairness  
5 Act”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) COAST LINE.—The term “coast line” means  
9       the line of ordinary low water along the portion of  
10       the coast which is in direct contact with the open  
11       sea and the line marking the seaward limit of inland

1 waters, as in existence on the day that is 1 day be-  
2 fore the date of enactment of this Act.

3 (2) EXISTING INTEREST.—The term “existing  
4 interest” means any lease, easement, right of use, or  
5 right-of-way on, or for any natural resources or min-  
6 erals, underlying, expanded submerged land that is  
7 in existence on the date of conveyance of the ex-  
8 panded submerged land.

9 (3) EXPANDED SEAWARD BOUNDARY.—The  
10 term “expanded seaward boundary” means the  
11 boundary of a State that is 3 marine leagues sea-  
12 ward of the coast line of the State.

13 (4) EXPANDED SUBMERGED LAND.—The term  
14 “expanded submerged land” means the area of the  
15 outer Continental Shelf that is located between the  
16 point that is 3 miles seaward of the coast line of a  
17 State and the point that is 3 marine leagues sea-  
18 ward of the coast line of the State.

19 (5) INTEREST OWNER.—The term “interest  
20 owner” means any person holding an existing inter-  
21 est or a portion of an existing interest.

22 (6) SECRETARY.—The term “Secretary” means  
23 the Secretary of the Interior.

24 (7) STATE.—The term “State” means any of  
25 the States of Alabama, Florida, Georgia, Louisiana,

1 Mississippi, North Carolina, South Carolina, and  
2 Virginia.

3 **SEC. 3. SEAWARD BOUNDARIES OF CERTAIN STATES.**

4 (a) SEAWARD BOUNDARIES.—Section 4 of the Sub-  
5 merged Lands Act (43 U.S.C. 1312) is amended—

6 (1) by striking “The” at the beginning and in-  
7 serting the following:

8 “(a) IN GENERAL.—Except for the States described  
9 in subsection (b), the”; and

10 (2) by adding at the end the following:

11 “(b) SEAWARD BOUNDARIES OF CERTAIN COASTAL  
12 STATES.—Subject to subsection (a), the seaward bound-  
13 ary of each of the following States shall be a line 3 marine  
14 leagues distant from the coast line of the State as of the  
15 date that is 1 day before the date of enactment of the  
16 Offshore Fairness Act:

17 “(1) Alabama.

18 “(2) Florida.

19 “(3) Georgia.

20 “(4) Louisiana.

21 “(5) Mississippi.

22 “(6) North Carolina.

23 “(7) South Carolina.

24 “(8) Virginia.”.

1 (b) CONFORMING AMENDMENTS.—Section 2 of the  
2 Submerged Lands Act (43 U.S.C. 1301) is amended—

3 (1) in subsection (a)(2), by inserting “, or 3  
4 marine leagues distant from the coast line of a State  
5 described in section 4(b),” after “the coast line of  
6 each such State”; and

7 (2) in subsection (b)—

8 (A) by striking “from the coast line”;

9 (B) by inserting “from the coast line of a  
10 State, or more than 3 marine leagues from the  
11 coast line of a State described in section 4(b),”  
12 after “three geographical miles”; and

13 (C) by inserting “from the coast line of a  
14 State, or more than 3 marine leagues from the  
15 coast line of a State described in section 4(b),”  
16 after “three marine leagues”.

17 **SEC. 4. CONVEYANCE.**

18 (a) IN GENERAL.—Subject to subsections (b) and (c)  
19 and section 5, the Secretary shall, by not later than 120  
20 days after the date of enactment of this Act—

21 (1) notify each State of the right to request a  
22 conveyance of the applicable interest of the United  
23 States in and to the expanded submerged land; and

1           (2) at the request of a State, convey to the ap-  
2           plicable State the interest of the United States in  
3           and to the expanded submerged land.

4           (b) ADMINISTRATION.—On conveyance under sub-  
5           section (a), the Secretary shall transfer to the Governor  
6           of the State the authority to exercise the powers and du-  
7           ties of the Secretary under the terms of any existing inter-  
8           est, subject to the condition that the State—

9           (1) shall not impose any burdens or require-  
10          ments on an interest owner that would be stricter  
11          than any burdens or requirements imposed under  
12          Federal law; and

13          (2) shall not impose any administrative or judi-  
14          cial penalty or sanction on an interest owner that is  
15          more severe than any administrative or judicial pen-  
16          alty or sanction under current Federal law.

17          (c) LIABILITY.—As a condition of accepting the con-  
18          veyance, the State shall agree to indemnify the United  
19          States from any liability to any interest owner for the tak-  
20          ing of a property interest or breach of contract arising  
21          from—

22          (1) the conveyance of the expanded submerged  
23          land to the State; or

1           (2) the administration by the State of any exist-  
2           ing interest on or underlying the expanded sub-  
3           merged land.

4 **SEC. 5. EFFECT.**

5           (a) IN GENERAL.—Subject to subsections (b)  
6 through (e), this Act and the amendments made by this  
7 Act shall not affect any valid existing right in and to the  
8 expanded submerged land.

9           (b) SUBMERGED LAND.—Submerged land within the  
10 seaward boundaries of a State (as extended by the amend-  
11 ments made by this Act) shall be—

12           (1) subject to Federal oil and gas mineral  
13 rights to the extent provided by law;

14           (2) considered to be part of the Federal outer  
15 Continental Shelf for purposes of the Outer Conti-  
16 nental Shelf Lands Act (43 U.S.C. 1331 et seq.);  
17 and

18           (3) subject to—

19           (A) leasing under the authority of that  
20 Act;

21           (B) the distribution of revenues under sec-  
22 tion 8(g)(2) of that Act (43 U.S.C.  
23 1337(g)(2)); and

24           (C) any other laws applicable to the leasing  
25 of the oil and gas resources of the Federal

1           outer Continental Shelf, including the Gulf of  
2           Mexico Energy Security Act of 2006 (43 U.S.C.  
3           1331 note; Public Law 109–432).

4           (c) EXISTING LEASES.—

5           (1) IN GENERAL.—The amendments made by  
6           this Act shall not affect any Federal oil and gas  
7           lease in effect on the date of conveyance under sec-  
8           tion 4.

9           (2) DIVIDED LEASES.—If the conveyance under  
10          section 4 results in a division of a Federal oil and  
11          gas lease that is in existence on the date of convey-  
12          ance, the conveyance of the portion of the expanded  
13          submerged land that is covered by the lease shall not  
14          take effect until the date that is 1 day after the date  
15          that the lease expires or terminates.

16          (d) FUTURE INTERESTS.—This section shall not  
17          apply to any interest in the expanded submerged land that  
18          is granted by the State after the date on which the land  
19          is conveyed to the State under section 4.

20          (e) TAXATION.—

21          (1) IN GENERAL.—Subject to paragraph (2), a  
22          State may exercise all of the sovereign powers of  
23          taxation of the State within the entire extent of the  
24          seaward boundaries of the State (as extended by the  
25          amendments made by this Act).

1           (2) LIMITATION.—Nothing in this subsection  
2 affects the authority of a State to tax any Federal  
3 oil and gas lease in effect on the date of enactment  
4 of this Act.

5 **SEC. 6. JURISDICTION OF GULF COASTAL STATES WITH RE-**  
6 **SPECT TO GULF OF MEXICO RED SNAPPER.**

7 (a) DEFINITIONS.—In this section:

8           (1) EXCLUSIVE ECONOMIC ZONE.—The term  
9 “exclusive economic zone” has the meaning given  
10 the term in section 3 of the Magnuson-Stevens Fish-  
11 ery Conservation and Management Act (16 U.S.C.  
12 1802).

13           (2) GULF COASTAL STATE.—The term “Gulf  
14 coastal State” means the following States bordering  
15 the Gulf of Mexico:

16                   (A) Alabama.

17                   (B) Florida.

18                   (C) Louisiana.

19                   (D) Mississippi.

20                   (E) Texas.

21 (b) JURISDICTION.—For purposes of management of  
22 Gulf of Mexico red snapper, on approval by each of the  
23 Gulf coastal States of a fishery management plan applica-  
24 ble to the Gulf coastal States that provides for the sustain-  
25 ability of Gulf of Mexico red snapper, the Gulf coastal

1 States shall have exclusive fishery management authority  
2 to manage and conserve the Gulf of Mexico red snapper  
3 in adjacent coastal waters of the applicable Gulf coastal  
4 State and extending through the exclusive economic zone.

5 (c) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-  
6 ISTRATION.—The Administrator of the National Oceanic  
7 and Atmospheric Administration shall provide financial  
8 assistance to the Gulf coastal States for the conduct of  
9 any necessary stock assessments and data collection relat-  
10 ing to Gulf of Mexico red snapper under subsection (b).

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