

115TH CONGRESS
1ST SESSION

H. R. 4426

To reform Federal onshore and offshore fossil fuel leasing, exploration, and development; promote renewable energy on public lands; prepare for the impacts of climate change; increase industry accountability; improve returns to taxpayers for the development of Federal energy resources; and protect special places, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Mr. GRIJALVA (for himself, Mr. LOWENTHAL, Mr. BEYER, Mr. SOTO, Mrs. NAPOLITANO, Ms. TSONGAS, Mr. GOMEZ, Mr. HUFFMAN, Ms. BORDALLO, Mr. CONNOLLY, Ms. NORTON, Ms. BARRAGÁN, Ms. LEE, Mr. McEACHIN, Ms. ESHOO, Ms. SCHAKOWSKY, Mr. POLIS, and Ms. ROYBAL-ALLARD) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Agriculture, Education and the Workforce, Ways and Means, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform Federal onshore and offshore fossil fuel leasing, exploration, and development; promote renewable energy on public lands; prepare for the impacts of climate change; increase industry accountability; improve returns to taxpayers for the development of Federal energy resources; and protect special places, 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 “Sustainable Energy
 5 Development Reform Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is the following:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—FAIR RETURN FOR TAXPAYERS

- Sec. 101. Onshore fossil fuel royalty rates.
- Sec. 102. Minimum bid amount.
- Sec. 103. Onshore oil and gas rental rates.
- Sec. 104. Surface disturbance and reclamation.
- Sec. 105. Penalties.
- Sec. 106. Royalty relief.
- Sec. 107. Revision of Royalty Policy Committee charter.
- Sec. 108. Royalty in kind.
- Sec. 109. Amendments to definitions.
- Sec. 110. Compliance reviews.
- Sec. 111. Liability for royalty payments.
- Sec. 112. Recordkeeping.
- Sec. 113. Adjustments and refunds.
- Sec. 114. Obligation period.
- Sec. 115. Tolling agreements and subpoenas.
- Sec. 116. Appeals.
- Sec. 117. Assessments.
- Sec. 118. Pilot project on automatic data transfer.
- Sec. 119. Penalty for late or incorrect reporting of data.
- Sec. 120. Required recordkeeping for natural gas plants.
- Sec. 121. Shared penalties.
- Sec. 122. Applicability to other minerals.
- Sec. 123. Entitlements.
- Sec. 124. Royalties on all extracted methane.

TITLE II—ENCOURAGING DEVELOPMENT OF RENEWABLE
 ENERGY

Subtitle A—Environmental Reviews and Permitting

- Sec. 201. Definitions.
- Sec. 202. Renewable energy goal.
- Sec. 203. Coordination.
- Sec. 204. Land use planning; supplements to programmatic environmental im-
 pact statements.
- Sec. 205. Environmental review on covered land.

- Sec. 206. Program to improve renewable energy project permit coordination.
- Sec. 207. Disposition of revenues.
- Sec. 208. Study and report on conservation banking.
- Sec. 209. Brownfields.

Subtitle B—Geothermal Energy

- Sec. 221. Reauthorization of Geothermal Steam Act of 1970.
- Sec. 222. National goal for geothermal energy.
- Sec. 223. Facilitation of coproduction of geothermal energy on oil and gas leases.
- Sec. 224. Noncompetitive leasing for geothermal.
- Sec. 225. Report to Congress.

Subtitle C—Offshore Renewable Energy

- Sec. 231. Wind leasing amendments.
- Sec. 232. Report to Congress.

TITLE III—PREPARING AND MANAGING FOR CLIMATE CHANGE

- Sec. 301. Energy development policy.
- Sec. 302. Preparing for climate change.
- Sec. 303. GHG inventory.
- Sec. 304. Terrestrial carbon sequestration pilot program.
- Sec. 305. Federal lands adaptation.
- Sec. 306. Public Lands Service Corps.
- Sec. 307. Coastal State climate change planning.

TITLE IV—ONSHORE OIL AND GAS REFORM

Subtitle A—Leasing Reforms

- Sec. 401. Leasing process.
- Sec. 402. Transparency and landowner protections.
- Sec. 403. Lease stipulations.
- Sec. 404. Master leasing plans.
- Sec. 405. Parcel review.
- Sec. 406. Acreage limitations.
- Sec. 407. Land management.
- Sec. 408. Oil shale.

Subtitle B—Permitting Reforms

- Sec. 411. Categorical exclusions.
- Sec. 412. Permitting deadline.
- Sec. 413. Abandoned and orphaned wells.
- Sec. 414. Online publication of notices of staking and applications for permits to drill.
- Sec. 415. Having open access to relevant data.

Subtitle C—Operational Reforms

- Sec. 421. Best management practices.
- Sec. 422. Inspection fee.
- Sec. 423. Protection of water resources.
- Sec. 424. Methane emissions.
- Sec. 425. Fracking regulation on Federal lands.

- Sec. 426. Closing loopholes.
- Sec. 427. Transparency in management of leases.
- Sec. 428. Lease cancellation for improper issuance.
- Sec. 429. Protecting National Parks and Wildlife Refuges.

TITLE V—OFFSHORE OIL AND GAS REFORMS

Subtitle A—Regional Coordination and Planning

- Sec. 501. Definitions.
- Sec. 502. Regional coordination.
- Sec. 503. Regional Coordination Councils.
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- Sec. 506. Ocean Resources Conservation and Assistance (ORCA) Fund.
- Sec. 507. Waiver.

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- Sec. 511. National policy for the Outer Continental Shelf.
- Sec. 512. OCS leasing standard.
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- Sec. 518. Inspections and certifications.
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Subtitle C—Other Provisions

- Sec. 521. Contractor liability.
- Sec. 522. Area-wide leasing.
- Sec. 523. Frontier areas.
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- Sec. 525. Repeal of limitation on liability for offshore facilities.
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TITLE VI—COAL REFORMS

- Sec. 601. Powder River Basin.
- Sec. 602. Deductions.
- Sec. 603. Valuation.
- Sec. 604. Methane recovery.
- Sec. 605. Self-bonding.
- Sec. 606. Stream protection.
- Sec. 607. Certified States.
- Sec. 608. Economic redevelopment on abandoned mine lands.
- Sec. 609. Prohibition on blasting within one mile of any occupied dwelling.
- Sec. 610. Coal Miners Pension Protection.

TITLE VII—LAND MANAGEMENT AND SCIENCE

- Sec. 701. ANWR.
- Sec. 702. Land management standard.
- Sec. 703. Geological and geophysical data.
- Sec. 704. Land and Water Conservation Fund.
- Sec. 705. Mitigation.

1 **TITLE I—FAIR RETURN FOR**
2 **TAXPAYERS**

3 **SEC. 101. ONSHORE FOSSIL FUEL ROYALTY RATES.**

4 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
5 amended—

6 (1) in section 7, by striking “12½” and insert-
7 ing “18.75”;

8 (2) in section 17, by—

9 (A) striking “12.5” each place such term
10 appears and inserting “18.75”; and

11 (B) striking “12½” each place such term
12 appears and inserting “18.75”; and

13 (3) in section 31(e), by striking “16⅔” both
14 places such term appears and inserting “25”.

15 **SEC. 102. MINIMUM BID AMOUNT.**

16 Section 17 of the Mineral Leasing Act (30 U.S.C.
17 226) is amended—

18 (1) in subsection (b)(1)(B)—

19 (A) by striking “\$2 per acre” and insert-
20 ing “\$5 per acre, except as otherwise provided
21 by this paragraph”; and

22 (B) by striking “for a period of 2 years
23 from the date of enactment of the Federal On-
24 shore Oil and Gas Leasing Reform Act of
25 1987”;

1 (2) in subsection (b)(2)(C), by striking “\$2 per
2 acre” and inserting “\$5 per acre”; and

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

4 “(q) INFLATION ADJUSTMENT.—The Secretary
5 shall—

6 “(1) by regulation, at least once every 4 years,
7 adjust each of the dollar amounts that apply under
8 subsections (b)(1)(B), (b)(2)(C), and (d) to reflect
9 the change in the Consumer Price Index for All
10 Urban Consumers published by the Bureau of Labor
11 Statistics; and

12 “(2) publish each such regulation in the Fed-
13 eral Register.”.

14 **SEC. 103. ONSHORE OIL AND GAS RENTAL RATES.**

15 The Mineral Leasing Act (30 U.S.C. 181 et seq.) is
16 amended—

17 (1) in section 17(d)—

18 (A) by striking “\$1.50 per acre” and in-
19 serting “\$3 per acre”; and

20 (B) by striking “\$2 per acre” and insert-
21 ing “\$5 per acre”; and

22 (2) in section 31(e), by striking “\$10” and in-
23 serting “\$20”.

1 **SEC. 104. SURFACE DISTURBANCE AND RECLAMATION.**

2 Section 17(g) of the Mineral Leasing Act (30 U.S.C.
3 226(g)) is amended to read as follows:

4 “(g) REGULATION OF SURFACE-DISTURBING ACTIVI-
5 TIES; APPROVAL OF PLAN OF OPERATIONS; BOND OR
6 SURETY; FAILURE TO COMPLY WITH RECLAMATION RE-
7 QUIREMENTS AS BARRING LEASE; OPPORTUNITY TO
8 COMPLY WITH REQUIREMENTS; STANDARDS; MONI-
9 TORING.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) INTERIM RECLAMATION PLAN.—The
12 term ‘Interim Reclamation Plan’ means an on-
13 going plan specifying reclamation steps to be
14 taken on all disturbed areas covered by any
15 lease issued under this Act that are not needed
16 for active operations. Such Interim Reclamation
17 Plans shall be reviewed by the relevant Sec-
18 retary at regular intervals and shall be amend-
19 ed as warranted, subject to the approval of the
20 relevant Secretary.

21 “(B) FINAL RECLAMATION PLAN.—The
22 term ‘Final Reclamation Plan’ includes a de-
23 tailed description of all reclamation activity to
24 be conducted for all disturbed areas covered by
25 a lease issued under this Act prior to final
26 abandonment. Final Reclamation Plans shall in-

1 clude reclamation of all locations, facilities,
2 trenches, rights-of-way, roads and any other
3 surface disturbance on lands covered by the
4 lease.

5 “(2) IN GENERAL.—The Secretary of the Inte-
6 rior, or for National Forest lands, the Secretary of
7 Agriculture, shall regulate all surface-disturbing ac-
8 tivities conducted pursuant to any lease issued under
9 this Act, and shall determine reclamation and other
10 actions as required in the interest of conservation of
11 surface resources.

12 “(3) RECLAMATION PLANS REQUIRED.—

13 “(A) APPLICATIONS FOR PERMITS TO
14 DRILL.—Each application for a permit to drill
15 submitted to the Secretary pursuant to this Act
16 shall include both an Interim Reclamation Plan
17 and a Final Reclamation Plan.

18 “(B) ANALYSIS AND APPROVAL RE-
19 QUIRED.—No permit to drill on an oil and gas
20 lease issued under this Act may be granted
21 without the analysis and approval by the Sec-
22 retary concerned of both an interim reclamation
23 plan and a final reclamation plan covering pro-
24 posed surface-disturbing activities within the
25 lease area.

1 “(C) PLANS OF OPERATIONS.—All Plans
2 of Operations submitted and approved pursuant
3 to this Act shall include an Interim Reclama-
4 tion Plan.

5 “(4) BONDING.—

6 “(A) IN GENERAL.—The Secretary con-
7 cerned shall, by regulation, require that an ade-
8 quate bond, surety, or other financial arrange-
9 ment will be established prior to the commence-
10 ment of surface-disturbing activities on any
11 lease, to ensure the complete and timely rec-
12 lamation of the lease tract, and the restoration
13 of any lands or surface waters adversely af-
14 fected by lease operations after the abandon-
15 ment or cessation of oil and gas operations on
16 the lease. The Secretary shall not issue a lease
17 or leases or approve the assignment of any lease
18 or leases under the terms of this section to any
19 person, association, corporation, or any sub-
20 sidiary, affiliate, or person controlled by or
21 under common control with such person, asso-
22 ciation, or corporation, during any period in
23 which, as determined by the Secretary of the
24 Interior or Secretary of Agriculture, such entity
25 has failed or refused to comply in any material

1 respect with the reclamation requirements and
2 other standards established under this section
3 for any prior lease to which such requirements
4 and standards applied. Prior to making such
5 determination with respect to any such entity
6 the concerned Secretary shall provide such enti-
7 ty with adequate notification and an oppor-
8 tunity to comply with such reclamation require-
9 ments and other standards and shall consider
10 whether any administrative or judicial appeal is
11 pending. Once the entity has complied with the
12 reclamation requirement or other standard con-
13 cerned an oil or gas lease may be issued to such
14 entity under this Act.

15 “(B) LIMITATION ON BONDS.—A bond,
16 surety, or other financial arrangement described
17 in subparagraph (A) shall not be adequate if it
18 is less than—

19 “(i) \$50,000, in the case of an ar-
20 rangement for an individual surface-dis-
21 turbing activity of an entity;

22 “(ii) \$250,000, in the case of an ar-
23 rangement for all surface-disturbing activi-
24 ties of an entity in a State; or

1 “(iii) \$1,000,000, in the case of an ar-
2 rangement for all surface-disturbing activi-
3 ties of an entity in the United States.

4 “(C) ADJUSTMENTS FOR INFLATION.—In
5 the application of subparagraph (B), the Secre-
6 taries concerned shall jointly at least once every
7 three years adjust the dollar amounts in sub-
8 paragraph (B) to account for inflation.

9 “(5) STANDARDS.—The Secretary of the Inte-
10 rior and the Secretary of Agriculture shall, by regu-
11 lation, establish uniform standards for all Interim
12 and Final Reclamation Plans. The goal of such
13 plans shall be the restoration of the affected eco-
14 system to a condition approximating or equal to that
15 which existed prior to the surface disturbance. Such
16 standards shall include, but are not limited to, res-
17 toration of natural vegetation and hydrology, habitat
18 restoration, salvage, storage and reuse of topsoils,
19 erosion control, control of invasive species and nox-
20 ious weeds and natural contouring.

21 “(6) MONITORING.—The Secretary concerned
22 shall not approve final abandonment and shall not
23 release any bond required by this Act until the
24 standards and requirement for final reclamation es-
25 tablished pursuant to this Act have been met.”.

1 **SEC. 105. PENALTIES.**

2 (a) MINERAL LEASING ACT.—Section 41 of the Min-
3 eral Leasing Act (30 U.S.C. 195) is amended—

4 (1) in subsection (b), by striking “\$500,000”
5 and inserting “\$1,000,000”; and

6 (2) in subsection (c), by striking “\$100,000”
7 and inserting “\$250,000”.

8 (b) FEDERAL OIL AND GAS ROYALTY MANAGEMENT
9 ACT OF 1982.—The Federal Oil and Gas Royalty Man-
10 agement Act of 1982 (30 U.S.C. 1701 et seq.) is amend-
11 ed—

12 (1) in section 109—

13 (A) in subsection (a), by striking “\$500”
14 and inserting “\$1,500”;

15 (B) in subsection (b), by striking “\$5,000”
16 and inserting “\$15,000”;

17 (C) in subsection (c), by striking
18 “\$10,000” and inserting “\$25,000”; and

19 (D) in subsection (d), by striking
20 “\$25,000” and inserting “\$75,000”; and

21 (2) in section 110, by striking “\$50,000” and
22 inserting “\$150,000”.

23 (c) OUTER CONTINENTAL SHELF LANDS ACT.—

24 (1) CIVIL PENALTY, GENERALLY.—Section
25 24(b) of the Outer Continental Shelf Lands Act (43
26 U.S.C. 1350(b)) is amended to read as follows:

1 “(b)(1) Except as provided in paragraph (2), any per-
2 son who fails to comply with any provision of this Act,
3 or any term of a lease, license, or permit issued pursuant
4 to this Act, or any regulation or order issued under this
5 Act, shall be liable for a civil administrative penalty of not
6 more than \$75,000 for each day of the continuance of
7 such failure. The Secretary may assess, collect, and com-
8 promise any such penalty. No penalty shall be assessed
9 until the person charged with a violation has been given
10 an opportunity for a hearing. The Secretary shall, by regu-
11 lation at least every 3 years, adjust the penalty specified
12 in this paragraph to reflect any increases in the Consumer
13 Price Index (all items, United States city average) as pre-
14 pared by the Department of Labor.

15 “(2) If a failure described in paragraph (1) con-
16 stitutes or constituted a threat of harm or damage to life
17 (including fish and other aquatic life), property, any min-
18 eral deposit, or the marine, coastal, or human environ-
19 ment, a civil penalty of not more than \$150,000 shall be
20 assessed for each day of the continuance of the failure.”.

21 (2) KNOWING AND WILLFUL VIOLATIONS.—Sec-
22 tion 24(c) of the Outer Continental Shelf Lands Act
23 (43 U.S.C. 1350(c)) is amended by striking
24 “\$100,000” and inserting “\$1,000,000”.

1 (3) OFFICERS AND AGENTS OF CORPORA-
2 TIONS.—Section 24(d) of the Outer Continental
3 Shelf Lands Act (43 U.S.C. 1350(d)) is amended by
4 inserting “, or with willful disregard,” after “know-
5 ingly and willfully”.

6 **SEC. 106. ROYALTY RELIEF.**

7 (a) GULF OF MEXICO ROYALTY RELIEF.—The fol-
8 lowing provisions of the Energy Policy Act of 2005 (42
9 U.S.C. 15801 et seq.) are hereby repealed:

10 (1) Section 344 (relating to incentives for nat-
11 ural gas production from deep wells in the shallow
12 waters of the Gulf of Mexico).

13 (2) Section 345 (relating to royalty relief for
14 deep water production).

15 (b) ALASKA ROYALTY RELIEF.—

16 (1) PROVISIONS RELATING TO PLANNING AREAS
17 OFFSHORE ALASKA.—Section 8(a)(3)(B) of the
18 Outer Continental Shelf Lands Act (43 U.S.C.
19 1337(a)(3)(B)) is amended by striking “and in the
20 Planning Areas offshore Alaska” after “West lon-
21 gitude”.

22 (2) PROVISIONS RELATING TO NAVAL PETRO-
23 LEUM RESERVE IN ALASKA.—Section 107 of the
24 Naval Petroleum Reserves Production Act of 1976 is
25 amended—

1 (A) in subsection (i), by striking para-
2 graphs (2) through (6); and

3 (B) by striking subsection (k).

4 **SEC. 107. REVISION OF ROYALTY POLICY COMMITTEE**
5 **CHARTER.**

6 Not later than one year after enactment of this Act,
7 or March 29, 2019, whichever is earlier, the Secretary of
8 the Interior shall revise the charter of the Royalty Policy
9 Committee (as signed on March 29, 2017) to—

10 (1) require that of the 6 members of such Com-
11 mittee who are representatives of the Governors of
12 States, no more than 4 members may be representa-
13 tives of Governors of the same political party;

14 (2) increase to 6 the number of members who
15 are representatives of academia or public, of
16 whom—

17 (A) 2 members shall be representatives of
18 academia;

19 (B) 2 members shall be representatives of
20 public interest groups; and

21 (C) 2 members shall be representatives of
22 nonprofit environmental groups; and

23 (3) require that for a person to be eligible to
24 serve as a member who is a representative of a per-
25 son who is a mineral stakeholder or energy stake-

1 holder (or both) in Federal and Indian royalty pol-
2 icy, the employer of that member must release—

3 (A) for the preceding 10-year period—

4 (i) aggregated information on all Fed-
5 eral royalty payments made by the em-
6 ployer, by year and by commodity;

7 (ii) conclusions from compliance re-
8 views and audits conducted by Federal or
9 State revenue collection entities; and

10 (iii) a description of all enforcement
11 actions taken against the employer regard-
12 ing payment of Federal or State royalties;
13 and

14 (B) records of—

15 (i) prices charged by the employer for
16 sales of minerals to captive affiliates of the
17 employer; and

18 (ii) prices charged by such affiliates
19 for subsequent resales of such minerals.

20 **SEC. 108. ROYALTY IN KIND.**

21 (a) ONSHORE OIL AND GAS LEASE ROYALTIES.—

22 Section 36 of the Mineral Leasing Act (30 U.S.C. 192)
23 is amended in the first sentence by inserting “, except that
24 the Secretary may not demand such payments in oil or

1 gas greater than the amount necessary to fill the strategic
2 petroleum reserve” after “paid in oil or gas”.

3 (b) OFFSHORE OIL AND GAS LEASE ROYALTIES.—
4 Section 27(a)(1) of the Outer Continental Shelf Lands Act
5 (43 U.S.C. 1353(a)) is amended by striking the period at
6 the end and inserting “, except that the Secretary may
7 not demand such payments in oil or gas greater than the
8 amount necessary to fill the strategic petroleum reserve.”.

9 **SEC. 109. AMENDMENTS TO DEFINITIONS.**

10 Section 3 of the Federal Oil and Gas Royalty Man-
11 agement Act of 1982 (30 U.S.C. 1702) is amended—

12 (1) in paragraph (8), by striking the semicolon
13 and inserting “, including the Act of October 20,
14 1914 (38 Stat. 741), the Act of February 25, 1920
15 (41 Stat. 437), the Act of April 17, 1926 (44 Stat.
16 301), the Act of February 7, 1927 (44 Stat. 1057),
17 and all Acts heretofore or hereafter enacted that are
18 amendatory of or supplementary to any of the fore-
19 going Acts;”;

20 (2) in paragraph (20)(A), by striking “: *Pro-*
21 *vided, That*” and all that follows through “subject of
22 the judicial proceeding”;

23 (3) in paragraph (20)(B), by striking “(with
24 written notice to the lessee who designated the des-
25 ignee)”;

1 (4) in paragraph (23)(A), by striking “(with
2 written notice to the lessee who designated the des-
3 ignee)”;

4 (5) by striking paragraph (24) and inserting
5 the following:

6 “(24) ‘designee’ means a person who pays, off-
7 sets, or credits monies, makes adjustments, requests
8 and receives refunds, or submits reports with respect
9 to payments a lessee must make pursuant to section
10 102(a);”;

11 (6) in paragraph (25), in subparagraph (B)—

12 (A) by striking “(subject to the provisions
13 of section 102(a) of this Act)”; and

14 (B) in clause (ii), by striking subclause
15 (IV) and all that follows through the end of the
16 subparagraph and inserting the following:

17 “(IV) any assignment,
18 that arises from or relates to any lease,
19 easement, right-of-way, permit, or other
20 agreement regardless of form administered
21 by the Secretary for, or any mineral leas-
22 ing law related to, the exploration, produc-
23 tion, and development of oil and gas or
24 other energy resource on Federal lands or
25 the Outer Continental Shelf;”;

1 (7) in paragraph (29), by inserting “or permit”
2 after “lease”; and

3 (8) by striking “and” after the semicolon at the
4 end of paragraph (32), by striking the period at the
5 end of paragraph (33) and inserting a semicolon,
6 and by adding at the end the following new para-
7 graphs:

8 “(34) ‘compliance review’ means a full-scope or
9 a limited-scope examination of a lessee’s lease ac-
10 counts to compare one or all elements of the royalty
11 equation (volume, value, royalty rate, and allow-
12 ances) against anticipated elements of the royalty
13 equation to test for variances; and

14 “(35) ‘marketing affiliate’ means an affiliate of
15 a lessee whose function is to acquire the lessee’s pro-
16 duction and to market that production.”.

17 **SEC. 110. COMPLIANCE REVIEWS.**

18 Section 101 of the Federal Oil and Gas Royalty Man-
19 agement Act of 1982 (30 U.S.C. 1711) is amended by
20 adding at the end the following new subsection:

21 “(d) The Secretary may, as an adjunct to audits of
22 accounts for leases, utilize compliance reviews of accounts.
23 Such reviews shall not constitute nor substitute for audits
24 of lease accounts. Any disparity uncovered in such a com-
25 pliance review shall be immediately referred to a program

1 auditor. The Secretary shall, before completion of a com-
2 pliance review, provide notice of the review to designees
3 whose obligations are the subject of the review.”.

4 **SEC. 111. LIABILITY FOR ROYALTY PAYMENTS.**

5 Section 102(a) of the Federal Oil and Gas Royalty
6 Management Act of 1982 (30 U.S.C. 1712(a)) is amended
7 to read as follows:

8 “(a) In order to increase receipts and achieve effec-
9 tive collections of royalty and other payments, a lessee who
10 is required to make any royalty or other payment under
11 a lease, easement, right-of-way, permit, or other agree-
12 ment, regardless of form, or under the mineral leasing
13 laws, shall make such payment in the time and manner
14 as may be specified by the Secretary or the applicable dele-
15 gated State. Any person who pays, offsets, or credits mon-
16 ies, makes adjustments, requests and receives refunds, or
17 submits reports with respect to payments the lessee must
18 make is the lessee’s designee under this Act. Notwith-
19 standing any other provision of this Act to the contrary,
20 a designee shall be liable for any payment obligation of
21 any lessee on whose behalf the designee pays royalty under
22 the lease. The person owning operating rights in a lease
23 and a person owning legal record title in a lease shall be
24 liable for that person’s pro rata share of payment obliga-
25 tions under the lease.”.

1 **SEC. 112. RECORDKEEPING.**

2 Section 103(b) of the Federal Oil and Gas Royalty
3 Management Act of 1982 (30 U.S.C. 1712(a)) is amended
4 by striking “6” and inserting “7”.

5 **SEC. 113. ADJUSTMENTS AND REFUNDS.**

6 Section 111A of the Federal Oil and Gas Royalty
7 Management Act of 1982 (30 U.S.C. 1721a) is amend-
8 ed—

9 (1) in subsection (a)(3), by inserting “(A)” after
10 “(3)”, and by striking the last sentence and inserting the
11 following:

12 “(B) Except as provided in subparagraph
13 (C), no adjustment may be made with respect
14 to an obligation that is the subject of an audit
15 or compliance review after completion of the
16 audit or compliance review, respectively, unless
17 such adjustment is approved by the Secretary
18 or the applicable delegated State, as appro-
19 priate.

20 “(C) If an overpayment is identified during
21 an audit, the Secretary shall allow a credit in
22 the amount of the overpayment.”;

23 (2) in subsection (a)(4)—

24 (A) by striking “six-year” and inserting
25 “four-year”; and

1 (B) by striking “shall” the first time such
2 term appears and inserting “may”; and

3 (3) in subsection (b)(1) by striking “and” after
4 the semicolon at the end of subparagraph (C), by
5 striking the period at the end of subparagraph (D)
6 and inserting “; and”, and by adding at the end the
7 following:

8 “(E) is made within the adjustment period
9 for that obligation.”.

10 **SEC. 114. OBLIGATION PERIOD.**

11 Section 115(c) of the Federal Oil and Gas Royalty
12 Management Act of 1982 (30 U.S.C. 1724(c)) is amended
13 by adding at the end the following new paragraph:

14 “(3) ADJUSTMENTS.—In the case of an adjust-
15 ment under section 111A(a) in which a recoupment
16 by the lessee results in an underpayment of an obli-
17 gation, for purposes of this Act the obligation be-
18 comes due on the date the lessee or its designee
19 makes the adjustment.”.

20 **SEC. 115. TOLLING AGREEMENTS AND SUBPOENAS.**

21 (a) TOLLING AGREEMENTS.—Section 115(d)(1) of
22 the Federal Oil and Gas Royalty Management Act of 1982
23 (30 U.S.C. 1724(d)(1)) is amended by striking “(with no-
24 tice to the lessee who designated the designee)”.

1 (b) SUBPOENAS.—Section 115(d)(2)(A) of the Fed-
2 eral Oil and Gas Royalty Management Act of 1982 (30
3 U.S.C. 1724(d)(2)(A)) is amended by striking “(with no-
4 tice to the lessee who designated the designee, which notice
5 shall not constitute a subpoena to the lessee)”.

6 **SEC. 116. APPEALS.**

7 Section 115(h) of the Federal Oil and Gas Royalty
8 Management Act of 1982 (30 U.S.C. 1724(h)) is amend-
9 ed—

10 (1) in paragraph (1), in the heading, by strik-
11 ing “33-MONTH” and inserting “48-MONTH”;

12 (2) by striking “33 months” each place it ap-
13 pears and inserting “48 months”; and

14 (3) by striking “33-month” each place it ap-
15 pears and inserting “48-month”.

16 **SEC. 117. ASSESSMENTS.**

17 Section 116 of the Federal Oil and Gas Royalty Man-
18 agement Act of 1982 (30 U.S.C. 1724) is repealed.

19 **SEC. 118. PILOT PROJECT ON AUTOMATIC DATA TRANSFER.**

20 (a) PILOT PROJECT.—Within 2 years after the date
21 of the enactment of this Act, the Secretary of the Interior
22 shall complete a pilot project with willing operators of oil
23 and gas leases on the outer Continental Shelf (as such
24 term is defined in the Outer Continental Shelf Lands Act
25 (43 U.S.C. 1331 et seq.)) that assesses the costs and bene-

1 fits of automatic transmission of data regarding the vol-
2 ume and quality of oil and gas produced under Federal
3 leases on the outer Continental Shelf in order to improve
4 the production verification systems used to ensure accu-
5 rate royalty collection and audit.

6 (b) REPORT.—The Secretary shall submit to Con-
7 gress a report on findings and recommendations of the
8 pilot project within 3 years after the date of the enactment
9 of this Act.

10 **SEC. 119. PENALTY FOR LATE OR INCORRECT REPORTING**
11 **OF DATA.**

12 (a) IN GENERAL.—The Secretary of the Interior shall
13 issue regulations by not later than 1 year after the date
14 of enactment of this Act that establish a civil penalty for
15 late or incorrect reporting of data under the Federal Oil
16 and Gas Royalty Management Act of 1982 (30 U.S.C.
17 1701 et seq.).

18 (b) AMOUNT.—The amount of the civil penalty shall
19 be—

20 (1) an amount (subject to paragraph (2)) that
21 the Secretary determines is sufficient to ensure filing
22 of data in accordance with that Act; and

23 (2) not less than \$10 for each failure to file
24 correct data in accordance with that Act.

1 (c) CONTENT OF REGULATIONS.—Except as provided
2 in subsection (b), the regulations issued under this section
3 shall be substantially similar to section 216.40 of title 30,
4 Code of Federal Regulations, as most recently in effect
5 before the date of enactment of this Act.

6 **SEC. 120. REQUIRED RECORDKEEPING FOR NATURAL GAS**
7 **PLANTS.**

8 No later than 1 year after the date of the enactment
9 of this Act, the Secretary of the Interior shall publish final
10 regulations with respect to required recordkeeping of nat-
11 ural gas measurement data as set forth in section
12 250.1203 of title 30, Code of Federal Regulations (as in
13 effect on the date of enactment of this Act), to include
14 operators and other persons involved in the transporting,
15 purchasing, or selling of gas under the requirements of
16 that rule, under the authority provided in section 103 of
17 the Federal Oil and Gas Royalty Management Act of 1982
18 (30 U.S.C. 1713).

19 **SEC. 121. SHARED PENALTIES.**

20 Section 206 of the Federal Oil and Gas Royalty Man-
21 agement Act of 1982 (30 U.S.C. 1736) is amended by
22 striking “Any payments under this section shall be re-
23 duced by an amount equal to any payments provided or
24 due to such State or Indian tribe under the cooperative
25 agreement or delegation, as applicable, during the fiscal

1 year in which the civil penalty is received, up to the total
2 amount provided or due for that fiscal year.”.

3 **SEC. 122. APPLICABILITY TO OTHER MINERALS.**

4 Section 304 of the Federal Oil and Gas Royalty Man-
5 agement Act of 1982 (30 U.S.C. 1753) is amended by
6 adding at the end the following new subsection:

7 “(e) APPLICABILITY TO OTHER MINERALS.—

8 “(1) Notwithstanding any other provision of
9 law, sections 107, 109, and 110 of this Act and the
10 regulations duly promulgated with respect thereto
11 shall apply to any lease authorizing the development
12 of coal or any other solid mineral on any Federal
13 lands or Indian lands, to the same extent as if such
14 lease were an oil and gas lease, on the same terms
15 and conditions as those authorized for oil and gas
16 leases.

17 “(2) Notwithstanding any other provision of
18 law, sections 107, 109, and 110 of this Act and the
19 regulations duly promulgated with respect thereto
20 shall apply with respect to any lease, easement,
21 right-of-way, or other agreement, regardless of form
22 (including any royalty, rent, or other payment due
23 thereunder)—

1 “(A) under section 8(k) or 8(p) of the
2 Outer Continental Shelf Lands Act (43 U.S.C.
3 1337(k) and 1337(p)); or

4 “(B) under the Geothermal Steam Act (30
5 U.S.C. 1001 et seq.), to the same extent as if
6 such lease, easement, right-of-way, or other
7 agreement were an oil and gas lease on the
8 same terms and conditions as those authorized
9 for oil and gas leases.

10 “(3) For the purposes of this subsection, the
11 term ‘solid mineral’ means any mineral other than
12 oil, gas, and geo-pressured-geothermal resources,
13 that is authorized by an Act of Congress to be pro-
14 duced from public lands (as that term is defined in
15 section 103 of the Federal Land Policy and Manage-
16 ment Act of 1976 (43 U.S.C. 1702)).”.

17 **SEC. 123. ENTITLEMENTS.**

18 (a) **DIRECTED RULEMAKING.**—Not later than 180
19 days after the date of the enactment of this Act, the Sec-
20 retary of the Interior shall publish final regulations pre-
21 scribing when a Federal lessee or designee must report
22 and pay royalties on—

23 (1) the volume of oil and gas such lessee or des-
24 ignee produces or takes under a Federal lease or In-
25 dian lease; or

1 (2) the volume of oil and gas that such lessee
2 or designee is entitled to based on its ownership in-
3 terest under a unitization agreement for Federal
4 leases or Indian leases.

5 (b) 100 PERCENT ENTITLEMENT REPORTING AND
6 PAYING.—The Secretary shall give consideration to re-
7 quiring 100 percent entitlement reporting and paying
8 based on Federal or Indian oil and gas lease ownership.

9 **SEC. 124. ROYALTIES ON ALL EXTRACTED METHANE.**

10 (a) ASSESSMENT ON ALL PRODUCTION.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), royalties otherwise authorized or required
13 under the mineral leasing laws (as that term is de-
14 fined in the Federal Oil and Gas Royalty Manage-
15 ment Act of 1982 (30 U.S.C. 1701 et seq.)) to be
16 paid for gas shall be assessed on all gas produced
17 under the mineral leasing laws, including—

18 (A) gas used or consumed within the area
19 of the lease tract for the benefit of the lease
20 (commonly referred to as “beneficial use gas”);
21 and

22 (B) all gas that is consumed or lost by
23 venting, flaring, or fugitive releases through any
24 equipment during upstream operations.

1 (2) EXCEPTION.—Paragraph (1) shall not
2 apply with respect to—

3 (A) gas vented or flared in an acute emer-
4 gency situation that poses danger to human
5 health that occurs for no longer than 48 hours;
6 and

7 (B) gas injected into the ground on a lease
8 tract in order to enhance production of an oil
9 or gas well or for some other purpose.

10 (b) CONFORMING AMENDMENTS.—

11 (1) MINERAL LEASING ACT.—The Mineral
12 Leasing Act is amended—

13 (A) in section 14 (30 U.S.C. 223), by add-
14 ing at the end the following: “Notwithstanding
15 any other provision of this Act (including this
16 section), royalty shall be assessed with respect
17 to oil and gas, other than gas described in sec-
18 tion 124(a)(2) of the Sustainable Energy Devel-
19 opment Reform Act, without regard to whether
20 oil or gas is removed or sold from the leased
21 land.”;

22 (B) in section 17 (30 U.S.C. 226), by
23 striking “removed or sold” each place it ap-
24 pears;

1 (C) in section 22 (30 U.S.C. 251), by
2 striking “sold or removed”; and

3 (D) in section 31 (30 U.S.C. 188), by
4 striking “removed or sold” each place it ap-
5 pears.

6 (2) OUTER CONTINENTAL SHELF LANDS ACT.—
7 The Outer Continental Shelf Lands Act is amend-
8 ed—

9 (A) in section 6(a)(8) (43 U.S.C.
10 1335(a)(8)), by striking “saved, removed, or
11 sold” each place it appears; and

12 (B) in section 8(a) (43 U.S.C. 1337(a))—

13 (i) in paragraph (1), by striking
14 “saved, removed, or sold” each place it ap-
15 pears; and

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

18 “(9) Notwithstanding any other provision of
19 this Act (including this section), royalty under this
20 Act shall be assessed with respect to oil and gas,
21 other than gas described in section 124(a)(2) of the
22 Sustainable Energy Development Reform Act, with-
23 out regard to whether oil or gas is removed or sold
24 from the leased land.”.

1 (c) APPLICATION.—The amendments made by this
2 section shall apply only with respect to leases issued on
3 or after the date of the enactment of this Act.

4 **TITLE II—ENCOURAGING DEVELOPMENT OF RENEWABLE EN-**
5 **ERGY**

6 **Subtitle A—Environmental**
7 **Reviews and Permitting**

8 **SEC. 201. DEFINITIONS.**

9 In this subtitle:

10 (1) COVERED LAND.—The term “covered land”
11 means land that is—

12 (A) public land administered by the Sec-
13 retary of the Interior; and

14 (B) not excluded from the development of
15 geothermal, solar, or wind energy under—

16 (i) a land use plan established under
17 the Federal Land Policy and Management
18 Act of 1976 (43 U.S.C. 1701 et seq.); or

19 (ii) other Federal law.

20 (2) DIRECTOR.—The term “Director” means
21 the Director of the Bureau of Land Management.

22 (3) EXCLUSION AREA.—The term “exclusion
23 area” means covered land that is identified by the
24

1 Bureau of Land Management as not suitable for de-
2 velopment of renewable energy projects.

3 (4) PRIORITY AREA.—The term “priority area”
4 means covered land identified by the land use plan-
5 ning process of the Bureau of Land Management as
6 being a preferred location for a renewable energy
7 project.

8 (5) FEDERAL LAND.—The term “Federal land”
9 means—

10 (A) land of the National Forest System (as
11 defined in section 11(a) of the Forest and
12 Rangeland Renewable Resources Planning Act
13 of 1974 (16 U.S.C. 1609(a)); and

14 (B) public land.

15 (6) FUND.—The term “Fund” means the Re-
16 newable Energy Resource Conservation Fund estab-
17 lished by section 207(c)(1).

18 (7) PUBLIC LAND.—The term “public land”
19 has the meaning given the term “public lands” in
20 section 103 of the Federal Land Policy and Manage-
21 ment Act of 1976 (43 U.S.C. 1702).

22 (8) RENEWABLE ENERGY PROJECT.—The term
23 “renewable energy project” means a project carried
24 out on covered land that uses wind, solar, geo-

1 thermal, wave, current, tidal, or ocean thermal en-
2 ergy to generate electricity.

3 (9) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (10) VARIANCE AREA.—The term “variance
6 area” means covered land that is—

7 (A) not an exclusion area;

8 (B) not a priority area; and

9 (C) identified by the Secretary as—

10 (i) potentially available for renewable
11 energy development; and

12 (ii) land on which such development
13 can be conducted under a land use plan
14 previously approved, and consistent with
15 the principles of multiple use applicable,
16 under the Federal Land Policy and Man-
17 agement Act of 1976 (43 U.S.C. 1701 et
18 seq.).

19 **SEC. 202. RENEWABLE ENERGY GOAL.**

20 The Secretary of the Interior and the Secretary of
21 Agriculture shall seek to issue permits that authorize pro-
22 duction of not less than 25 gigawatts of electricity from
23 renewable energy projects by not later than 2025, through
24 management of public lands, and administration of Fed-
25 eral laws, under their respective jurisdictions.

1 **SEC. 203. COORDINATION.**

2 The Secretary shall establish a position in the De-
3 partment of the Interior with the responsibility to—

4 (1) coordinate renewable energy project reviews
5 across agencies of the Department; and

6 (2) report to Congress annually on the effec-
7 tiveness of such coordination efforts.

8 **SEC. 204. LAND USE PLANNING; SUPPLEMENTS TO PRO-**

9 **GRAMMATIC ENVIRONMENTAL IMPACT**
10 **STATEMENTS.**

11 (a) PRIORITY AREAS.—

12 (1) IN GENERAL.—The Director shall establish
13 priority areas on covered land for geothermal, solar,
14 and wind energy projects.

15 (2) DEADLINE.—

16 (A) GEOTHERMAL ENERGY.—For geo-
17 thermal energy, the Director shall establish pri-
18 ority and variance areas as soon as practicable,
19 but not later than 5 years, after the date of en-
20 actment of this Act.

21 (B) SOLAR ENERGY.—For solar energy,
22 the 2012 western solar plan of the Bureau of
23 Land Management, as amended by subsequent
24 land use plan amendments, shall be considered
25 to establish priority and variance areas for solar
26 energy projects.

1 (C) WIND ENERGY.—For geothermal en-
2 ergy, the Director shall establish priority and
3 variance areas as soon as practicable, but not
4 later than 3 years, after the date of enactment
5 of this Act.

6 (b) VARIANCE AREAS.—To the maximum extent
7 practicable, variance areas shall be considered for renew-
8 able energy project development, consistent with the prin-
9 ciples of multiple use (as defined in the Federal Land Pol-
10 icy and Management Act of 1976 (43 U.S.C. 1701 et
11 seq.)).

12 (c) REVIEW AND MODIFICATION.—Not less fre-
13 quently than once every 10 years, the Director shall—

14 (1) review the adequacy of land allocations for
15 geothermal, solar, and wind energy priority and vari-
16 ance areas for the purpose of encouraging new re-
17 newable energy development opportunities; and

18 (2) based on the review carried out under para-
19 graph (1), add, modify, or eliminate priority and
20 variance areas.

21 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
22 MENTAL POLICY ACT OF 1969.—For purposes of this sec-
23 tion, compliance with the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.) shall be accom-
25 plished—

1 (1) for geothermal energy, by supplementing
2 the October 2008 final programmatic environmental
3 impact statement for geothermal leasing in the west-
4 ern United States;

5 (2) for solar energy, by supplementing the July
6 2012 final programmatic environmental impact
7 statement for solar energy projects through more de-
8 tailed regional analyses; and

9 (3) for wind energy, by supplementing the July
10 2005 final programmatic environmental impact
11 statement for wind energy projects.

12 (e) NO EFFECT ON PROCESSING APPLICATIONS.—A
13 requirement to prepare a supplement to a programmatic
14 environmental impact statement under this section shall
15 not result in any delay in processing an application for
16 a renewable energy project.

17 (f) COORDINATION.—In developing a supplement re-
18 quired by this section, the Secretary shall coordinate, on
19 an ongoing basis, with appropriate State, tribal, and local
20 governments, transmission infrastructure owners and op-
21 erators, developers, and other appropriate entities to en-
22 sure that priority areas identified by the Secretary are—

23 (1) economically viable (including having access
24 to transmission);

1 (2) likely to avoid or minimize impacts to habi-
2 tat for animals and plants, recreation, and other
3 uses of covered land; and

4 (3) consistent with section 202 of the Federal
5 Land Policy and Management Act of 1976 (43
6 U.S.C. 1712), including subsection (c)(9) of that
7 section (43 U.S.C. 1712(c)(9)).

8 (g) REMOVAL FROM CLASSIFICATION.—In carrying
9 out subsections (a), (d), and (e), if the Secretary deter-
10 mines an area previously suited for development should
11 be removed from priority or variance classification, not
12 later than 90 days after the date of the determination,
13 the Secretary shall submit to Congress a report on the
14 determination.

15 **SEC. 205. ENVIRONMENTAL REVIEW ON COVERED LAND.**

16 (a) IN GENERAL.—If the Director determines that a
17 proposed renewable energy project has been sufficiently
18 analyzed by a programmatic environmental impact state-
19 ment prepared under section 204(d), the head of the appli-
20 cable Federal agency shall not require any additional re-
21 view under the National Environmental Policy Act of 1969
22 (42 U.S.C. 4321 et seq.).

23 (b) ADDITIONAL ENVIRONMENTAL REVIEW.—If the
24 Director determines that additional environmental review
25 under the National Environmental Policy Act of 1969 (42

1 U.S.C. 4321 et seq.) is necessary for a proposed renewable
2 energy project, the head of the applicable Federal agency
3 shall rely on the analysis in the programmatic environ-
4 mental impact statement conducted under section 204(d),
5 to the maximum extent practicable when analyzing the po-
6 tential impacts of the project.

7 **SEC. 206. PROGRAM TO IMPROVE RENEWABLE ENERGY**
8 **PROJECT PERMIT COORDINATION.**

9 (a) ESTABLISHMENT.—The Secretary shall establish
10 a program to improve Federal permit coordination with
11 respect to renewable energy projects on covered land.

12 (b) MEMORANDUM OF UNDERSTANDING.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of enactment of this Act, the Sec-
15 retary shall enter into a memorandum of under-
16 standing for purposes of this section, including to
17 specifically expedite the environmental analysis of
18 applications for projects proposed in a variance area,
19 with—

20 (A) the Secretary of Agriculture; and

21 (B) the Assistant Secretary of the Army
22 for Civil Works.

23 (2) STATE PARTICIPATION.—The Secretary
24 may request the Governor of any interested State to

1 be a signatory to the memorandum of understanding
2 under paragraph (1).

3 (c) DESIGNATION OF QUALIFIED STAFF.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date on which the memorandum of under-
6 standing under subsection (b) is executed, all Fed-
7 eral signatories, as appropriate, shall identify for
8 each of the Bureau of Land Management Renewable
9 Energy Coordination Offices an employee who has
10 expertise in the regulatory issues relating to the of-
11 fice in which the employee is employed, including, as
12 applicable, particular expertise in—

13 (A) consultation regarding, and prepara-
14 tion of, biological opinions under section 7 of
15 the Endangered Species Act of 1973 (16 U.S.C.
16 1536);

17 (B) permits under section 404 of Federal
18 Water Pollution Control Act (33 U.S.C. 1344);

19 (C) regulatory matters under the Clean Air
20 Act (42 U.S.C. 7401 et seq.);

21 (D) planning under section 14 of the Na-
22 tional Forest Management Act of 1976 (16
23 U.S.C. 472a);

24 (E) the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1701 et seq.);

1 (F) the Migratory Bird Treaty Act (16
2 U.S.C. 703 et seq.); and

3 (G) the preparation of analyses under the
4 National Environmental Policy Act of 1969 (42
5 U.S.C. 4321 et seq.).

6 (2) DUTIES.—Each employee identified under
7 paragraph (1) shall—

8 (A) be responsible for all issues relating to
9 the jurisdiction of the home office or agency of
10 the employee; and

11 (B) participate as part of the team of per-
12 sonnel working on proposed energy projects,
13 planning, monitoring, inspection, enforcement,
14 and environmental analyses.

15 (d) RENEWABLE ENERGY COORDINATION OF-
16 FICES.—In carrying out the program established under
17 subsection (a), the Secretary may—

18 (1) establish additional Bureau of Land Man-
19 agement Renewable Energy Coordination Offices; or

20 (2) temporarily assign the qualified employees
21 identified under subsection (c) to a State, district, or
22 field office of the Bureau of Land Management to
23 expedite the permitting of renewable energy projects.

24 (e) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than February 1
2 of the first fiscal year beginning after the date of en-
3 actment of this Act, and each February 1 thereafter,
4 the Secretary shall submit to the Chairperson and
5 Ranking Member of the Committee on Energy and
6 Natural Resources of the Senate and the Committee
7 on Natural Resources of the House of Representa-
8 tives a report describing the progress made pursuant
9 to the program under this subtitle during the pre-
10 ceding year.

11 (2) INCLUSIONS.—Each report under this sub-
12 section shall include—

13 (A) projections for renewable energy pro-
14 duction and capacity installations; and

15 (B) a description of any problems relating
16 to leasing, permitting, siting, or production.

17 **SEC. 207. DISPOSITION OF REVENUES.**

18 (a) DISPOSITION OF REVENUES.—Without further
19 appropriation or fiscal year limitation, of the amounts col-
20 lected as bonus bids, royalties, rentals, fees, or other pay-
21 ments under a right-of-way, permit, lease, or other author-
22 ization (other than payments under section 504(g) of the
23 Federal Land Policy and Management Act of 1976 (43
24 U.S.C. 1764(g))) for the development of wind or solar en-
25 ergy on covered land—

1 (1) 25 percent shall be paid by the Secretary of
2 the Treasury to the State within the boundaries of
3 which the revenue is derived;

4 (2) 25 percent shall be paid by the Secretary of
5 the Treasury to the one or more counties within the
6 boundaries of which the revenue is derived, to be al-
7 located among the counties based on the percentage
8 of land from which the revenue is derived;

9 (3) to be deposited in the Treasury and be
10 made available to the Secretary to carry out the pro-
11 gram established by section 206, including the trans-
12 fer of the funds by the Bureau of Land Management
13 to other Federal agencies and State agencies to fa-
14 cilitate the processing of renewable energy permits
15 on Federal land, with priority given to using the
16 amounts, to the maximum extent practicable, for ex-
17 pediting the issuance of permits required for the de-
18 velopment of renewable energy projects in the States
19 from which the revenues are derived—

20 (A) 25 percent for each of fiscal years
21 2018 through 2025;

22 (B) 20 percent for each of fiscal years
23 2026 through 2030;

24 (C) 15 percent for each of fiscal years
25 2031 through 2035; and

1 (D) 10 percent for fiscal year 2036 and
2 each fiscal year thereafter; and

3 (4) to be deposited in the Renewable Energy
4 Resource Conservation Fund established by sub-
5 section (c)—

6 (A) 25 percent for each of fiscal years
7 2018 through 2025;

8 (B) 30 percent for each of fiscal years
9 2026 through 2030;

10 (C) 35 percent for each of fiscal years
11 2031 through 2035; and

12 (D) 40 percent for fiscal year 2036 and
13 each fiscal year thereafter.

14 (b) PAYMENTS TO STATES AND COUNTIES.—

15 (1) IN GENERAL.—Amounts paid to States and
16 counties under subsection (a) shall be used con-
17 sistent with section 35 of the Mineral Leasing Act
18 (30 U.S.C. 191).

19 (2) PAYMENTS IN LIEU OF TAXES.—A payment
20 to a county under paragraph (1) shall be in addition
21 to a payment in lieu of taxes received by the county
22 under chapter 69 of title 31, United States Code.

23 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
24 FUND.—

1 (1) IN GENERAL.—There is established in the
2 Treasury a separate account, to be known as the
3 “Renewable Energy Resource Conservation Fund”,
4 which shall be available to the Secretary for use, in
5 consultation with the Secretary of Agriculture, in ac-
6 cordance with paragraph (2).

7 (2) USE OF FUNDS.—The Secretary may make
8 funds in the Fund available to Federal, State, and
9 tribal agencies for distribution in regions in which
10 renewable energy projects are located on Federal
11 land, for the purposes of—

12 (A) restoring and protecting—

13 (i) fish and wildlife habitat for species
14 affected by wind, geothermal, or solar en-
15 ergy development;

16 (ii) fish and wildlife corridors for spe-
17 cies affected by such development; and

18 (iii) water resources in areas affected
19 by such development; and

20 (B) preserving and improving recreational
21 access to Federal land and water in a region af-
22 fected by such development, through an ease-
23 ment, right-of-way, or other instrument exe-
24 cuted by willing landowners for the purpose of
25 enhancing public access to existing Federal land

1 and water that is inaccessible or significantly
2 restricted.

3 (3) PARTNERSHIPS.—The Secretary may enter
4 into cooperative agreements with State and tribal
5 agencies, nonprofit organizations, and other appro-
6 priate entities to carry out the activities described in
7 subparagraphs (A) and (B) of paragraph (2).

8 (4) INVESTMENT OF FUND.—

9 (A) IN GENERAL.—Any amounts deposited
10 in the Fund shall earn interest in an amount
11 determined by the Secretary of the Treasury on
12 the basis of the current average market yield on
13 outstanding marketable obligations of the
14 United States of comparable maturities.

15 (B) USE.—Any interest earned under sub-
16 paragraph (A) may be expended in accordance
17 with this subsection.

18 (5) INTENT OF CONGRESS.—It is the intent of
19 Congress that the revenues deposited and used in
20 the Fund shall supplement and not supplant annual
21 appropriations for conservation activities described
22 in paragraph (2)(A).

23 **SEC. 208. STUDY AND REPORT ON CONSERVATION BANK-**
24 **ING.**

25 (a) STUDY.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Secre-
3 taries shall carry out a study on the siting, develop-
4 ment, and management of projects to determine the
5 feasibility of carrying out a conservation banking
6 program on Federal land.

7 (2) CONTENTS.—The study under paragraph
8 (1) shall—

9 (A) identify areas in which—

10 (i) privately owned land is not avail-
11 able to fully offset the impacts of solar or
12 wind energy development on federally ad-
13 ministered land; or

14 (ii) mitigation investments on Federal
15 land are likely to provide greater conserva-
16 tion value for impacts of solar or wind en-
17 ergy development on federally administered
18 land; and

19 (B) examine—

20 (i) the effectiveness of laws (including
21 regulations) and policies in effect on the
22 date of enactment of this Act in facili-
23 tating the development and effective oper-
24 ation of conservation banks;

1 (ii) the advantages and disadvantages
2 of using conservation banks on Federal
3 land to mitigate impacts to natural re-
4 sources on State, tribal, and private land;
5 and

6 (iii) any changes in Federal law (in-
7 cluding regulations) or policy necessary to
8 further develop a Federal conservation
9 banking program.

10 (b) REPORT TO CONGRESS.—Not later than 18
11 months after the date of enactment of this Act, the Secre-
12 taries shall jointly submit to Congress a report that in-
13 cludes—

14 (1) the recommendations of the Secretaries re-
15 lating to—

16 (A) the most effective system for Federal
17 land described in subsection (a)(2)(A) to meet
18 the goals of facilitating the development of a
19 conservation banking program on Federal land;
20 and

21 (B) any change to Federal law (including
22 regulations) or policy necessary to address more
23 effectively the siting, development, and manage-
24 ment of conservation banking programs on Fed-

1 eral land to mitigate impacts to natural re-
2 sources on State, tribal, and private land; and
3 (2) any administrative action to be taken by the
4 Secretaries in response to the recommendations.

5 (c) AVAILABILITY TO THE PUBLIC.—Not later than
6 30 days after the date on which the report described in
7 subsection (b) is submitted to Congress, the Secretaries
8 shall make the results of the study available to the public.

9 **SEC. 209. BROWNFIELDS.**

10 (a) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Environ-
13 mental Protection Agency.

14 (2) BROWNFIELD SITE.—The term “brownfield
15 site” has the meaning given that term in section
16 (39) of the Comprehensive Environmental Response,
17 Compensation, and Liability Act of 1980 (42 U.S.C.
18 9601(39)).

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of Energy.

21 (b) DEPARTMENT OF ENERGY AND ENVIRONMENTAL
22 PROTECTION AGENCY EFFORTS.—The Secretary, in con-
23 junction with the Administrator, shall—

24 (1) in partnership with the National Renewable
25 Energy Laboratory, identify opportunities to

1 prioritize renewable energy project development on
2 brownfield sites;

3 (2) provide to States, units of local govern-
4 ments, project developers, and other stakeholders
5 publicly available resources identifying potential
6 brownfield sites for renewable energy project devel-
7 opment, with an emphasis on non-Federal land; and

8 (3) provide technical assistance to State and
9 local officials, interested project developers, and
10 other stakeholders to expedite renewable energy
11 projects on brownfield sites identified under this
12 subsection, with an emphasis on non-Federal land.

13 (c) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Secretary and Administrator
15 shall submit to Congress a report that includes—

16 (1) proposals for Federal policies, incentives, or
17 other means of encouraging renewable energy
18 projects on sites identified under subsection (b); and

19 (2) data on existing and potential job creation
20 from, environmental benefits of, and energy produc-
21 tion from renewable energy projects on brownfield
22 sites.

23 (d) STAKEHOLDER FORUMS.—The Secretary, in con-
24 junction with the Administrator, shall conduct stakeholder
25 forums in each region of the United States to assist State

1 and local officials, project developers, and other stake-
 2 holders with renewable energy project siting on brownfield
 3 sites, with an emphasis on non-Federal land.

4 (e) EFFECT.—Nothing in this section affects existing
 5 Federal efforts to promote the reuse and redevelopment
 6 of brownfield sites.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated such sums as are nec-
 9 essary to carry out this section for each of fiscal years
 10 2018 through 2022.

11 **Subtitle B—Geothermal Energy**

12 **SEC. 221. REAUTHORIZATION OF GEOTHERMAL STEAM ACT** 13 **OF 1970.**

14 (a) IN GENERAL.—Section 234(a) of the Energy Pol-
 15 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-
 16 ing “in the first 5 fiscal years beginning after the date
 17 of enactment of this Act” and inserting “through fiscal
 18 year 2022”.

19 (b) AUTHORIZATION.—Section 234(b) of the Energy
 20 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

21 (1) by striking “Amounts” and inserting the
 22 following:

23 “(1) IN GENERAL.—Amounts”; and

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

1 “(2) AUTHORIZATION.—Effective for fiscal year
2 2018 and each fiscal year thereafter, amounts de-
3 posited under subsection (a) shall be available to the
4 Secretary of the Interior for expenditure, subject to
5 appropriation and without fiscal year limitation, to
6 implement the Geothermal Steam Act of 1970 (30
7 U.S.C. 1001 et seq.) and this Act.”.

8 **SEC. 222. NATIONAL GOAL FOR GEOTHERMAL ENERGY.**

9 It is the sense of Congress that, not later than 10
10 years after the date of enactment of this Act—

11 (1) the Secretary of the Interior shall seek to
12 approve a significant increase in new geothermal en-
13 ergy capacity on public land across a geographically
14 diverse set of States using the full range of available
15 technologies; and

16 (2) the Director of the Geological Survey and
17 the Secretary should identify sites capable of pro-
18 ducing a total of 50,000 megawatts of geothermal
19 power, using the full range of available technologies,
20 through a program conducted in collaboration with
21 industry, including cost-shared exploration drilling.

1 **SEC. 223. FACILITATION OF COPRODUCTION OF GEO-**
2 **THERMAL ENERGY ON OIL AND GAS LEASES.**

3 Section 4(b) of the Geothermal Steam Act of 1970
4 (30 U.S.C. 1003(b)) is amended by adding at the end the
5 following:

6 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—
7 Land under an oil and gas lease issued pursuant to
8 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
9 the Mineral Leasing Act for Acquired Lands (30
10 U.S.C. 351 et seq.) that is subject to an approved
11 application for permit to drill and from which oil
12 and gas production is occurring may be available for
13 noncompetitive leasing under this section to the
14 holder of the oil and gas lease—

15 “(A) on a determination that—

16 “(i) geothermal energy will be pro-
17 duced from a well producing or capable of
18 producing oil and gas; and

19 “(ii) national energy security will be
20 improved by the issuance of such a lease;
21 and

22 “(B) to provide for the coproduction of
23 geothermal energy with oil and gas.”.

1 **SEC. 224. NONCOMPETITIVE LEASING FOR GEOTHERMAL.**

2 Section 4(b) of the Geothermal Steam Act of 1970
3 (30 U.S.C. 1003(b)) (as amended by section 223) is
4 amended by adding at the end the following:

5 “(5) ADJOINING LAND.—

6 “(A) DEFINITIONS.—In this paragraph:

7 “(i) FAIR MARKET VALUE PER
8 ACRE.—The term ‘fair market value per
9 acre’ means a dollar amount per acre
10 that—

11 “(I) except as provided in this
12 clause, shall be equal to the market
13 value per acre (taking into account
14 the determination under subparagraph
15 (B)(iii) regarding a valid discovery on
16 the adjoining land), as determined by
17 the Secretary under regulations issued
18 under this paragraph;

19 “(II) shall be determined by the
20 Secretary with respect to a lease
21 under this paragraph, by not later
22 than the end of the 180-day period
23 beginning on the date the Secretary
24 receives an application for the lease;
25 and

1 “(III) shall be not less than the
2 greater of—

3 “(aa) 4 times the median
4 amount paid per acre for all land
5 leased under this Act during the
6 preceding year; or

7 “(bb) \$50.

8 “(ii) INDUSTRY STANDARDS.—The
9 term ‘industry standards’ means the stand-
10 ards by which a qualified geothermal pro-
11 fessional assesses whether downhole or
12 flowing temperature measurements with
13 indications of permeability are sufficient to
14 produce energy from geothermal resources,
15 as determined through flow or injection
16 testing or measurement of lost circulation
17 while drilling.

18 “(iii) QUALIFIED FEDERAL LAND.—
19 The term ‘qualified Federal land’ means
20 land that is otherwise available for leasing
21 under this Act.

22 “(iv) QUALIFIED GEOTHERMAL PRO-
23 FESSIONAL.—The term ‘qualified geo-
24 thermal professional’ means an individual
25 who is an engineer or geoscientist in good

1 professional standing with at least 5 years
2 of experience in geothermal exploration,
3 development, or project assessment.

4 “(v) QUALIFIED LESSEE.—The term
5 ‘qualified lessee’ means a person that is el-
6 igible to hold a geothermal lease under this
7 Act (including applicable regulations).

8 “(vi) VALID DISCOVERY.—The term
9 ‘valid discovery’ means a discovery of a
10 geothermal resource by a new or existing
11 slim hole or production well, that exhibits
12 downhole or flowing temperature measure-
13 ments with indications of permeability that
14 are sufficient to meet industry standards.

15 “(B) AUTHORITY.—An area of qualified
16 Federal land that adjoins other land for which
17 a qualified lessee holds a legal right to develop
18 geothermal resources may be available for a
19 noncompetitive lease under this section to the
20 qualified lessee at the fair market value per
21 acre, if—

22 “(i) the area of qualified Federal
23 land—

1 “(I) consists of not less than 1
2 acre and not more than 640 acres;
3 and

4 “(II) is not already leased under
5 this Act or nominated to be leased
6 under subsection (a);

7 “(ii) the qualified lessee has not pre-
8 viously received a noncompetitive lease
9 under this paragraph in connection with
10 the valid discovery for which data has been
11 submitted under clause (iii)(I); and

12 “(iii) sufficient geological and other
13 technical data prepared by a qualified geo-
14 thermal professional has been submitted by
15 the qualified lessee to the applicable Fed-
16 eral land management agency that would
17 lead individuals who are experienced in the
18 subject matter to believe that—

19 “(I) there is a valid discovery of
20 geothermal resources on the land for
21 which the qualified lessee holds the
22 legal right to develop geothermal re-
23 sources; and

24 “(II) that thermal feature ex-
25 tends into the adjoining areas.

1 “(C) DETERMINATION OF FAIR MARKET
2 VALUE.—

3 “(i) IN GENERAL.—The Secretary
4 shall—

5 “(I) publish a notice of any re-
6 quest to lease land under this para-
7 graph;

8 “(II) determine fair market value
9 for purposes of this paragraph in ac-
10 cordance with procedures for making
11 those determinations that are estab-
12 lished by regulations issued by the
13 Secretary;

14 “(III) provide to a qualified les-
15 see and publish, with an opportunity
16 for public comment for a period of 30
17 days, any proposed determination
18 under this subparagraph of the fair
19 market value of an area that the
20 qualified lessee seeks to lease under
21 this paragraph; and

22 “(IV) provide to the qualified les-
23 see and any adversely affected party
24 the opportunity to appeal the final de-
25 termination of fair market value in an

1 administrative proceeding before the
2 applicable Federal land management
3 agency, in accordance with applicable
4 law (including regulations).

5 “(ii) LIMITATION ON NOMINATION.—
6 After publication of a notice of request to
7 lease land under this paragraph, the Sec-
8 retary may not accept under subsection (a)
9 any nomination of the land for leasing un-
10 less the request has been denied or with-
11 drawn.

12 “(iii) ANNUAL RENTAL.—For pur-
13 poses of section 5(a)(3), a lease awarded
14 under this paragraph shall be considered a
15 lease awarded in a competitive lease sale.

16 “(D) REGULATIONS.—Not later than 270
17 days after the date of enactment of the Sustain-
18 able Energy Development Reform Act, the Sec-
19 retary shall issue regulations to carry out this
20 paragraph.”.

21 **SEC. 225. REPORT TO CONGRESS.**

22 Not later than 3 years after the date of enactment
23 of this Act and not less frequently than once every 5 years
24 thereafter, the Secretary of the Interior and the Secretary

1 shall submit to Congress a report describing the progress
2 made towards achieving the goals described in section 222.

3 **Subtitle C—Offshore Renewable**
4 **Energy**

5 **SEC. 231. WIND LEASING AMENDMENTS.**

6 (a) CLARIFICATION RELATING TO ALTERNATIVE EN-
7 ERGY DEVELOPMENT.—Section 8(p) of the Outer Conti-
8 nental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by inserting “or” after “1501 et seq.,”
12 and by striking “or other applicable law,”; and

13 (B) by amending subparagraph (D) to
14 read as follows:

15 “(D) use, for energy-related purposes, fa-
16 cilities currently or previously used for activities
17 authorized under this Act, except that any oil
18 and gas energy-related uses shall not be author-
19 ized in areas in which oil and gas preleasing,
20 leasing, and related activities are prohibited by
21 a moratorium.”; and

22 (2) in paragraph (4)—

23 (A) in subparagraph (E), by striking “co-
24 ordination” and inserting “in consultation”;
25 and

1 (B) in subparagraph (J)(ii), by inserting
2 “a potential site for an alternative energy facil-
3 ity,” after “deepwater port,”.

4 (b) NONCOMPETITIVE ALTERNATIVE ENERGY LEASE
5 OPTIONS.—Section 8(p)(3) of such Act (43 U.S.C.
6 1337(p)(3)) is amended to read as follows:

7 “(3) COMPETITIVE OR NONCOMPETITIVE
8 BASIS.—Any lease, easement, right-of-way, or other
9 authorization granted under paragraph (1) shall be
10 issued on a competitive basis, unless—

11 “(A) the lease, easement, right-of-way, or
12 other authorization relates to a project that
13 meets the criteria established under section
14 388(d) of the Energy Policy Act of 2005 (43
15 U.S.C. 1337 note; Public Law 109–58);

16 “(B) the lease, easement, right-of-way, or
17 other authorization—

18 “(i) is for the placement and oper-
19 ation of a meteorological or marine data
20 collection facility; and

21 “(ii) has a term of not more than 5
22 years; or

23 “(C) the Secretary determines, after pro-
24 viding public notice of a proposed lease, ease-

1 ment, right-of-way, or other authorization, that
2 no competitive interest exists.”.

3 **SEC. 232. REPORT TO CONGRESS.**

4 Not later than 1 year after the date of the enactment
5 of this Act the Secretary of the Interior shall submit rec-
6 ommendations to reduce the time required for the Depart-
7 ment of the Interior to consider and act on applications
8 for permits authorizing offshore renewable energy
9 projects.

10 **TITLE III—PREPARING AND**
11 **MANAGING FOR CLIMATE**
12 **CHANGE**

13 **SEC. 301. ENERGY DEVELOPMENT POLICY.**

14 It is the policy of the United States that—

15 (1) the United States should aggressively re-
16 duce carbon pollution as rapidly as practicable; and

17 (2) energy development decisions on Federal
18 lands should be guided by the goals of—

19 (A) protecting public health and the envi-
20 ronment;

21 (B) avoiding the most dangerous impacts
22 of climate change; and

23 (C) promoting a rapid, just, and equitable
24 transition to a clean-energy economy.

1 **SEC. 302. PREPARING FOR CLIMATE CHANGE.**

2 (a) REINSTATEMENT OF AGENCY ACTIONS.—Execu-
3 tive Order 13783, entitled “Promoting Energy Independ-
4 ence and Economic Growth” and dated March 28, 2017
5 (82 Fed. Reg. 16093), shall have no force or effect, and
6 each regulation, order, guidance document, policy, or other
7 similar agency action suspended, revised, or rescinded by
8 or under such Executive order shall apply as if such Exec-
9 utive order were not issued.

10 (b) CONSIDERATION OF THE SOCIAL COSTS OF CLI-
11 MATE CHANGE.—Not later than 1-year after the date of
12 the enactment of this Act, the Council on Environmental
13 Quality shall issue regulations requiring Federal depart-
14 ments and agencies to—

15 (1) comply with the final guidance of the Coun-
16 cil referred to in the Notice of Availability entitled
17 “Final Guidance for Federal Departments and
18 Agencies on Consideration of Greenhouse Gas Emis-
19 sions and the Effects of Climate Change in National
20 Environmental Policy Act Reviews” and published
21 by the Council on August 5, 2016 (81 Fed. Reg.
22 51866); and

23 (2) use the most recent estimates of the social
24 cost of carbon and social cost of methane, as deter-
25 mined by the Interagency Working Group on Social
26 Cost of Carbon, in all cost-benefit analyses.

1 **SEC. 303. GHG INVENTORY.**

2 (a) IN GENERAL.—The Secretary of the Interior shall
3 make available to the public through the internet—

4 (1) information that describes for all covered
5 operations—

6 (A) the aggregate amount of each fossil
7 fuel, by type and by State, produced under Fed-
8 eral leases; and

9 (B) for gas reported, the portion and
10 source of such amount that was released by
11 each of venting, flaring, and fugitive release;

12 (2) information that accurately describes the es-
13 timated amounts of existing fossil fuel resources on
14 Federal lands under lease for the production of fossil
15 fuels, and of Federal lands that have potential for
16 such leasing; and

17 (3) information that describes the amount and
18 sources of energy, in megawatts, produced from op-
19 erating solar, wind, and geothermal projects on Fed-
20 eral lands under lease for the production of renew-
21 able energy.

22 (b) FORMAT.—Information made available under this
23 section shall be presented in a format that—

24 (1) translates such amounts and portions into
25 emissions of metric tons of greenhouse gases ex-
26 pressed in carbon dioxide equivalent using both the

1 20-year and 100-year Global Warming Potential-
2 weighted emission values;

3 (2) for energy produced from solar, wind, and
4 geothermal projects, includes an estimate of the
5 greenhouse gas emissions that would result from
6 production of the same amount of energy from fossil
7 fuel resources; and

8 (3) allows—

9 (A) downloading in a machine readable
10 format; and

11 (B) accessing the information without pay-
12 ment of any fee or other charge.

13 (c) DATA PUBLICATION FREQUENCY.—The data
14 made available under this section shall be updated at least
15 annually.

16 **SEC. 304. TERRESTRIAL CARBON SEQUESTRATION PILOT**
17 **PROGRAM.**

18 (a) PROGRAM REQUIRED.—Not later than 1 year
19 after the date of the enactment of this Act, the Secretary
20 of the Interior, acting through the Director of the Bureau
21 of Land Management, shall establish a carbon sequestra-
22 tion pilot program to make grants to eligible entities for
23 projects to carry out eligible activities.

24 (b) SCIENCE ADVISORY BOARD.—As part of the pro-
25 gram, the Secretary shall establish a science advisory

1 board to provide analysis and recommendations regard-
2 ing—

3 (1) the selection of eligible entities and eligible
4 activities to receive grants under the program, based
5 on the best available science; and

6 (2) appropriate monitoring requirements to be
7 required under subsection (c).

8 (c) MONITORING AND REPORTING.—As a condition
9 of a grant under the program, the grant recipient shall
10 comply with monitoring and reporting requirements to
11 quantify project performance and communicate results.

12 (d) INNOVATION COMPETITION.—

13 (1) IN GENERAL.—The Secretary shall make
14 grants, through a challenge competition, to eligible
15 entities for projects to carry out innovative ap-
16 proaches to eligible activities.

17 (2) LISTING.—The Secretary shall list the chal-
18 lenge competition under this subsection on
19 www.challenge.gov (or any successor website of the
20 Federal Government that lists challenge competi-
21 tions run by Federal agencies).

22 (e) OUTREACH, EDUCATION, AND TECHNICAL AS-
23 SISTANCE.—The Secretary—

24 (1) may provide technical assistance for eligible
25 activities; and

1 (2) shall expand outreach and education with
2 respect to carbon sequestration and best practices
3 related to eligible activities.

4 (f) ACCEPTANCE OF OUTSIDE FUNDING.—The Sec-
5 retary may accept nonappropriated funds, including funds
6 from other public sources, private companies, nonprofit or-
7 ganizations, or foundations, to carry out the program.

8 (g) REPORTS TO CONGRESS.—With respect to each
9 project administered under the program, not later than
10 3 years after the awarding of the grant, at least every
11 2 years thereafter for the duration of the project, and not
12 later than 180 days after the completion of the project,
13 the Secretary, working with grantees and any other agen-
14 cies of jurisdiction shall submit a report to Congress de-
15 tailing—

16 (1) the progress and accomplishments of the
17 project in general;

18 (2) a detailed summary and estimate of the vol-
19 ume of carbon sequestered due to project activities;

20 (3) a summary of education and outreach ef-
21 forts related to the project; and

22 (4) a set of recommendations for land manage-
23 ment best practices based on the outcome of the
24 project.

25 (h) DEFINITIONS.—For the purposes of this section:

1 (1) BIOCHAR.—The term “biochar” means car-
2 bonized biomass produced by converting feedstock
3 through reductive thermal processing.

4 (2) COMPOST.—The term “compost” means a
5 biologically stable organic material suitable for use
6 as a amendment that is produced by the controlled
7 aerobic decomposition of manure or other organic
8 material, not including sewage sludge or biosolids,
9 by microorganisms.

10 (3) ELIGIBLE ACTIVITY.—The term “eligible
11 activity” means a project for sequestering carbon
12 through—

13 (A) grazing practices;

14 (B) restoring degraded qualified public
15 lands;

16 (C) application of compost on qualified
17 public lands; or

18 (D) using biochar as an amendment on
19 qualified public lands.

20 (4) ELIGIBLE ENTITY.—The term “eligible enti-
21 ty” means an owner or operator of qualified public
22 lands, a university, a nongovernmental organization,
23 or an Indian tribe.

1 (5) PROGRAM.—The term “program” means
2 the Carbon Sequestration Pilot Program established
3 by this section.

4 (6) QUALIFIED PUBLIC LANDS.—The term
5 “qualified public lands” means any land and interest
6 in land owned by the United States within the sev-
7 eral States and administered by the Secretary of the
8 Interior through the Bureau of Land Management,
9 the National Park Service, or the United States
10 Fish and Wildlife Service, without regard to how the
11 United States acquired ownership, except lands lo-
12 cated on the Outer Continental Shelf.

13 **SEC. 305. FEDERAL LANDS ADAPTATION.**

14 (a) FINDINGS, PURPOSES, AND POLICY.—

15 (1) FINDINGS.—Congress finds that—

16 (A) healthy, diverse, and productive com-
17 munities of fish, wildlife, and plants provide sig-
18 nificant benefits to the people and economy of
19 the United States, including—

20 (i) abundant clean water supplies;

21 (ii) flood and coastal storm protection;

22 (iii) clean air;

23 (iv) a source of food, fiber, medicines,

24 and pollination of the crops and other

25 plants of the United States;

1 (v) outdoor recreation, which is a
2 source of jobs and economic stimulus;

3 (vi) hunting and fishing opportunities
4 and support for subsistence communities;

5 (vii) opportunities for scientific re-
6 search and education;

7 (viii) world-class tourism destinations
8 that support local economies; and

9 (ix) sequestration and storage of car-
10 bon to help mitigate changes to the global
11 climate system;

12 (B) the United States Geological Survey,
13 National Oceanic and Atmospheric Administra-
14 tion, National Aeronautics and Space Adminis-
15 tration, and other agencies within the United
16 States Global Change Research Program have
17 observed that the fish, wildlife, and plants of
18 the United States are facing increasing risks
19 from changing patterns of extreme weather and
20 climate, including—

21 (i) severe droughts and heatwaves;

22 (ii) severe storms and floods;

23 (iii) frequent and severe wildfires;

24 (iv) more frequent and severe out-
25 breaks of forest pests and invasive species;

- 1 (v) flooding and erosion of coastal
2 areas due to rising sea levels;
- 3 (vi) melting glaciers and sea ice;
- 4 (vii) thawing permafrost;
- 5 (viii) shifting distributions of fish,
6 wildlife, and plant populations;
- 7 (ix) disruptive shifts in the timing of
8 fish, wildlife, and plant natural history cy-
9 cles, such as blooming, breeding, and sea-
10 sonal migrations;
- 11 (x) increasing ocean temperatures and
12 acidification;
- 13 (xi) altered patterns of rain, snow,
14 runoff, and streamflow; and
- 15 (xii) habitat loss, degradation, frag-
16 mentation, and movement; and
- 17 (C) the Federal Government should pro-
18 vide leadership in preparing for and responding
19 to the effects described in subparagraph (B) to
20 ensure that present and future generations con-
21 tinue to receive the benefits of the abundant
22 and diverse fish, wildlife, and plant resources of
23 the United States.
- 24 (2) PURPOSES.—The purpose of this section is
25 to establish an integrated national approach—

1 (A) to respond to ongoing and expected ef-
2 fects of extreme weather and climate change by
3 protecting, managing, and conserving the fish,
4 wildlife, and plants of the United States; and

5 (B) to maximize Government efficiency
6 and reduce costs, in cooperation with State,
7 local, and tribal governments and other entities.

8 (3) NATIONAL FISH, WILDLIFE, AND PLANTS
9 CLIMATE CHANGE ADAPTATION POLICY.—It is the
10 policy of the Federal Government, in cooperation
11 with State and local governments, Indian tribes, and
12 other interested stakeholders to evaluate and reduce
13 the increased risks and vulnerabilities associated
14 with climate change and extreme weather events,
15 and to use all practicable means to protect, manage,
16 and conserve healthy, diverse, and productive fish,
17 wildlife, and plant populations.

18 (b) DEFINITIONS.—In this section:

19 (1) ADAPTATION.—The term “adaptation”
20 means—

21 (A) the process of adjustment to actual or
22 expected climate and the effects of climate
23 change; and

24 (B) with respect to fish, wildlife, and
25 plants, protection, management, and conserva-

1 tion efforts designed to maintain or enhance the
2 ability of fish, wildlife, and plants to withstand,
3 adjust to, or recover from the effects of extreme
4 weather and climate change (including, where
5 applicable, ocean acidification, drought, flood-
6 ing, and wildfire).

7 (2) CENTER.—The term “Center” means the
8 National Climate Change and Wildlife Science Cen-
9 ter established under subsection (e)(1)(A).

10 (3) COMMITTEE.—The term “Committee”
11 means the Advisory Committee on Climate Change
12 and Natural Resource Sciences established under
13 subsection (e)(1)(A).

14 (4) ECOLOGICAL PROCESSES.—The term “eco-
15 logical processes” means biological, chemical, or
16 physical interaction between the biotic and abiotic
17 components of an ecosystem, including—

18 (A) decomposition;

19 (B) disease epizootiology;

20 (C) disturbance regimes, such as fire and
21 flooding;

22 (D) gene flow;

23 (E) hydrological cycling;

24 (F) larval dispersal and settlement;

25 (G) nutrient cycling;

1 (H) pollination;

2 (I) predator-prey relationships; and

3 (J) soil formation.

4 (5) HABITAT.—The term “habitat” means the
5 physical, chemical, and biological properties that
6 fish, wildlife, or plants use for growth, reproduction,
7 survival, food, water, or cover (whether on land, in
8 water, or in an area or region).

9 (6) HABITAT CONNECTIVITY.—The term “habi-
10 tat connectivity” means areas that facilitate terres-
11 trial, marine, estuarine, and freshwater fish, wildlife,
12 or plant movement that is necessary—

13 (A) for migration, gene flow, or dispersal;

14 or

15 (B) to respond to the ongoing and ex-
16 pected effects of climate change (including,
17 where applicable, ocean acidification, drought,
18 flooding, and wildfire).

19 (7) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given the term in section 4 of the
21 Indian Self-Determination and Education Assistance
22 Act (25 U.S.C. 450b).

23 (8) NATIONAL STRATEGY.—The term “National
24 Strategy” means the National Fish, Wildlife, and

1 Plants Climate Adaptation Strategy released March
2 26, 2013.

3 (9) RESILIENCE; RESILIENT.—The terms “re-
4 silience” and “resilient” mean the ability to antici-
5 pate, prepare for, and adapt to changing conditions
6 and withstand, respond to, and recover rapidly from
7 disruptions.

8 (10) STATE.—The term “State” means—

9 (A) a State of the United States;

10 (B) the District of Columbia;

11 (C) American Samoa;

12 (D) Guam;

13 (E) the Commonwealth of the Northern
14 Mariana Islands;

15 (F) the Commonwealth of Puerto Rico;

16 and

17 (G) the United States Virgin Islands.

18 (11) WORKING GROUP.—The term “Working
19 Group” means the National Fish, Wildlife, and
20 Plants Climate Adaptation Strategy Joint Imple-
21 mentation Working Group established under sub-
22 section (c)(1).

23 (c) NATIONAL FISH, WILDLIFE, AND PLANTS CLI-
24 MATE ADAPTATION STRATEGY JOINT IMPLEMENTATION
25 WORKING GROUP.—

1 (1) ESTABLISHMENT.—Not later than 90 days
2 after the date of enactment of this Act, the Presi-
3 dent shall establish a National Fish, Wildlife, and
4 Plants Climate Adaptation Strategy Joint Imple-
5 mentation Working Group composed of the heads of
6 Federal and State agencies or departments with ju-
7 risdiction over fish, wildlife, and plant resources of
8 the United States, and tribal representatives, as fol-
9 lows:

10 (A) The Administrator of the Environ-
11 mental Protection Agency.

12 (B) The Administrator of the Federal
13 Emergency Management Agency.

14 (C) The Administrator of the National
15 Oceanic and Atmospheric Administration.

16 (D) The Chair of the Council on Environ-
17 mental Quality.

18 (E) The Chief of Engineers.

19 (F) The Chief of the Forest Service.

20 (G) The Commissioner of Reclamation.

21 (H) The Director of the Bureau of Indian
22 Affairs.

23 (I) The Director of the Bureau of Land
24 Management.

1 (J) The Director of the National Park
2 Service.

3 (K) The Director of the United States
4 Fish and Wildlife Service.

5 (L) The Director of the United States Ge-
6 ological Survey.

7 (M) The Secretary of Agriculture.

8 (N) The Secretary of Defense.

9 (O) State representatives from each re-
10 gional association of State fish and wildlife
11 agencies.

12 (P) Not less than 2 tribal representatives.

13 (2) DUTIES.—The Working Group shall serve
14 as a forum for interagency consultation on, and the
15 coordination of, the development and implementation
16 of the National Strategy.

17 (3) CO-CHAIRS.—There shall be 4 co-chairs, of
18 whom—

19 (A) 2 shall be representatives of the Fed-
20 eral Government;

21 (B) 1 shall be a representative of a State;
22 and

23 (C) 1 shall be a tribal representative.

24 (d) NATIONAL FISH, WILDLIFE, AND PLANTS CLI-
25 MATE ADAPTATION STRATEGY.—

1 (1) IN GENERAL.—The Working Group shall
2 adopt the National Strategy to protect, manage, and
3 conserve fish, wildlife, and plants to maintain the in-
4 herent resilience and adaptability of fish, wildlife,
5 and plants to withstand the ongoing and expected
6 effects of extreme weather and climate change.

7 (2) REVIEW AND REVISION.—Not later than 1
8 year after each release of the assessment required
9 under section 106 of the Global Change Research
10 Act of 1990 (15 U.S.C. 2936), the Working Group
11 shall—

12 (A) use sound science to review and revise
13 the National Strategy to incorporate—

14 (i) new information regarding the on-
15 going and expected effects of climate
16 change on fish, wildlife, and plants; and

17 (ii) advances in the development of
18 fish, wildlife, and plant adaptation strate-
19 gies; and

20 (B) in carrying out paragraph (1), provide
21 public notice and opportunity for comment.

22 (3) CONTENTS.—A revised National Strategy
23 shall—

24 (A) assess the vulnerability of fish, wildlife,
25 and plants to climate change, including short-

1 term, medium-term, long-term, and cumulative
2 impacts;

3 (B) describe current, observation, and
4 monitoring activities at the Federal, State, trib-
5 al, and local levels relating to the ongoing and
6 expected effects of climate change on fish, wild-
7 life, and plants;

8 (C) identify and prioritize research and
9 data needs;

10 (D) identify fish, wildlife, and plants likely
11 to have the greatest need for protection, res-
12 toration, and conservation due to the ongoing
13 and expanding effects of extreme weather and
14 climate change;

15 (E) include specific protocols for inte-
16 grating fish, wildlife, and plant adaptation
17 strategies and activities into the conservation
18 and management of natural resources by Fed-
19 eral agencies to ensure consistency across agen-
20 cy jurisdictions;

21 (F) identify opportunities for maintaining,
22 restoring, or enhancing fish, wildlife, and plants
23 to reduce the risks of extreme weather and cli-
24 mate change on other vulnerable sectors of soci-
25 ety;

1 (G) identify Federal policies and actions
2 that may reduce resilience and increase the vul-
3 nerability of fish, wildlife, and plants to extreme
4 weather and climate change;

5 (H) include specific actions that Federal
6 agencies shall take to protect, conserve, and
7 manage fish, wildlife, and plants to maintain
8 the inherent resilience and adaptability of fish,
9 wildlife, and plants to withstand, adjust to, or
10 recover from the ongoing and expected effects
11 of climate change, including a timeline to imple-
12 ment those actions;

13 (I) include specific mechanisms for ensur-
14 ing communication and coordination—

15 (i) among Federal agencies; and

16 (ii) between Federal agencies and
17 State agencies, territories of the United
18 States, Indian tribes, private landowners,
19 conservation organizations, and other
20 countries that share jurisdiction over fish,
21 wildlife, and plants with the United States;

22 (J) include specific actions to develop and
23 implement coordinated fish, wildlife, and plants
24 inventory and monitoring protocols through
25 interagency coordination and collaboration with

1 States and local governments, Indian tribes,
2 and private organizations; and

3 (K) include procedures for guiding the de-
4 velopment of detailed strategy implementation
5 plans required under subsection (f).

6 (4) IMPLEMENTATION.—

7 (A) IN GENERAL.—Consistent with other
8 laws and Federal trust responsibilities con-
9 cerning Indian land or rights of Indians under
10 treaties with the United States, each Federal
11 agency shall integrate the elements of the Na-
12 tional Strategy that relate to conservation,
13 management, and protection of fish, wildlife,
14 and plants into agency plans, environmental re-
15 views, and programs.

16 (B) PUBLIC REPORT.—The Working
17 Group shall, on a biannual basis, between revi-
18 sions to the National Strategy, make available
19 to the public a report documenting any actions
20 implementing the Strategy.

21 (C) COORDINATION.—The Working Group
22 shall coordinate the implementation of the Na-
23 tional Strategy with Federal agencies not rep-
24 resented on the Working Group to achieve the

1 policy of the United States described in sub-
2 section (a)(3).

3 (e) FISH, WILDLIFE, AND PLANTS ADAPTATION
4 SCIENCE AND INFORMATION.—

5 (1) NATIONAL CLIMATE CHANGE AND WILD-
6 LIFE SCIENCE CENTER.—

7 (A) AUTHORIZATION.—The Secretary of
8 the Interior, in collaboration with the States,
9 Indian tribes, and other partner organizations,
10 shall establish a National Climate Change and
11 Wildlife Science Center.

12 (B) DUTIES OF CENTER.—The Center
13 shall assess and develop scientific information,
14 tools, strategies, and techniques to support the
15 Working Group, Federal and State agencies,
16 tribes, regionally based science and conservation
17 centers, regional coordinating entities, and
18 other interested parties in addressing the ef-
19 fects of extreme weather and climate change on
20 fish, wildlife, and plants.

21 (C) GENERAL AUTHORITY TO ENTER INTO
22 CONTRACTS, GRANTS, AND COOPERATIVE
23 AGREEMENTS.—The Secretary may enter into
24 contracts, grants, or cooperative agreements
25 with State agencies, State cooperative extension

1 services, institutions of higher education, other
2 research or educational institutions and organi-
3 zations, tribal organizations, Federal and pri-
4 vate agencies and organizations, individuals,
5 and any other contractor or recipient, to further
6 the duties under subparagraph (B) without re-
7 gard to—

8 (i) any requirements for competition;

9 (ii) section 6101 of title 41, United
10 States Code; or

11 (iii) subsections (a) and (b) of section
12 3324 of title 31, United States Code.

13 (2) ADVISORY COMMITTEE ON CLIMATE
14 CHANGE AND NATURAL RESOURCE SCIENCES.—

15 (A) IN GENERAL.—Not later than 180
16 days after the date of enactment of this Act,
17 and pursuant to the Federal Advisory Com-
18 mittee Act (5 U.S.C. App.), the Secretary of
19 the Interior shall establish an Advisory Com-
20 mittee on Climate Change and Natural Re-
21 source Sciences.

22 (B) MEMBERSHIP.—The Committee shall
23 be comprised of 25 members who—

24 (i) represent—

25 (I) Federal agencies;

1 (II) State, local, and tribal gov-
2 ernments;

3 (III) nongovernmental organiza-
4 tions;

5 (IV) academic institutions; and

6 (V) the private sector; and

7 (ii) have expertise in—

8 (I) biology (including fish, wild-
9 life, plant, aquatic, coastal, and ma-
10 rine biology);

11 (II) ecology;

12 (III) climate change (including,
13 where applicable, ocean acidification,
14 drought, flooding, and wildfire); and

15 (IV) other relevant scientific dis-
16 ciplines.

17 (C) CHAIR.—The Secretary of the Interior
18 shall appoint a Committee Chair from among
19 the members of the Committee.

20 (D) DUTIES.—The Committee shall—

21 (i) advise the Working Group on the
22 state of the science regarding—

23 (I) the ongoing and expected ef-
24 fects of extreme weather and climate

1 change on fish, wildlife, and plants;
2 and

3 (II) scientific strategies and
4 mechanisms for fish, wildlife, and
5 plant adaptation;

6 (ii) identify and recommend priorities
7 for ongoing research needs on the issues
8 described in clause (i) to inform the re-
9 search priorities of the Center described in
10 paragraph (1) and other Federal climate
11 science institutions; and

12 (iii) review and comment on each re-
13 vised National Strategy before that Na-
14 tional Strategy is finalized.

15 (E) COLLABORATION.—The Committee
16 shall collaborate with climate change and fish,
17 wildlife, and plant research entities in other
18 Federal agencies and departments.

19 (F) AVAILABILITY TO PUBLIC.—The advice
20 and recommendations of the Committee shall be
21 made available to the public.

22 (f) STRATEGY IMPLEMENTATION PLAN.—

23 (1) DEVELOPMENT.—Not later than 1 year
24 after the date of enactment of this Act and not later

1 than 1 year after the date of each revision of the
2 National Strategy, the Working Group shall—

3 (A) complete a strategy implementation
4 plan;

5 (B) provide opportunities for public review
6 and comment on the plan; and

7 (C) submit the plan to the President for
8 approval.

9 (2) REQUIREMENTS.—The strategy implemen-
10 tation plan shall—

11 (A) identify and prioritize specific con-
12 servation and management strategies and ac-
13 tions that address the ongoing and expected ef-
14 fects of extreme weather and climate change on
15 fish, wildlife, and plants, including—

16 (i) protection, management, and con-
17 servation of terrestrial, marine, estuarine,
18 and freshwater habitats and ecosystems;

19 (ii) establishment of terrestrial, ma-
20 rine, estuarine, and freshwater habitat
21 connectivity corridors;

22 (iii) restoration and conservation of
23 ecological processes;

1 (iv) protection of a broad diversity of
2 species of fish, wildlife, and plant popu-
3 lations; and

4 (v) protection of fish, wildlife, and
5 plant health, recognizing that climate can
6 alter the distribution and ecology of
7 parasites, pathogens, and vectors;

8 (B) establish methods—

9 (i) to assess the effectiveness of strat-
10 egies and conservation actions implemented
11 by the agencies to protect, manage, and
12 conserve fish, wildlife, and plants; and

13 (ii) to update those strategies and ac-
14 tions to respond to new information and
15 changing conditions;

16 (C) describe current and proposed mecha-
17 nisms to enhance cooperation and coordination
18 of fish, wildlife, and plant adaptation efforts
19 with other Federal agencies, State and local
20 governments, Indian tribes, and nongovern-
21 mental stakeholders;

22 (D) include written guidance to resource
23 managers; and

1 (E) identify and assess data and informa-
2 tion gaps necessary to develop fish, wildlife, and
3 plant adaptation plans and strategies.

4 (3) IMPLEMENTATION.—

5 (A) IN GENERAL.—On approval by the
6 President, each Federal agency shall, consistent
7 with existing authority, implement the strategy
8 implementation plan under paragraph (1)(A)
9 through existing and new plans, policies, pro-
10 grams, activities, and actions, including integra-
11 tion into climate adaptation plans pursuant to
12 Executive Order 13653 (42 U.S.C. 4321 note;
13 relating to preparation for the impacts of cli-
14 mate change).

15 (B) CONSIDERATION OF EFFECTS.—To the
16 maximum extent practicable and consistent with
17 existing authority, fish, wildlife, and plant con-
18 servation and management decisions made by
19 each Federal agency shall consider and promote
20 resilience to the ongoing and expected effects of
21 extreme weather and climate change.

22 (4) REVISION AND REVIEW.—Not later than 1
23 year after the National Strategy is revised under
24 subsection (d)(2), the Working Group shall review
25 and revise the strategy implementation plan under

1 subsection (a)(1) to incorporate the best available
2 science, including advice and information pursuant
3 to subsection (e) and other information, regarding
4 the ongoing and expected effects of climate change
5 on fish, wildlife, and plants.

6 (g) STATE FISH, WILDLIFE, AND PLANTS ADAPTA-
7 TION PLANS.—

8 (1) REQUIREMENT.—To be eligible to receive
9 funds pursuant to paragraph (4), not later than 1
10 year after the date of enactment of this Act and not
11 later than 1 year after the date of each revision of
12 the National Strategy, each State shall prepare and
13 submit to the Secretary of the Interior and the Sec-
14 retary of Commerce, a State fish, wildlife, and plant
15 adaptation plan detailing current and future efforts
16 of the State to address the ongoing and expected ef-
17 fects of climate change on fish, wildlife, and plants
18 and coastal areas within the jurisdiction of the
19 State.

20 (2) REVIEW OR APPROVAL.—The Secretary of
21 the Interior and the Secretary of Commerce shall—

22 (A) review each State adaptation plan; and

23 (B) approve a State adaptation plan if the
24 plan—

1 (i) meets the requirements of para-
2 graph (3); and

3 (ii) is consistent with the National
4 Strategy.

5 (3) CONTENTS.—A State adaptation plan
6 shall—

7 (A) meet the requirements described in
8 subsection (f)(2);

9 (B) include the adaptation provisions of
10 any State comprehensive wildlife conservation
11 strategy (or State wildlife action plan) that has
12 been—

13 (i) submitted to the Director of the
14 United States Fish and Wildlife Service;
15 and

16 (ii) approved, or is pending approval,
17 by the Director of the United States Fish
18 and Wildlife Service;

19 (C) include the adaptation provisions of a
20 statewide assessment and strategy for forest re-
21 sources required under section 2A of the Coop-
22 erative Forestry Assistance Act of 1978 (16
23 U.S.C. 2101a) that has been—

24 (i) submitted to the Secretary of Agri-
25 culture; and

1 (ii) approved, or is pending approval,
2 by the Secretary of Agriculture; and

3 (D) include the adaptation provisions of a
4 Coastal Zone Management Plan or a Coastal
5 and Estuarine Land Conservation Program
6 Plan that has been—

7 (i) submitted to the Administrator of
8 the National Oceanic and Atmospheric Ad-
9 ministration; and

10 (ii) approved, or is pending approval,
11 by the Administrator of the National Oee-
12 anic and Atmospheric Administration.

13 (4) DISTRIBUTION OF FUNDS TO STATES.—Any
14 funds made available pursuant to this section shall
15 be—

16 (A) used to carry out activities in accord-
17 ance with adaptation plans approved under this
18 section; and

19 (B) made available through—

20 (i) the State and tribal wildlife grant
21 program under title I of division F of the
22 Consolidated Appropriations Act, 2008
23 (Public Law 110–161; 121 Stat. 2103);
24 and

1 (ii)(I) the grant program under sec-
2 tion 306 of the Coastal Zone Management
3 Act of 1972 (16 U.S.C. 1455);

4 (II) the Coastal and Estuarine Land
5 Conservation Program established under
6 title II of the Department of Commerce
7 and Related Agencies Appropriations Act,
8 2002 (16 U.S.C. 1456d); and

9 (III) programs established under the
10 Cooperative Forestry Assistance Act of
11 1978 (16 U.S.C. 2101 et seq.).

12 (5) PUBLIC INPUT.—In developing an adapta-
13 tion plan, a State shall solicit and consider input
14 from the public and independent scientists.

15 (6) COORDINATION WITH OTHER PLANS.—A
16 State adaptation plan shall, where appropriate, inte-
17 grate the goals and measures set forth in other cli-
18 mate adaptation, hazard mitigation, and fish, wild-
19 life, and plant conservation strategies and plans.

20 (7) UPDATES.—Each State adaptation plan
21 shall be updated at least every 4 years.

22 **SEC. 306. PUBLIC LANDS SERVICE CORPS.**

23 (a) AMENDMENT TO EXISTING SHORT TITLE.—Sec-
24 tion 201 of the Public Lands Corps Act of 1993 (16

1 U.S.C. 1701 note; title II of Public Law 91–378) is
2 amended to read as follows:

3 **“SEC. 201. SHORT TITLE; REFERENCES.**

4 “(a) **SHORT TITLE.**—This title may be cited as the
5 ‘Public Lands Service Corps Act of 1993’.

6 “(b) **REFERENCES.**—Any reference contained in any
7 law, regulation, document, paper, or other record of the
8 United States to the ‘Public Lands Corps Act of 1993’
9 shall be considered to be a reference to the ‘Public Lands
10 Service Corps Act of 1993’.”.

11 (b) **NAME AND PROJECT DESCRIPTION CHANGES.**—
12 The Public Lands Corps Act of 1993 (16 U.S.C. 1721
13 et seq.; title II of Public Law 91–378) is amended—

14 (1) in the title heading, by striking “**PUBLIC**
15 **LANDS CORPS**” and inserting “**PUBLIC**
16 **LANDS SERVICE CORPS**”;

17 (2) in section 204 (16 U.S.C. 1723), in the
18 heading, by striking “**PUBLIC LANDS CORPS**” and
19 inserting “**PUBLIC LANDS SERVICE CORPS**”;

20 (3) in section 210(a)(2) (16 U.S.C.
21 1729(a)(2)), in the heading, by striking “**PUBLIC**
22 **LANDS**”;

23 (4) by striking “Public Lands Corps” each
24 place it appears and inserting “Corps”;

1 (5) by striking “conservation center” each place
2 it appears and inserting “residential conservation
3 center”;

4 (6) by striking “conservation centers” each
5 place it appears and inserting “residential conserva-
6 tion centers”;

7 (7) by striking “appropriate conservation
8 project” each place it appears and inserting “appro-
9 priate natural and cultural resources conservation
10 project”; and

11 (8) by striking “appropriate conservation
12 projects” each place it appears and inserting “ap-
13 propriate natural and cultural resources conservation
14 projects”.

15 (c) FINDINGS.—Section 202(a) of the Public Lands
16 Corps Act of 1993 (16 U.S.C. 1721(a)), as amended by
17 subsection (b), is amended—

18 (1) in paragraph (1)—

19 (A) by striking “Corps can benefit” and
20 inserting “conservation corps can benefit”; and

21 (B) by striking “the natural and cultural”
22 and inserting “natural and cultural”;

23 (2) by redesignating paragraphs (2) and (3) as
24 paragraphs (4) and (5), respectively;

1 (3) by inserting after paragraph (1) the fol-
2 lowing new paragraph:

3 “(2) Participants in conservation corps receive
4 meaningful education and training, and their experi-
5 ence with conservation corps provides preparation
6 for careers in public service.

7 “(3) Young men and women who participate in
8 the rehabilitation and restoration of the natural, cul-
9 tural, historic, archaeological, recreational, and sce-
10 nic treasures of the United States will gain an in-
11 creased appreciation and understanding of the public
12 lands and heritage of the United States, and of the
13 value of public service, and are likely to become life-
14 long advocates for those values.”;

15 (4) in paragraph (4), as redesignated by para-
16 graph (2), by inserting “, cultural, historic, archae-
17 ological, recreational, and scenic” after “Many facili-
18 ties and natural”; and

19 (5) by adding at the end the following new
20 paragraph:

21 “(6) The work of conservation corps can benefit
22 communities adjacent to public lands and facilities
23 through renewed civic engagement and participation
24 by corps participants and those they serve, improved

1 student achievement, and restoration and rehabilita-
2 tion of public assets.”.

3 (d) PURPOSES.—Subsection (b) of section 202 of the
4 Public Lands Corps Act of 1993 (16 U.S.C. 1721) is
5 amended to read as follows:

6 “(b) PURPOSES.—The purposes of this Act are as fol-
7 lows:

8 “(1) To introduce young men and women to
9 public service while furthering their understanding
10 and appreciation of the natural, cultural, historic,
11 archaeological, recreational, and scenic resources of
12 the United States.

13 “(2) To facilitate training and recruitment op-
14 portunities in which service is credited as qualifying
15 experience for careers in the management of such
16 resources.

17 “(3) To instill in a new generation of young
18 men and women from across the United States, in-
19 cluding young men and women from diverse back-
20 grounds, the desire to seek careers in resource stew-
21 ardship and public service by allowing them to work
22 directly with professionals in agencies responsible for
23 the management of the natural, cultural, historic,
24 archaeological, recreational, and scenic resources of
25 the United States.

1 “(4) To perform, in a cost-effective manner, ap-
2 propriate natural and cultural resources conservation
3 projects where such projects are not being performed
4 by existing employees.

5 “(5) To assist State and local governments and
6 Indian tribes in performing research and public edu-
7 cation tasks associated with the conservation of nat-
8 ural, cultural, historic, archaeological, recreational,
9 and scenic resources.

10 “(6) To expand educational opportunities on
11 public lands and by rewarding individuals who par-
12 ticipate in conservation corps with an increased abil-
13 ity to pursue higher education and job training.

14 “(7) To promote public understanding and ap-
15 preciation of the missions and the natural and cul-
16 tural resources conservation work of the partici-
17 pating Federal agencies through training opportuni-
18 ties, community service and outreach, and other ap-
19 propriate means.

20 “(8) To create a grant program for Indian
21 tribes to establish the Indian Youth Service Corps so
22 that Indian youth can benefit from carrying out
23 projects on Indian lands that the Indian tribes and
24 communities determine to be priorities.”.

1 (e) DEFINITIONS.—Section 203 of the Public Lands
2 Corps Act of 1993 (16 U.S.C. 1722) is amended—

3 (1) by redesignating paragraphs (3) through
4 (7), (8) through (10), and (11) through (13) as
5 paragraphs (5) through (9), (11) through (13), and
6 (15) through (17), respectively;

7 (2) by striking paragraphs (1) and (2) and in-
8 serting the following new paragraphs:

9 “(1) APPROPRIATE NATURAL AND CULTURAL
10 RESOURCES CONSERVATION PROJECT.—The term
11 ‘appropriate natural and cultural resources conserva-
12 tion project’ means any project for the conservation,
13 restoration, construction, or rehabilitation of nat-
14 ural, cultural, historic, archaeological, recreational,
15 or scenic resources.

16 “(2) CONSULTING INTERN.—The term ‘con-
17 sulting intern’ means a consulting intern selected
18 under section 206(a)(2).

19 “(3) CORPS AND PUBLIC LANDS SERVICE
20 CORPS.—The terms ‘Corps’ and ‘Public Lands Serv-
21 ice Corps’ mean the Public Lands Service Corps es-
22 tablished under section 204(a).

23 “(4) CORPS PARTICIPANT.—The term ‘Corps
24 participant’ means an individual enrolled—

1 “(A) in the Corps or the Indian Youth
2 Service Corps; or

3 “(B) as a resource assistant or consulting
4 intern.”;

5 (3) by inserting after paragraph (9), as redesign-
6 nated by paragraph (1), the following new para-
7 graph:

8 “(10) INDIAN YOUTH SERVICE CORPS.—The
9 term ‘Indian Youth Service Corps’ means a qualified
10 youth or conservation corps established under sec-
11 tion 207 that—

12 “(A) enrolls individuals between the ages
13 of 15 and 25, inclusive, a majority of whom are
14 Indians; and

15 “(B) is established pursuant to a tribal
16 resolution that describes the agreement between
17 the Indian tribe and the qualified youth or con-
18 servation corps to operate an Indian Youth
19 Service Corps program for the benefit of the
20 members of the Indian tribe.”;

21 (4) by striking paragraph (12), as redesignated
22 by paragraph (1), and inserting the following new
23 paragraph:

24 “(12) PUBLIC LANDS.—The term ‘public lands’
25 means any land or water (or interest therein) owned

1 or administered by the United States, including
2 those areas of coastal and ocean waters, the Great
3 Lakes and their connecting waters, and submerged
4 lands over which the United States exercises juris-
5 diction, except that such term does not include In-
6 dian lands.”;

7 (5) in paragraph (13), as redesignated by para-
8 graph (1)—

9 (A) in subparagraph (A)—

10 (i) by striking “full-time,”;

11 (ii) by inserting “on eligible service
12 lands” after “resource setting”; and

13 (iii) by striking “16” and inserting
14 “15”;

15 (B) in subparagraph (B), by striking
16 “and” at the end;

17 (C) in subparagraph (C), by striking the
18 period at the end and inserting “; and”; and

19 (D) by adding at the end the following new
20 subparagraph:

21 “(D) makes available for audit for each fis-
22 cal year for which the qualified youth or con-
23 servation corps receives Federal funds under
24 this Act, all information pertaining to the ex-

1 penditure of the funds, any matching funds,
2 and participant demographics.”;

3 (6) by inserting after paragraph (13), as redesi-
4 gnated by paragraph (1) and amended by para-
5 graph (5), the following new paragraph:

6 “(14) RESIDENTIAL CONSERVATION CEN-
7 TERS.—The term ‘residential conservation centers’
8 means the facilities authorized under section 205.”;

9 (7) in paragraph (15), as redesignated by para-
10 graph (1), by striking “206” and inserting
11 “206(a)(1)”;

12 (8) in paragraph (16), as redesignated by para-
13 graph (1)—

14 (A) in subparagraph (A), by striking
15 “and” at the end;

16 (B) in subparagraph (B), by striking the
17 period at the end and inserting “; and”;

18 (C) by adding at the end the following new
19 subparagraph:

20 “(C) with respect to the National Marine
21 Sanctuary System, coral reefs, and other coast-
22 al, estuarine, and marine habitats, and other
23 lands and facilities administered by the Na-
24 tional Oceanic and Atmospheric Administration,
25 the Secretary of Commerce.”.

1 (f) PUBLIC LANDS SERVICE CORPS PROGRAM.—Sec-
2 tion 204 of the Public Lands Corps Act of 1993 (16
3 U.S.C. 1723), as amended by subsection (b), is amend-
4 ed—

5 (1) by redesignating subsections (c), (d), (e),
6 and (f) as subsections (d), (f), (g), and (h), respec-
7 tively;

8 (2) by striking subsections (a) and (b) and in-
9 serting the following new subsections:

10 “(a) ESTABLISHMENT OF PUBLIC LANDS SERVICE
11 CORPS.—There is established in the Department of the
12 Interior, the Department of Agriculture, and the Depart-
13 ment of Commerce a Public Lands Service Corps.

14 “(b) ESTABLISHMENT OF CORPS OFFICE; COORDI-
15 NATORS; LIAISON.—

16 “(1) ESTABLISHMENT OF OFFICES.—

17 “(A) DEPARTMENT OF THE INTERIOR.—
18 The Secretary of the Interior shall establish a
19 department-level office to coordinate the Corps
20 activities within the Department of the Interior.

21 “(B) DEPARTMENT OF AGRICULTURE.—
22 The Secretary of Agriculture shall establish
23 within the Forest Service an office to coordinate
24 the Corps activities within that agency.

1 “(C) DEPARTMENT OF COMMERCE.—The
2 Secretary of Commerce shall establish within
3 the National Oceanic and Atmospheric Admin-
4 istration an office to coordinate the Corps ac-
5 tivities within that agency.

6 “(2) ESTABLISHMENT OF COORDINATORS.—
7 The Secretary shall designate a Public Lands Serv-
8 ice Corps coordinator for each agency under the ju-
9 risdiction of the Secretary that administers Corps
10 activities.

11 “(3) ESTABLISHMENT OF LIAISON.—The Sec-
12 retary of the Interior shall establish an Indian Youth
13 Service Corps liaison that will—

14 “(A) provide outreach to Indian tribes
15 about opportunities for establishing Corps and
16 Indian Youth Service Corps programs; and

17 “(B) coordinate with the Tribal Liaison of
18 the Corporation for National Service to identify
19 and establish Corps and Indian Youth Service
20 Corps opportunities for Indian youth.

21 “(c) PARTICIPANTS.—

22 “(1) IN GENERAL.—The Secretary may enroll
23 in the Corps individuals who are—

1 “(A) hired by an agency under the juris-
2 diction of the Secretary to perform work au-
3 thorized under this Act; or

4 “(B) members of a qualified youth or con-
5 servation corps with which the Secretary has
6 entered into a cooperative agreement to perform
7 work authorized under this Act.

8 “(2) RESOURCE ASSISTANTS AND CONSULTING
9 INTERNS.—The Secretary may also enroll in the
10 Corps resource assistants and consulting interns in
11 accordance with section 206(a).

12 “(3) ELIGIBILITY REQUIREMENTS.—To be eligi-
13 ble for enrollment as a Corps participant, an indi-
14 vidual shall—

15 “(A)(i) be between the ages of 15 and 25,
16 inclusive; or

17 “(ii) in the case of a military veteran, be
18 not older than 35; and

19 “(B) satisfy the requirements of section
20 137(a)(5) of the National and Community Serv-
21 ice Act of 1990 (42 U.S.C. 12591(a)(5)).

22 “(4) TERMS.—Each Corps participant may be
23 enrolled in the Corps for a term of up to 2 years of
24 service, which may be served over a period that ex-
25 ceeds 2 calendar years.

1 “(5) CIVIL SERVICE.—An individual may be en-
2 rolled as a Corps participant without regard to the
3 civil service and classification laws, rules, or regula-
4 tions of the United States.

5 “(6) PREFERENCE.—The Secretary may estab-
6 lish a preference for the enrollment as Corps partici-
7 pants individuals who are economically, physically,
8 or educationally disadvantaged.

9 “(7) LOCAL PREFERENCE.—The Secretary may
10 establish a preference for enrollment of Corps par-
11 ticipants who are individuals who live in that State
12 or region.”;

13 (3) in subsection (d), as redesignated by para-
14 graph (1)—

15 (A) in paragraph (1)—

16 (i) by striking “contracts and”; and

17 (ii) by striking “subsection (d)” and
18 inserting “subsection (f)”; and

19 (B) by striking paragraph (2) and insert-
20 ing the following new paragraphs:

21 “(2) RECRUITMENT.—The Secretary shall carry
22 out, or enter into cooperative agreements to provide,
23 a program to attract eligible youth to the Corps by
24 publicizing Corps opportunities through high schools,

1 colleges, employment centers, electronic media, and
2 other appropriate institutions and means.

3 “(3) PREFERENCE.—In entering into coopera-
4 tive agreements under paragraph (1) or awarding
5 competitive grants to Indian tribes or tribally au-
6 thorized organizations under section 207, the Sec-
7 retary may give preference to qualified youth or con-
8 servation corps that are located in specific areas
9 where a substantial portion of members are economi-
10 cally, physically, or educationally disadvantaged.”;

11 (4) by inserting after subsection (d), as redesign-
12 nated by paragraph (1), the following new sub-
13 section:

14 “(e) TRAINING.—For purposes of training, the Sec-
15 retary shall take into account training already received by
16 Corps participants enrolled from qualified youth or con-
17 servation corps.”;

18 (5) in subsection (f), as redesignated by para-
19 graph (1)—

20 (A) in paragraph (1)—

21 (i) in the heading, by striking “IN
22 GENERAL.—” and inserting “USE OF
23 CORPS; PROJECTS.—”;

24 (ii) by striking “The Secretary may
25 utilize the Corps or any qualified youth or

1 conservation corps to carry out” and in-
2 serting the following:

3 “(A) IN GENERAL.—The Secretary may
4 use the Corps to carry out, with appropriate su-
5 pervision and training,”;

6 (iii) by striking “on public lands” and
7 inserting on “on eligible service lands”;
8 and

9 (iv) by adding at the end the following
10 new subparagraph:

11 “(B) PROJECTS.—Appropriate natural and
12 cultural resources conservation projects carried
13 out under this section may include—

14 “(i) protecting, restoring, or enhance-
15 ing ecosystem components to promote spe-
16 cies recovery, improve biological diversity,
17 enhance productivity and carbon sequestra-
18 tion, and enhance adaptability and resil-
19 ience of eligible service lands and resources
20 to climate change and other natural and
21 human disturbances;

22 “(ii) promoting the health of eligible
23 service lands, including—

24 “(I) protecting and restoring wa-
25 tersheds and forest, grassland, ripar-

1 ian, estuarine, marine, or other habi-
2 tat;

3 “(II) reducing the risk of
4 uncharacteristically severe wildfire
5 and mitigating damage from insects,
6 disease, and disasters;

7 “(III) controlling erosion;

8 “(IV) controlling and removing
9 invasive, noxious, or nonnative spe-
10 cies; and

11 “(V) restoring native species;

12 “(iii) collecting biological, archae-
13 ological, and other scientific data, includ-
14 ing climatological information, species pop-
15 ulations and movement, habitat status, and
16 other information;

17 “(iv) assisting in historical and cul-
18 tural research, museum curatorial work,
19 oral history projects, documentary photog-
20 raphy, and activities that support the cre-
21 ation of public works of art related to eligi-
22 ble service lands; and

23 “(v) constructing, repairing, rehabili-
24 tating, and maintaining roads, trails,
25 campgrounds and other visitor facilities,

1 employee housing, cultural and historic
2 sites and structures, and other facilities
3 that further the purposes of this Act.”;

4 (B) by redesignating paragraphs (2) and
5 (3) as paragraphs (4) and (5), respectively; and

6 (C) by inserting after paragraph (1) the
7 following new paragraphs:

8 “(2) VISITOR SERVICES.—The Secretary may—

9 “(A) enter into or amend an existing coop-
10 erative agreement with a cooperating associa-
11 tion, educational institution, friends group, or
12 similar nonprofit partner organization for the
13 purpose of providing training and work experi-
14 ence to Corps participants in areas such as
15 sales, office work, accounting, and management,
16 provided that the work experience directly re-
17 lates to the conservation and management of el-
18 igible service lands; and

19 “(B) allow Corps participants to help pro-
20 mote visitor safety and enjoyment of eligible
21 service lands, and assist in the gathering of vis-
22 itor use data.

23 “(3) INTERPRETATION.—The Secretary may
24 permit Corps participants to provide interpretation

1 or education services for the public under the direct
2 and immediate supervision of an agency employee—

3 “(A) to provide orientation and informa-
4 tion services to visitors;

5 “(B) to assist agency employees in the de-
6 livery of interpretive or educational programs
7 where audience size, environmental conditions,
8 safety, or other factors make such assistance
9 desirable;

10 “(C) to present programs that relate the
11 personal experience of the Corps participants
12 for the purpose of promoting public awareness
13 of the Corps, the role of the Corps in public
14 land management agencies, and the availability
15 of the Corps to potential participants; and

16 “(D) to create nonpersonal interpretive
17 products, such as website content, Junior Rang-
18 er program books, printed handouts, and audio-
19 visual programs.”;

20 (6) in subsection (g), as redesignated by para-
21 graph (1)—

22 (A) in the matter preceding paragraph (1),
23 by striking “those projects which” and inserting
24 “priority projects and other projects that”; and

1 (B) by striking paragraph (2) and insert-
2 ing the following new paragraph:

3 “(2) will instill in Corps participants a work
4 ethic and a sense of public service;” and

5 (7) by adding at the end the following new sub-
6 sections:

7 “(i) OTHER PARTICIPANTS.—The Secretary may
8 allow volunteers from other programs administered or des-
9 ignated by the Secretary to participate as volunteers in
10 projects carried out under this section.

11 “(j) CRIMINAL HISTORY CHECKS.—

12 “(1) IN GENERAL.—The requirements of sec-
13 tion 189D(b) of the National and Community Serv-
14 ice Act of 1990 (42 U.S.C. 12645g(b)) shall apply
15 to each individual age 18 or older seeking—

16 “(A) to become a Corps participant;

17 “(B) to receive funds authorized under this
18 Act; or

19 “(C) to supervise or otherwise have regular
20 contact with Corps participants in activities au-
21 thorized under this Act.

22 “(2) ELIGIBILITY PROHIBITION.—If any of
23 paragraphs (1) through (4) of section 189D(c) of
24 the National and Community Service Act of 1990
25 (42 U.S.C. 12645g(c)) apply to an individual de-

1 scribed in paragraph (1), that individual shall not be
2 eligible for the position or activity described in para-
3 graph (1), unless the Secretary provides an exemp-
4 tion for good cause.”.

5 (g) RESIDENTIAL CONSERVATION CENTERS AND
6 PROGRAM SUPPORT.—Section 205 of the Public Lands
7 Corps Act of 1993 (16 U.S.C. 1724) is amended—

8 (1) in subsection (b)—

9 (A) by striking “The Secretary” and in-
10 sserting the following:

11 “(1) IN GENERAL.—The Secretary”; and

12 (B) by adding at the end the following new
13 paragraphs:

14 “(2) TEMPORARY HOUSING.—The Secretary
15 may make arrangements with another Federal agen-
16 cy, State, local government, or private organization
17 to provide temporary housing for Corps participants
18 as needed and available.

19 “(3) TRANSPORTATION.—In project areas
20 where Corps participants reside at their own homes,
21 the Secretary may provide transportation to and
22 from project sites.”;

23 (2) by redesignating subsection (d) as sub-
24 section (e);

1 (3) by inserting after subsection (c) the fol-
2 lowing new subsection:

3 “(d) MENTORS.—The Secretary may recruit from
4 programs, such as Federal volunteer and encore service
5 programs, and from veterans groups, military retirees, and
6 active duty personnel, such adults as may be suitable and
7 qualified to provide training, mentoring, and crew-leading
8 services to Corps participants.”; and

9 (4) in subsection (e), as redesignated by para-
10 graph (2), by striking “that are appropriate” and all
11 that follows through the period and inserting “that
12 the Secretary determines to be necessary for a resi-
13 dential conservation center.”.

14 (h) RESOURCE ASSISTANTS AND CONSULTING IN-
15 TERNS.—Section 206 of the Public Lands Corps Act of
16 1993 (16 U.S.C. 1725) is amended—

17 (1) in the section heading, by inserting “**AND**
18 **CONSULTING INTERNS**” before the period; and

19 (2) by striking subsections (a) and (b) and in-
20 serting the following new subsections:

21 “(a) AUTHORIZATION.—

22 “(1) RESOURCE ASSISTANTS.—

23 “(A) IN GENERAL.—The Secretary may
24 provide individual placements of resource assist-
25 ants with any agency under the jurisdiction of

1 the Secretary that carries out appropriate nat-
2 ural and cultural resources conservation
3 projects to carry out research or resource pro-
4 tection activities on behalf of the agency.

5 “(B) ELIGIBILITY.—To be eligible for se-
6 lection as a resource assistant, an individual
7 shall be at least 17 years of age.

8 “(C) PREFERENCE.—In selecting resource
9 assistants for placement under this paragraph,
10 the Secretary shall give a preference to individ-
11 uals who are enrolled in an institution of higher
12 education or are recent graduates from an insti-
13 tution of higher education, with particular at-
14 tention given to ensuring full representation of
15 women and participants from Historically Black
16 Colleges and Universities, Hispanic-serving in-
17 stitutions, and Tribal Colleges and Universities.

18 “(2) CONSULTING INTERNS.—

19 “(A) IN GENERAL.—The Secretary may
20 provide individual placements of consulting in-
21 terns with any agency under the jurisdiction of
22 the Secretary that carries out appropriate nat-
23 ural and cultural resources conservation
24 projects to carry out management analysis ac-
25 tivities on behalf of the agency.

1 “(B) ELIGIBILITY.—To be eligible for se-
2 lection as a consulting intern, an individual
3 shall be enrolled in, and have completed at least
4 1 full year at, a graduate or professional school
5 that has been accredited by an accrediting body
6 recognized by the Secretary of Education.

7 “(b) USE OF EXISTING NONPROFIT ORGANIZA-
8 TIONS.—

9 “(1) IN GENERAL.—Whenever one or more non-
10 profit organizations can provide appropriate recruit-
11 ment and placement services to fulfill the require-
12 ments of this section, the Secretary may implement
13 this section through such organizations.

14 “(2) EXPENSES.—Participating organizations
15 shall contribute to the expenses of providing and
16 supporting the resource assistants or consulting in-
17 terns from sources of funding other than the Sec-
18 retary, at a level of not less than 25 percent of the
19 total costs (15 percent of which may be from in-kind
20 sources) of each participant in the resource assistant
21 or consulting intern program who has been recruited
22 and placed through that organization.

23 “(3) REPORTING.—Each participating organi-
24 zation shall be required to submit an annual report
25 evaluating the scope, size, and quality of the pro-

1 gram, including the value of work contributed by the
2 resource assistants and consulting interns, to the
3 mission of the agency.”.

4 (i) INCLUSION OF INDIAN YOUTH SERVICE CORPS
5 AND ISSUANCE OF GUIDANCE.—The Public Lands Corps
6 Act of 1993 is amended—

7 (1) by redesignating sections 207 through 211
8 (16 U.S.C. 1726 through 1730) as sections 209
9 through 213, respectively; and

10 (2) by inserting after section 206 (16 U.S.C.
11 1725) the following new sections:

12 **“SEC. 207. INDIAN YOUTH SERVICE CORPS.**

13 “(a) AUTHORIZATION OF COOPERATIVE AGREE-
14 MENTS AND COMPETITIVE GRANTS.—The Secretary is au-
15 thorized to enter into cooperative agreements with, or
16 make competitive grants to, Indian tribes and qualified
17 youth or conservation corps for the establishment and ad-
18 ministration of Indian Youth Service Corps programs to
19 carry out appropriate natural and cultural resources con-
20 servation projects on Indian lands.

21 “(b) APPLICATION.—To be eligible to receive assist-
22 ance under this section, an Indian tribe or a qualified
23 youth or conservation corps shall submit to the Secretary
24 an application in such manner and containing such infor-
25 mation as the Secretary may require, including—

1 “(1) a description of the methods by which In-
2 dian youth will be recruited for and retained in the
3 Indian Youth Service Corps;

4 “(2) a description of the projects to be carried
5 out by the Indian Youth Service Corps;

6 “(3) a description of how the projects were
7 identified; and

8 “(4) an explanation of the impact of, and the
9 direct community benefits provided by, the proposed
10 projects.

11 **“SEC. 208. GUIDANCE.**

12 “Not later than 18 months after funds are made
13 available to the Secretary to carry out this Act, the Sec-
14 retary shall issue guidelines for the management of pro-
15 grams under the jurisdiction of the Secretary that are au-
16 thorized under this Act.”.

17 (j) **LIVING ALLOWANCES AND TERMS OF SERVICE.**—
18 Section 209 of the Public Lands Corps Act of 1993 (16
19 U.S.C. 1726), as redesignated by subsection (i), is amend-
20 ed by striking subsections (a), (b), and (c) and inserting
21 the following new subsections:

22 “(a) **LIVING ALLOWANCES.**—

23 “(1) **IN GENERAL.**—The Secretary shall provide
24 each Corps participant with a living allowance in an
25 amount established by the Secretary.

1 “(2) TRAVEL COSTS.—The Secretary may reim-
2 burse Corps participants for travel costs at the be-
3 ginning and end of the term of service of the Corps
4 participants.

5 “(b) TERMS OF SERVICE.—

6 “(1) IN GENERAL.—Each Corps participant
7 shall agree to participate for such term of service as
8 may be established by the Secretary.

9 “(2) CONSULTATIONS.—With respect to the In-
10 dian Youth Service Corps, the term of service shall
11 be established in consultation with the affected In-
12 dian tribe or tribally authorized organization.

13 “(c) HIRING PREFERENCE AND FUTURE EMPLOY-
14 MENT.—The Secretary may—

15 “(1) grant to a Corps participant credit for
16 time served as a Corps participant, which may be
17 used toward future Federal hiring;

18 “(2) provide to a former participant of the
19 Corps or the Indian Youth Service Corps non-
20 competitive hiring status for a period of not more
21 than 2 years after the date on which the service of
22 the candidate in the Corps or the Indian Youth
23 Service Corps was complete, if the candidate—

24 “(A) has served a minimum of 960 hours
25 on an appropriate natural or cultural resources

1 conservation project that included at least 120
2 hours through the Corps or the Indian Youth
3 Service Corps; and

4 “(B) meets Office of Personnel Manage-
5 ment qualification standards for the position for
6 which the candidate is applying;

7 “(3) provide to a former resource assistant or
8 consulting intern noncompetitive hiring status for a
9 period of not more than 2 years after the date on
10 which the individual has completed an under-
11 graduate or graduate degree, respectively, from an
12 accredited institution, if the candidate—

13 “(A) successfully fulfilled the resource as-
14 sistant or consulting intern program require-
15 ments; and

16 “(B) meets Office of Personnel Manage-
17 ment qualification standards for the position for
18 which the candidate is applying; and

19 “(4) provide, or enter into contracts or coopera-
20 tive agreements with qualified employment agencies
21 to provide, alumni services such as job and edu-
22 cation counseling, referrals, verification of service,
23 communications, and other appropriate services to
24 Corps participants who have completed the term of
25 service.”.

1 (k) NATIONAL SERVICE EDUCATIONAL AWARDS.—
2 Section 210 of the Public Lands Corps Act of 1993 (16
3 U.S.C. 1727), as redesignated by subsection (i) and
4 amended by subsection (b), is amended—

5 (1) in subsection (a), in the first sentence—

6 (A) by striking “participant in the Corps
7 or a resource assistant” and inserting “Corps
8 participant”; and

9 (B) by striking “participant or resource as-
10 sistant” and inserting “Corps participant”; and

11 (2) in subsection (b)—

12 (A) by striking “either participants in the
13 Corps or resource assistants” and inserting
14 “Corps participants”; and

15 (B) by striking “or a resource assistant”.

16 (l) NONDISPLACEMENT.—Section 211 of the Public
17 Lands Corps Act of 1993 (16 U.S.C. 1728), as redesign-
18 nated by subsection (i), is amended by striking “activities
19 carried out” and all that follows through the period and
20 inserting “Corps participants.”.

21 (m) FUNDING.—Section 212 of the Public Lands
22 Corps Act of 1993 (16 U.S.C. 1729), as redesignated by
23 subsection (i), is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) in the second sentence, by striking
2 “nonfederal sources” and inserting
3 “sources other than the Secretary”; and

4 (ii) by inserting after the second sen-
5 tence the following: “The Secretary may
6 pay up to 90 percent of the costs of a
7 project if the Secretary determines that the
8 reduction is necessary to enable partici-
9 tion from a greater range of organizations
10 or individuals.”; and

11 (B) in paragraph (2), by inserting “or In-
12 dian Youth Service Corps” after “Corps” each
13 place it appears;

14 (2) by striking subsection (b) and inserting the
15 following new subsection:

16 “(b) FUNDS AVAILABLE UNDER NATIONAL AND
17 COMMUNITY SERVICE ACT.—To carry out this title, the
18 Secretary shall be eligible to apply for and receive assist-
19 ance under section 121(b) of the National and Community
20 Service Act (42 U.S.C. 12571(b)).”; and

21 (3) in subsection (c)—

22 (A) by striking “section 211” and insert-
23 ing “section 213”; and

24 (B) by inserting “or Indian Youth Service
25 Corps” after “Corps”.

1 (n) AUTHORIZATION OF APPROPRIATIONS.—Section
2 213 of the Public Lands Corps Act of 1993 (16 U.S.C.
3 1730), as redesignated by subsection (i), is amended—

4 (1) in subsection (a), by striking “year” and all
5 that follows through the period and inserting
6 “year.”;

7 (2) by striking subsection (b); and

8 (3) by redesignating subsection (c) as sub-
9 section (b).

10 **SEC. 307. COASTAL STATE CLIMATE CHANGE PLANNING.**

11 (a) IN GENERAL.—The Coastal Zone Management
12 Act of 1972 (16 U.S.C. 1451 et seq.) is amended by add-
13 ing at the end the following:

14 “CLIMATE CHANGE ADAPTATION PLANNING

15 “SEC. 320. (a) IN GENERAL.—The Secretary shall
16 establish consistent with the national policies set forth in
17 section 303 a coastal climate change adaptation planning
18 and response program to—

19 “(1) provide assistance to coastal states to vol-
20 untarily develop coastal climate change adaptation
21 plans pursuant to approved management programs
22 approved under section 306, to minimize contribu-
23 tions to climate change and to prepare for and re-
24 duce the negative consequences that may result from
25 climate change in the coastal zone; and

1 “(2) provide financial and technical assistance
2 and training to enable coastal states to implement
3 plans developed pursuant to this section through
4 coastal states’ enforceable policies.

5 “(b) GUIDELINES.—Within 180 days after the date
6 of enactment of this section, the Secretary, in consultation
7 with the coastal states, shall issue guidelines for the imple-
8 mentation of the grant program established under sub-
9 section (c).

10 “(c) CLIMATE CHANGE ADAPTATION PLANNING
11 GRANTS.—

12 “(1) IN GENERAL.—The Secretary, subject to
13 the availability of appropriations, may make a grant
14 to any coastal state for the purpose of developing cli-
15 mate change adaptation plans pursuant to guidelines
16 issued by the Secretary under subsection (b).

17 “(2) PLAN CONTENT.—A plan developed with a
18 grant under this section shall include the following:

19 “(A) Identification of public facilities and
20 public services, working waterfronts, coastal re-
21 sources of national significance, coastal waters,
22 energy facilities, or other land and water uses
23 located in the coastal zone that are likely to be
24 impacted by climate change.

1 “(B) Adaptive management strategies for
2 land use to respond or adapt to changing envi-
3 ronmental conditions, including strategies to
4 protect biodiversity, protect water quality, and
5 establish habitat buffer zones, migration cor-
6 ridors, and climate refugia.

7 “(C) Requirements to initiate and main-
8 tain long-term monitoring of environmental
9 change to assess coastal zone adaptation and to
10 adjust when necessary adaptive management
11 strategies and new planning guidelines to attain
12 the policies under section 303.

13 “(D) Other information considered nec-
14 essary by the Secretary to identify the full
15 range of climate change impacts affecting coast-
16 al communities.

17 “(3) STATE HAZARD MITIGATION PLANS.—
18 Plans developed with a grant under this section shall
19 be consistent with State hazard mitigation plans and
20 natural disaster response and recovery programs de-
21 veloped under State or Federal law.

22 “(4) ALLOCATION.—Grants under this section
23 shall be available only to coastal states with manage-
24 ment programs approved by the Secretary under sec-
25 tion 306 and shall be allocated among such coastal

1 states in a manner consistent with regulations pro-
2 mulgated pursuant to section 306(c).

3 “(5) PRIORITY.—In the awarding of grants
4 under this subsection the Secretary may give priority
5 to any coastal state that has received grant funding
6 to develop program changes pursuant to paragraphs
7 (1), (2), (3), (5), (6), (7), and (8) of section 309(a).

8 “(6) TECHNICAL ASSISTANCE.—The Secretary
9 may provide technical assistance to a coastal state
10 consistent with section 310 to ensure the timely de-
11 velopment of plans supported by grants awarded
12 under this subsection.

13 “(7) FEDERAL APPROVAL.—In order to be eligi-
14 ble for a grant under subsection (d), a coastal state
15 must have its plan developed under this section ap-
16 proved by the Secretary.

17 “(d) COASTAL ADAPTATION PROJECT GRANTS.—

18 “(1) IN GENERAL.—The Secretary, subject to
19 the availability of appropriations, may make grants
20 to any coastal state that has a climate change adap-
21 tation plan approved under subsection (c)(7), in
22 order to support projects that implement strategies
23 contained within such plans.

24 “(2) PROGRAM REQUIREMENTS.—The Sec-
25 retary within 90 days after approval of the first plan

1 approved under subsection (c)(7), shall publish in
2 the Federal Register requirements regarding appli-
3 cations, allocations, eligible activities, and all terms
4 and conditions for grants awarded under this sub-
5 section. No less than 30 percent, and no more than
6 50 percent, of the funds appropriated in any fiscal
7 year for grants under this subsection shall be award-
8 ed through a merit-based competitive process.

9 “(3) ELIGIBLE ACTIVITIES.—The Secretary
10 may award grants to coastal states to implement
11 projects in the coastal zone to address stress factors
12 in order to improve coastal climate change adapta-
13 tion, including the following:

14 “(A) Activities to address physical disturb-
15 ances within the coastal zone, especially activi-
16 ties related to public facilities and public serv-
17 ices, tourism, sedimentation, ocean acidification,
18 and other factors negatively impacting coastal
19 waters, and fisheries-associated habitat destruc-
20 tion or alteration.

21 “(B) Monitoring, control, or eradication of
22 disease organisms and invasive species.

23 “(C) Activities to address the loss, deg-
24 radation, or fragmentation of wildlife habitat
25 through projects to establish or protect marine

1 and terrestrial habitat buffers, wildlife refugia,
2 other wildlife refuges, or networks thereof, pres-
3 ervation of migratory wildlife corridors and
4 other transition zones, and restoration of fish
5 and wildlife habitat.

6 “(D) Implementation of projects to reduce,
7 mitigate, or otherwise address likely impacts
8 caused by natural hazards in the coastal zone,
9 including sea level rise, coastal inundation,
10 coastal erosion and subsidence, severe weather
11 events such as cyclonic storms, tsunamis and
12 other seismic threats, and fluctuating Great
13 Lakes water levels.

14 “(E) Provide technical training and assist-
15 ance to local coastal policy makers to increase
16 awareness of science, management, and tech-
17 nology information related to climate change
18 and adaptation strategies.

19 “(4) PROMOTION AND USE OF NATIONAL ESTU-
20 ARINE RESEARCH RESERVES.—The Secretary shall
21 promote and encourage the use of National Estua-
22 rine Research Reserves as sites for pilot or dem-
23 onstration projects carried out with grants awarded
24 under this section.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 318(a) of the Coastal Zone Management Act of 1972 (16
3 U.S.C. 1464) is further amended by striking “and” after
4 the semicolon at the end of paragraph (1), by striking the
5 period at the end of paragraph (2) and inserting “; and”,
6 and by adding at the end the following:

7 “(3) for grants under subsections (c) and (d) of
8 section 320, such sums as are necessary.”.

9 (c) INTENT OF CONGRESS.—Nothing in this section
10 shall be construed to require any coastal state to amend
11 or modify its approved management program pursuant to
12 section 306(e) of the Coastal Zone Management Act of
13 1972 (16 U.S.C. 1455(e)), or to extend the enforceable
14 policies of a coastal state beyond the coastal zone as iden-
15 tified in the coastal state’s approved management pro-
16 gram.

17 **TITLE IV—ONSHORE OIL AND** 18 **GAS REFORM**

19 **Subtitle A—Leasing Reforms**

20 **SEC. 401. LEASING PROCESS.**

21 (a) ONSHORE OIL AND GAS LEASING.—Section 17(a)
22 of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended
23 to read as follows:

24 “(a) LEASING AUTHORITY.—

1 “(1) IN GENERAL.—All lands subject to disposi-
2 tion under this Act that are known or believed to
3 contain oil or gas deposits may be leased by the Sec-
4 retary.

5 “(2) RECEIPT OF FAIR MARKET VALUE.—Leas-
6 ing activities under this Act shall be conducted to
7 assure receipt of fair market value for the lands and
8 resources leased and the rights conveyed by the Fed-
9 eral Government.”.

10 (b) COMPETITIVE BIDDING.—Section 17(b)(1)(A) of
11 the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), as
12 amended by this Act, is further amended by—

13 (1) striking so much as precedes “A lease shall
14 be conditioned” and inserting “All lands to be leased
15 shall be leased as provided in this paragraph to the
16 highest responsible qualified bidder by competitive
17 bidding under general regulations in units of not
18 more than 2,560 acres, except in Alaska, where
19 units shall be not more than 5,760 acres. Such units
20 shall be as nearly compact as possible. Lease sales
21 shall be conducted by sealed bid. Lease sales shall
22 be held for each State in which there are lands eligi-
23 ble for leasing no more than 3 times each year, and
24 on a rotating basis such that the lands under the re-
25 sponsibility of any Bureau of Land Management

1 field office are available for leasing no more than
2 one time each year.”;

3 (2) striking “The Secretary shall accept” and
4 all that follows through “for the first lease year.”
5 and inserting “The Secretary may issue a lease to
6 the responsible qualified bidder with the highest bid
7 that is equal to or greater than the national min-
8 imum acceptable bid. The Secretary shall decide
9 whether to accept a bid and issue a lease within 90
10 days following payment by the successful bidder of
11 the remainder of the bonus bid, if any, and the an-
12 nual rental for the first lease year.”; and

13 (3) striking the last sentence.

14 (c) MINIMUM BID.—Subparagraph (B) of section
15 17(b)(1) of the Mineral Leasing Act (30 U.S.C.
16 226(b)(1)), as amended by this Act, is further amended
17 by striking “Thereafter” and all that follows through the
18 end of the subparagraph and inserting “The Secretary
19 may establish a higher minimum acceptable bid if the Sec-
20 retary finds that such a higher amount is necessary (i)
21 to enhance financial returns to the United States; and (ii)
22 to promote more efficient management of oil and gas re-
23 sources on Federal lands. The Secretary may reject a bid
24 above the national minimum acceptable bid if, after eval-
25 uation of the value of the lands proposed for lease, the

1 Secretary determines that the bid amount does not ensure
2 that fair market value is obtained for the lease. The pro-
3 posal or promulgation of any regulation to establish a
4 higher minimum acceptable bid shall not be considered a
5 major Federal action that is subject to the requirements
6 of section 102(2)(C) of the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4332(2)(C)).”.

8 (d) RENTALS.—Section 17(d) of the Mineral Leasing
9 Act (30 U.S.C. 226(d)), as amended by this Act, is further
10 amended by—

11 (1) striking so much as precedes “shall be con-
12 ditioned” and inserting the following:

13 “(d) During the 2-year period beginning on the date
14 of the enactment of the Sustainable Energy Development
15 Reform Act, all leases issued under this section”; and

16 (2) inserting before “A minimum royalty” the
17 following: “After the end of such 2-year period, the
18 Secretary may establish higher rental rates for all
19 subsequent years, if the Secretary finds that such
20 action is necessary to enhance financial returns to
21 the United States and promote more efficient man-
22 agement of oil and gas and alternative energy re-
23 sources on Federal lands.”.

1 (e) ELIMINATION OF NONCOMPETITIVE LEASING.—
2 The Mineral Leasing Act, as amended by this Act, is fur-
3 ther amended—

4 (1) in section 17(b) (30 U.S.C. 226(b)), by
5 striking paragraph (3);

6 (2) by amending section 17(c) (30 U.S.C.
7 226(c)) to read as follows:

8 “(c) Lands made available for leasing under sub-
9 section (b)(1) but for which no bids are received, or for
10 which the highest bid was less than the national minimum
11 acceptable bid, or for which the highest bid was deter-
12 mined to be below fair market value, may thereafter be
13 made available for leasing only in accordance with sub-
14 section (b)(1).”;

15 (3) in section 17(e) (30 U.S.C. 226(e))—

16 (A) by striking “Competitive and non-
17 competitive leases” and inserting “Leases”; and

18 (B) by striking “competitive”;

19 (4) in section 31(d)(1) (30 U.S.C. 188(d)(1))
20 by striking “or section 17(e)”;

21 (5) in section 31(e) (30 U.S.C. 188(e))—

22 (A) in paragraph (2) by striking “, or the
23 inclusion” and all that follows and inserting a
24 semicolon; and

1 (B) in paragraph (3) by striking “(A)”
2 and by striking subparagraph (B);

3 (6) by striking section 31(f) (30 U.S.C. 188(f));

4 and

5 (7) in section 31(g) (30 U.S.C. 188(g))—

6 (A) in paragraph (1) by striking “as a
7 competitive” and all that follows through the
8 period and inserting “in the same manner as
9 the original lease issued pursuant to section
10 17.”;

11 (B) by striking paragraph (2) and redesignig-
12 nating paragraphs (3) and (4) as paragraphs
13 (2) and (3), respectively; and

14 (C) in paragraph (2), as so redesignated,
15 by striking “, applicable to leases issued under
16 subsection 17(e) of this Act (30 U.S.C. 226(e))
17 except,” and inserting “, except”.

18 (f) LEASE TERM.—Section 17(e) of the Mineral
19 Leasing Act (30 U.S.C. 226(e)) is amended—

20 (1) by striking “10 years” and inserting “5
21 years”; and

22 (2) by striking “ten years” and inserting “5
23 years”.

24 (g) OTHER LEASING REQUIREMENTS.—Section
25 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)), as

1 amended by section 104 of this Act, is further amended
2 by adding at the end the following:

3 “(7) LIMITATION.—The Secretary shall not
4 issue a lease or approve the assignment of any lease
5 to any person, or to any subsidiary or affiliate of
6 such person or any other person controlled by or
7 under common control with such person, unless such
8 person has the demonstrated capability to explore
9 and produce oil and gas under the lease.

10 “(8) PROTECTION OF LEASED LANDS FOR
11 OTHER USES.—Each lease under this section shall
12 include such terms as are necessary to preserve the
13 Federal Government’s flexibility to control or pro-
14 hibit activities that pose serious and unacceptable
15 impacts to the value of the leased lands for uses
16 other than production of oil and gas.”.

17 **SEC. 402. TRANSPARENCY AND LANDOWNER PROTECTIONS.**

18 (a) DISCLOSURE OF IDENTITIES FILING DISCLO-
19 SURES OF INTEREST AND BIDS.—Section 17(b) of the
20 Mineral Leasing Act (30 U.S.C. 226(b)), as amended by
21 this Act, is further amended by adding at the end the fol-
22 lowing:

23 “(3) The Secretary—

24 “(A) shall require that each expression of
25 interest to bid for a lease under this section and

1 each bid for a lease under this section shall in-
2 clude the name of the person for whom such ex-
3 pression of interest or bid is submitted; and

4 “(B) shall promptly publish each such
5 name.”.

6 (b) NOTICE REQUIREMENTS.—Section 17(f) of the
7 Mineral Leasing Act (30 U.S.C. 226(f)) is amended by
8 striking all through the first 2 sentences and inserting the
9 following:

10 “(f)(1) At least 45 days before offering lands for
11 lease under this section, and at least 30 days before ap-
12 proving applications for permits to drill under the provi-
13 sions of a lease, modifying the terms of any lease issued
14 under this section, or granting a waiver, exception, or
15 modification of any stipulation of a lease issued under this
16 section, the Secretary shall provide notice of the proposed
17 action to—

18 “(A) the general public by posting such notice
19 in the appropriate local office and on the electronic
20 website of the leasing and land management agen-
21 cies offering the lands for lease;

22 “(B) all surface land owners in the area of the
23 lands being offered for lease; and

24 “(C) the holders of special recreation permits
25 for commercial use, competitive events, and other or-

1 organized activities on the lands being offered for
2 lease.

3 “(2)”.

4 (c) SURFACE OWNER PROTECTION.—

5 (1) POST-LEASE SURFACE USE AGREEMENT.—

6 (A) IN GENERAL.—Except as provided in
7 paragraph (2), the Secretary may not authorize
8 any operator to conduct exploration and drilling
9 operations on lands with respect to which title
10 to oil and gas resources is held by the United
11 States but title to the surface estate is not held
12 by the United States, until the operator has
13 filed with the Secretary a document, signed by
14 the operator and the surface owner or owners,
15 showing that the operator has secured a written
16 surface use agreement between the operator
17 and the surface owner or owners that meets the
18 requirements of subparagraph (B).

19 (B) CONTENTS.—The surface use agree-
20 ment shall provide for—

21 (i) the use of only such portion of the
22 surface estate as is reasonably necessary
23 for exploration and drilling operations
24 based on site-specific conditions;

1 (ii) the accommodation of the surface
2 estate owner to the maximum extent prac-
3 ticable, including the location, use, timing,
4 and type of exploration and drilling oper-
5 ations, consistent with the operator's right
6 to develop the oil and gas estate;

7 (iii) the reclamation of the site to a
8 condition capable of supporting the uses
9 which such lands were capable of sup-
10 porting prior to exploration and drilling
11 operations; and

12 (iv) compensation for damages as a
13 result of exploration and drilling oper-
14 ations, including but not limited to—

15 (I) loss of income and increased
16 costs incurred;

17 (II) damage to or destruction of
18 personal property, including crops,
19 forage, and livestock; and

20 (III) failure to reclaim the site in
21 accordance with this clause (iii).

22 (C) PROCEDURE.—

23 (i) An operator shall notify the sur-
24 face estate owner or owners of the opera-
25 tor's desire to conclude an agreement

1 under this section. If the surface estate
2 owner and the operator do not reach an
3 agreement within 90 days after the oper-
4 ator has provided such notice, the matter
5 shall be referred to third-party arbitration
6 for resolution within a period of 90 days.
7 The cost of such arbitration shall be the
8 responsibility of the operator.

9 (ii) The Secretary shall identify per-
10 sons with experience in conducting arbitra-
11 tions and shall make this information
12 available to operators.

13 (iii) Referral of a matter for arbitra-
14 tion by a person identified by the Secretary
15 pursuant to clause (ii) shall be sufficient to
16 constitute compliance with clause (i).

17 (D) ATTORNEYS FEES.—If action is taken
18 to enforce or interpret any of the terms and
19 conditions contained in a surface use agree-
20 ment, the prevailing party shall be reimbursed
21 by the other party for reasonable attorneys fees
22 and actual costs incurred, in addition to any
23 other relief which a court or arbitration panel
24 may grant.

1 (2) AUTHORIZED EXPLORATION AND DRILLING
2 OPERATIONS.—

3 (A) AUTHORIZATION WITHOUT SURFACE
4 USE AGREEMENT.—The Secretary may author-
5 ize an operator to conduct exploration and drill-
6 ing operations on lands covered by paragraph
7 (1) in the absence of an agreement with the
8 surface estate owner or owners, if—

9 (i) the Secretary makes a determina-
10 tion in writing that the operator made a
11 good faith attempt to conclude such an
12 agreement, including referral of the matter
13 to arbitration pursuant to paragraph
14 (1)(C), but that no agreement was con-
15 cluded within 90 days after the referral to
16 arbitration;

17 (ii) the operator submits a plan of op-
18 erations that provides for the matters spec-
19 ified in paragraph (1)(B) and for compli-
20 ance with all other applicable requirements
21 of Federal and State law; and

22 (iii) the operator posts a bond or
23 other financial assurance in an amount the
24 Secretary determines to be adequate to en-
25 sure compensation to the surface estate

1 owner for any damages to the site, in the
2 form of a surety bond, trust fund, letter of
3 credit, government security, certificate of
4 deposit, cash, or equivalent.

5 (B) SURFACE OWNER PARTICIPATION.—

6 The Secretary shall provide surface estate own-
7 ers with an opportunity to—

8 (i) comment on plans of operations in
9 advance of a determination of compliance
10 with this title;

11 (ii) participate in bond level deter-
12 minations and bond release proceedings
13 under this section;

14 (iii) attend an on-site inspection dur-
15 ing such determinations and proceedings;

16 (iv) file written objections to a pro-
17 posed bond release; and

18 (v) request and participate in an on-
19 site inspection when they have reason to
20 believe there is a violation of the terms and
21 conditions of a plan of operations.

22 (C) PAYMENT OF FINANCIAL GUAR-

23 ANTEE.—A surface estate owner with respect to
24 any land subject to a lease may petition the
25 Secretary for payment of all or any portion of

1 a bond or other financial assurance required
2 under this section as compensation for any
3 damages as a result of exploration and drilling
4 operations. Pursuant to such a petition, the
5 Secretary may use such bond or other guar-
6 antee to provide compensation to the surface es-
7 tate owner for such damages.

8 (D) BOND RELEASE.—Upon request and
9 after inspection and opportunity for surface es-
10 tate owner review, the Secretary may release
11 the financial assurance required under this sec-
12 tion if the Secretary determines that explo-
13 ration and drilling operations are ended and all
14 damages have been fully compensated.

15 (3) SURFACE OWNER NOTIFICATION.—The Sec-
16 retary shall—

17 (A) notify surface estate owners in writing
18 at least 45 days in advance of lease sales;

19 (B) within ten working days after a lease
20 is issued, notify surface estate owners of re-
21 garding the identity of the lessee;

22 (C) notify surface estate owners in writing
23 concerning any subsequent decisions regarding
24 a lease, such as modifying or waiving stipula-
25 tions and approving rights-of-way; and

1 (D) notify surface estate owners within five
2 business days after issuance of a drilling permit
3 under a lease.

4 **SEC. 403. LEASE STIPULATIONS.**

5 (a) ENERGY POLICY ACT OF 2005.—Section
6 363(b)(3)(C) of the Energy Policy Act of 2005 (42 U.S.C.
7 15922(b)(3)(C)) is amended to read as follows:

8 “(C) adequately protective of the resource
9 for which the stipulations are applied;”.

10 (b) REVISION OF EXISTING MEMORANDUM.—Not
11 later than 180 days after the date of the enactment of
12 this Act the Secretary of the Interior and the Secretary
13 of Agriculture shall revise the memorandum of under-
14 standing under section 363(b)(3)(C) of the Energy Policy
15 Act of 2005 (42 U.S.C. 15922) in accordance with the
16 amendment made by subsection (a).

17 **SEC. 404. MASTER LEASING PLANS.**

18 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
19 226(a)), as amended by section 401, is further amended
20 by adding at the end the following:

21 “(3) MASTER LEASING PLANS.—

22 “(A) IN GENERAL.—The Secretary may
23 adopt and implement a master leasing plan to
24 govern the issuance of oil and gas leases under
25 this Act for any Federal lands, in accordance

1 with Bureau of Land Management Instruction
2 Memorandum No. 2010–117, dated May 17,
3 2010, as in effect on April 24, 2017, and with-
4 out regard to any rescission, revocation, amend-
5 ment, or other modification to such memo-
6 randum after such date.

7 “(B) FACTORS AND CONSIDERATIONS.—In
8 deciding whether to adopt and implement mas-
9 ter leasing plans, the Secretary—

10 “(i) shall construe the factors stated
11 in such Instruction Memorandum broadly;
12 and

13 “(ii) shall consider the benefits of
14 avoiding conflicts and protecting other re-
15 sources exercising discretion for adopting
16 master leasing plan.

17 “(C) REQUIREMENT.—The Secretary shall
18 adopt and implement a master leasing plan
19 under subparagraph (A) applicable to leases for
20 Federal lands in a State or county of a State,
21 if requested by the government of such State or
22 county, respectively.

23 “(D) PETITIONS.—

24 “(i) IN GENERAL.—Any person who is
25 a resident of a State or county of a State

1 may submit a petition to the Secretary re-
2 questing the Secretary to adopt and imple-
3 ment a master leasing plan under subpara-
4 graph (A) applicable to the issuance of
5 leases for Federal lands in that State or
6 county, respectively.

7 “(ii) CONSIDERATION.—If the Sec-
8 retary receives such a petition, the Sec-
9 retary shall promptly issue a determination
10 of whether or not the adoption and imple-
11 mentation of such a master leasing plan is
12 appropriate.”.

13 **SEC. 405. PARCEL REVIEW.**

14 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
15 226(a)), as amended by sections 401 and 404 of this Act,
16 is further amended by adding at the end the following:

17 “(4) PARCEL REVIEW.—The Secretary shall
18 issue oil and gas leases under this Act only in ac-
19 cordance with subsections C through I of section III
20 of Bureau of Land Management Instruction Memo-
21 randum No. 2010–117, dated May 17, 2010.”.

22 **SEC. 406. ACREAGE LIMITATIONS.**

23 Section 27(d)(1) of the Mineral Leasing Act (30
24 U.S.C. 184(d)(1)) is amended by striking “, and acreage
25 under any lease any portion of which has been committed

1 to a federally approved unit or cooperative plan or
2 communitization agreement or for which royalty (includ-
3 ing compensatory royalty or royalty in-kind) was paid in
4 the preceding calendar year.”.

5 **SEC. 407. LAND MANAGEMENT.**

6 Section 17(g) of the Mineral Leasing Act (30 U.S.C.
7 226(g)) is further amended by adding at the end the fol-
8 lowing:

9 “(9) MULTIPLE-USE MANAGEMENT.—The Sec-
10 retary of the Interior, or for National Forest lands,
11 the Secretary of Agriculture, shall manage lands
12 that are subject to an oil and gas lease under this
13 Act in accordance with the principles, policies, and
14 requirements relating to multiple use under the Fed-
15 eral Land Policy and Management Act of 1976 (43
16 U.S.C. 1701 et seq.), until the beginning of oper-
17 ations under such lease.”.

18 **SEC. 408. OIL SHALE.**

19 Section 21(a) of the Mineral Leasing Act (30 U.S.C.
20 241(a)) is amended—

21 (1) in paragraph (1), by striking “The Sec-
22 retary of the Interior” and inserting “Subject to
23 paragraph (6), the Secretary of the Interior”; and

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

1 “(6) The Secretary may not issue any lease for oil
2 shale under this Act before the date the Secretary issues
3 a finding that the technical and economic feasibility of de-
4 velopment of and production from such deposit has been
5 demonstrated under section 369 of the Energy Policy Act
6 of 2005 (42 U.S.C. 15927).”.

7 **Subtitle B—Permitting Reforms**

8 **SEC. 411. CATEGORICAL EXCLUSIONS.**

9 Section 390 of the Energy Policy Act of 2005 (42
10 U.S.C. 15942) is amended by adding at the end the fol-
11 lowing:

12 “(c) LIMITATION BASED ON EXTRAORDINARY CIR-
13 CUMSTANCES.—The categorical exclusion established
14 under subsection (a) shall be subject to extraordinary cir-
15 cumstances in accordance with the Departmental Manual,
16 516 DM 2.3A(3) and 516 DM 2, Appendix 2 (or successor
17 provisions).”.

18 **SEC. 412. PERMITTING DEADLINE.**

19 Section 17(p) of the Mineral Leasing Act (30 U.S.C.
20 226(p)) is amended—

21 (1) by striking the heading and inserting the
22 following: “NOTICE OF RECEIPT OF PERMIT APPLI-
23 CATIONS.—”;

24 (2) by striking paragraphs (2) and (3); and

25 (3) in paragraph (1)—

1 (A) by striking “(1) IN GENERAL.—”;

2 (B) by redesignating subparagraphs (A)
3 and (B) as paragraphs (1) and (2), respectively;
4 and

5 (C) by moving paragraphs (1) and (2), as
6 so redesignated, 2 ems to the left.

7 **SEC. 413. ABANDONED AND ORPHANED WELLS.**

8 (a) DEFINITION.—As used in this section, the term
9 “abandoned well” means any well drilled for the purpose
10 of exploring for or developing oil or gas resources (includ-
11 ing coalbed methane) that—

12 (1) has not been in operation for a period of 12
13 continuous months, unless the owner or operator has
14 notified the Secretary of the Interior (for wells
15 drilled to explore for or develop minerals owned by
16 the United States) or the relevant State regulatory
17 agency (for wells drilled to explore for or develop
18 minerals not owned by the United States) that the
19 well has been temporarily shut down; or

20 (2) has not been operative for more than 60
21 continuous months after the owner or operator has
22 notified the Secretary of the Interior (for wells
23 drilled to explore for or develop minerals owned by
24 the United States) or the relevant State regulatory
25 agency (for wells drilled to explore for or develop

1 minerals not owned by the United States) that the
2 well has been temporarily shut down.

3 (b) FEDERAL REMEDIATION PROGRAM.—

4 (1) ESTABLISHMENT OF PROGRAM.—

5 (A) The Secretary of the Interior, in co-
6 operation with the Secretary of Agriculture,
7 shall establish a program to ensure to the max-
8 imum extent feasible the remediation, reclama-
9 tion, and closure of abandoned wells that—

10 (i) are located on lands administered
11 by an agency of the Department of the In-
12 terior or the Forest Service; or

13 (ii) were drilled to explore for or de-
14 velop minerals owned by the United States
15 located on lands with respect to which the
16 surface estate is not owned by the United
17 States.

18 (B) In implementing the program, the Sec-
19 retary of the Interior—

20 (i) shall cooperate with the Secretary
21 of Agriculture and the States with respect
22 to the Federal lands covered by the pro-
23 gram are located; and

1 (ii) shall consult with the Secretary of
2 Energy and the Interstate Oil and Gas
3 Compact Commission.

4 (C) The Secretary of the Interior shall es-
5 tablish the program by no later than 3 years
6 after the date of enactment of this section.

7 (2) PROGRAM ELEMENTS.—The program estab-
8 lished under paragraph (1) shall—

9 (A) provide for identification of abandoned
10 wells to be covered by the program;

11 (B) establish a means of ranking critical
12 sites for priority in remediation based on poten-
13 tial environmental harm, other land use prior-
14 ities, and public health and safety; and

15 (C) provide as far as possible for identi-
16 fying any lessees or other persons responsible
17 for abandoned wells, and for recovering the
18 costs of remediation to the maximum extent
19 feasible.

20 (3) PLAN.—Within 6 months after the date of
21 enactment of this section, the Secretary of the Inte-
22 rior, in cooperation with the Secretary of Agri-
23 culture, shall prepare a plan for implementing the
24 program established under paragraph (1). A copy of
25 the plan shall be transmitted to the Committee on

1 Natural Resources of the House of Representatives
2 and the Committee on Energy and Natural Re-
3 sources of the Senate.

4 (4) REVIEW AND REPORT.—

5 (A) No later than 3 years after the date of
6 enactment of this section, the Secretary of the
7 Interior, in consultation with the Secretary of
8 Agriculture, shall complete a review of the sta-
9 tus of remediation, reclamation, and closure ac-
10 tions under the program.

11 (B) Upon completion of the review re-
12 quired by subparagraph (A), the Secretary of
13 the Interior shall provide to the Committee on
14 Natural Resources of the House of Representa-
15 tives and the Committee on Energy and Nat-
16 ural Resources of the Senate—

17 (i) a report on the results of the re-
18 view;

19 (ii) information regarding any wells
20 on lands covered by the program that have
21 been abandoned since the date of enact-
22 ment of this section; and

23 (iii) any recommendations the Sec-
24 retary may choose to make regarding legis-
25 lative or administration steps to further

1 the purposes for which the program was
2 established.

3 (c) ASSISTANCE TO STATES AND TRIBES.—

4 (1) STATE PROGRAM.—The Secretary of the In-
5 terior, in consultation with the Secretary of Energy,
6 shall establish a program to provide technical assist-
7 ance to facilitate State efforts to develop and imple-
8 ment practical and economical remedies for environ-
9 mental problems caused by abandoned wells on lands
10 that are not owned by the United States. The Sec-
11 retary shall work with the States, through the Inter-
12 state Oil and Gas Compact Commission, to assist
13 the States in quantifying and mitigating environ-
14 mental risks of onshore abandoned wells on State
15 and private lands.

16 (2) TRIBAL PROGRAM.—The Secretary of the
17 Interior, in consultation with the Secretary of En-
18 ergy, shall establish a program to provide technical
19 assistance to facilitate efforts by Indian Tribes to
20 develop and implement practical and economical
21 remedies for environmental problems caused by
22 abandoned wells on Indian lands, including lands
23 held in trust by the United States.

1 (3) PROGRAM ELEMENTS.—So far as possible,
2 the programs established under this section shall in-
3 clude—

4 (A) mechanisms to facilitate identification
5 of responsible parties;

6 (B) criteria for ranking critical sites based
7 on factors such as other land use priorities, po-
8 tential environmental harm and public visibility;
9 and

10 (C) information and training programs re-
11 garding best practices for remediation of dif-
12 ferent types of sites.

13 (d) FUND.—

14 (1) ESTABLISHMENT.—There is established in
15 the Treasury a separate account to be known as the
16 Abandoned and Orphaned Oil and Gas Well Cleanup
17 Fund.

18 (2) CONTENTS.—The account shall consist of
19 amounts deposited in the account under section
20 35(d) of the Mineral Leasing Act.

21 (3) USE.—Of the amounts deposited into the
22 account each fiscal year, there shall be available to
23 the Secretary of the Interior—

24 (A) \$5,000,000 to carry out subsection (b);

25 and

1 (B) \$5,000,000 to carry out subsection (c).

2 (e) SURCHARGE FEE FOR APPLICATIONS PERMITS
3 TO DRILL.—Section 35(d) of the Mineral Leasing Act (30
4 U.S.C. 191(d)) is amended—

5 (1) in paragraph (2), by inserting “under para-
6 graph (1)” after “the fee”;

7 (2) in paragraph (3)—

8 (A) by striking “this subsection” and in-
9 serting “paragraph (1)”; and

10 (B) in subparagraph (B), by striking “the
11 fees” and inserting “such fees”; and

12 (3) by striking paragraph (4) and inserting the
13 following:

14 “(4) SURCHARGE.—

15 “(A) IN GENERAL.—In addition to the fee
16 collected under paragraph (1), the Secretary
17 shall collect a surcharge fee for each such new
18 application for a permit to drill in the amount
19 of \$250 (as indexed as provided in paragraph
20 (2)).

21 “(B) DEPOSIT.—Amounts collected as a
22 surcharge fee under this paragraph shall be de-
23 posited into the Abandoned and Orphaned Oil
24 and Gas Well Cleanup Fund established by sec-

1 tion 413 of the Sustainable Energy Develop-
2 ment Reform Act.”.

3 **SEC. 414. ONLINE PUBLICATION OF NOTICES OF STAKING**
4 **AND APPLICATIONS FOR PERMITS TO DRILL.**

5 Section 17(g) of the Mineral Leasing Act (30 U.S.C.
6 226(g)), as amended by this Act, is further amended by
7 adding at the end the following:

8 “(10) PUBLICATION OF NOTICES OF STAKING
9 AND APPLICATIONS FOR PERMITS TO DRILL.—

10 “(A) ONSITE REVIEW.—No onsite review
11 may be conducted pursuant to a notice of stak-
12 ing under Onshore Oil and Gas Order No. 1 of
13 the Bureau of Land Management (dated March
14 7, 2007), or any successor authority, before the
15 end of the 10-day period beginning on the date
16 the Secretary publishes such notice on the
17 Internet.

18 “(B) PERMITS TO DRILL.—No permit au-
19 thorizing drilling for purposes of exploration
20 for, or development or production of, oil or gas
21 under this Act may be issued before the end of
22 the 30-day period beginning on the date the
23 Secretary publishes the application for such
24 permit on the Internet.”.

1 **SEC. 415. HAVING OPEN ACCESS TO RELEVANT DATA.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Having Open Access to Relevant Data Act” or the
4 “HOARD Act”.

5 (b) **REPORT ON APDS.**—

6 (1) **IN GENERAL.**—Not later than January 1 of
7 each year, the Secretary of the Interior shall submit
8 to Congress a report on the following statistics:

9 (A) The number of APDs approved by the
10 BLM during the previous fiscal year for which
11 the applicant has not begun drilling by the end
12 of such year.

13 (B) The number of APDs approved by the
14 BLM during any fiscal year for which the appli-
15 cant has not begun drilling by the end of the
16 previous fiscal year.

17 (C) With respect to APDs approved by the
18 BLM during the previous fiscal year, the aver-
19 age number of days between receipt of an APD
20 by the BLM and the approval of such APD,
21 disaggregated by the average number of such
22 days—

23 (i) the APD was being processed by
24 BLM; and

25 (ii) the BLM was waiting on addi-
26 tional information from the applicant.

1 (D) With respect to APDs approved by the
2 BLM during the previous fiscal year, the aver-
3 age cost of approving an APD.

4 (2) DISAGGREGATION.—The Secretary of the
5 Interior shall disaggregate each statistic required
6 under paragraph (1) by the location of the site for
7 which the APD was requested, including by—

8 (A) the State in which such site is located;

9 (B) the BLM field office that administers
10 the land upon which such site is located;

11 (C) whether or not the site is located on
12 Federal land; and

13 (D) whether or not the site is located on
14 Indian land.

15 (c) DISCOURAGING HOARDING AND SPECULATION.—

16 (1) LIMITATION ON FEDERAL FUNDS USED FOR
17 STREAMLINING PROCESSING OF APDS.—No Federal
18 funds may be used to streamline BLM processing of
19 APDs during a fiscal year if, on the last day of the
20 previous fiscal year, the number of APDs approved
21 by the BLM during any fiscal year, but for which
22 the applicant has not begun drilling, is greater than
23 twice the number of APDs received by the BLM
24 during any fiscal year for which the BLM has nei-

1 ther approved nor requested more information from
2 the applicant.

3 (2) LIMITATION ON NUMBER OF OUTSTANDING
4 APDS PER APPLICANT.—If any applicant, including
5 its affiliates, has received greater than 100 approved
6 APDs from the BLM for which such applicant, in-
7 cluding its affiliates, has not begun drilling, then
8 such applicant, including its affiliates, shall not be
9 eligible to participate in the competitive and non-
10 competitive bidding processes for oil and gas explo-
11 ration and production under the Minerals Leasing
12 Act (30 U.S.C. 181 et seq.) during the 5-year period
13 beginning on the first day of the next fiscal year.

14 (d) DEFINITIONS.—In this section:

15 (1) AFFILIATE.—With respect to an applicant,
16 the term “affiliate” means any person that controls,
17 is controlled by, or is under common control with the
18 applicant.

19 (2) APD.—The term “APD” means an applica-
20 tion received by the BLM for a permit to drill an
21 oil or gas well.

22 (3) BLM.—The term “BLM” means the Bu-
23 reau of Land Management.

1 **Subtitle C—Operational Reforms**

2 **SEC. 421. BEST MANAGEMENT PRACTICES.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Secretary of the Interior shall promulgate
5 final regulations that require oil and gas operators to use
6 best management practices that ensure the sound, effi-
7 cient, and environmentally responsible development of oil
8 and gas on Federal lands in a manner that avoids where
9 practical, minimizes, and mitigates actual and anticipated
10 impacts to environmental habitat functions resulting from
11 oil and gas development. Such regulations may allow the
12 Secretary to approve site-specific adjustments to address
13 unique issues and circumstances, on a case-by-case basis.
14 All such regulations shall be consistent with the United
15 States trust responsibility to Indian Tribes.

16 **SEC. 422. INSPECTION FEE.**

17 (a) IN GENERAL.—Section 108 of the Federal Oil
18 and Gas Royalty Management Act of 1982 (30 U.S.C.
19 1718) is amended by adding at the end the following:

20 “(d) INSPECTION FEE.—

21 “(1) IN GENERAL.—The designated operator
22 under each oil and gas lease on Federal or Indian
23 lands, or each unit and communitization agreement
24 that includes one or more such Federal or Indian
25 leases, that is subject to inspection under subsection

1 (b) and that is in force at the start of fiscal year
2 2017, shall pay a nonrefundable inspection fee in an
3 amount that, except as provided in paragraph (2), is
4 established by the Secretary by regulation and is
5 sufficient to recover the full costs incurred by the
6 United States for inspection and enforcement with
7 respect to such leases.

8 “(2) AMOUNT.—Until the effective date of reg-
9 ulations under paragraph (1), the amount of the fee
10 shall be—

11 “(A) \$700 for each lease or unit or
12 communitization agreement with no active or
13 inactive wells, but with surface use, disturbance
14 or reclamation;

15 “(B) \$1,225 for each lease or unit or
16 communitization agreement with 1 to 10 wells,
17 with any combination of active or inactive wells;

18 “(C) \$4,900 for each lease or unit or
19 communitization agreement with 11 to 50 wells,
20 with any combination of active or inactive wells;
21 and

22 “(D) \$9,800 for each lease or unit or
23 communitization agreement with more than 50
24 wells, with any combination of active or inactive
25 wells.

1 “(3) DUE DATE.—Payment of the fee under
2 this section shall be due not later than 30 days after
3 the Secretary provides notice of the assessment of
4 the fee.

5 “(4) PENALTY.—If the designated operator
6 fails to pay the full amount of the fee as prescribed
7 in this section, the Secretary may, in addition to uti-
8 lizing any other applicable enforcement authority,
9 assess civil penalties against the operator under sec-
10 tion 109 in the same manner as if this section were
11 a mineral leasing law.”.

12 (b) ASSESSMENT FOR FISCAL YEAR 2018.—The Sec-
13 retary of the Interior shall assess the fee under the amend-
14 ment made by subsection (a) for fiscal year 2018, and pro-
15 vide notice of such assessment to each designated operator
16 who is liable for such fee, by not later than 60 days after
17 the date of the enactment of this Act.

18 **SEC. 423. PROTECTION OF WATER RESOURCES.**

19 (a) MINERAL LEASING ACT REQUIREMENTS.—Sec-
20 tion 17 of the Mineral Leasing Act (30 U.S.C. 226) is
21 amended by adding at the end the following:

22 “(r) WATER REQUIREMENTS.—

23 “(1) An operator producing oil or gas (includ-
24 ing coalbed methane) under a lease issued under this
25 Act shall—

1 “(A) replace the water supply of a water
2 user who obtains all or part of such user’s sup-
3 ply of water for domestic, agricultural, or other
4 purposes from an underground or surface
5 source that has been affected by contamination,
6 diminution, or interruption proximately result-
7 ing from drilling operations for such produc-
8 tion; and

9 “(B) comply with all applicable require-
10 ments of Federal and State law for discharge of
11 any water produced under the lease.

12 “(2) An application for a permit to drill under
13 a lease under this Act shall be accompanied by a
14 proposed water management plan including provi-
15 sions to—

16 “(A) protect the quantity and quality of
17 surface and ground water systems, both on-site
18 and off-site, from adverse effects of the explo-
19 ration, development, and reclamation processes
20 or to provide alternative sources of water if
21 such protection cannot be assured;

22 “(B) protect the rights of present users of
23 water that would be affected by operations
24 under the lease, including the discharge of any

1 water produced in connection with such oper-
2 ations that is not reinjected; and

3 “(C) identify any agreements with other
4 parties for the beneficial use of produced waters
5 and the steps that will be taken to comply with
6 State and Federal laws related to such use.”.

7 (b) RELATION TO STATE LAW.—Nothing in this sec-
8 tion or any amendment made by this section shall—

9 (1) be construed as impairing or in any manner
10 affecting any right or jurisdiction of any State with
11 respect to the waters of such State; or

12 (2) be construed as limiting, altering, modi-
13 fying, or amending any of the interstate compacts or
14 equitable apportionment decrees that apportion
15 water among and between States.

16 **SEC. 424. METHANE EMISSIONS.**

17 (a) IN GENERAL.—Title I of the Federal Oil and Gas
18 Royalty Management Act of 1982 (30 U.S.C. 1711 et
19 seq.) is amended by adding at the end the following:

20 **“SEC. 118. GAS WASTE REDUCTION AND ENHANCEMENT OF**
21 **GAS MEASURING AND REPORTING.**

22 “(a) RULES FOR PREVENTING AND REDUCING
23 WASTE OF GAS VIA VENTING, FLARING, AND FUGITIVE
24 RELEASES.—

1 “(1) REQUIREMENT TO ISSUE RULES.—The
2 Secretary shall issue rules that establish require-
3 ments for reducing and preventing the waste of gas,
4 including by venting, flaring, and fugitive releases,
5 from covered operations.

6 “(2) CONTENT OF RULES.—The rules shall—

7 “(A) require that 99 percent of all gas pro-
8 duced that is subject to a mineral leasing law
9 be captured annually within 5 years after the
10 enactment of the Sustainable Energy Develop-
11 ment Reform Act;

12 “(B) require flaring of gas, rather than
13 venting, in all instances in which gas capture is
14 not viable;

15 “(C) require that every application for a
16 permit to drill a production well—

17 “(i) demonstrate sufficient infrastruc-
18 ture is in place to capture produced gas;
19 and

20 “(ii) be subject to public comments
21 for a period of 30 days;

22 “(D) prohibit all new wells from flaring,
23 within 2 years after the date of the enactment
24 of the Sustainable Energy Development Reform
25 Act;

1 “(E) require the operator of any covered
2 operation that routinely flares gas before the ef-
3 fective date of the prohibition under subpara-
4 graph (D) to submit a gas capture plan to the
5 Secretary no later than 6 months after such ef-
6 fective date that ensures the requirement in
7 subparagraph (A) will be met;

8 “(F) require the operator of any covered
9 operation that routinely flares gas before the ef-
10 fective date of the prohibition under subpara-
11 graph (D) to demonstrate a yearly decrease in
12 the amount of gas flared, as a fraction of gas
13 produced, to meet the requirement under sub-
14 paragraph (A);

15 “(G) set performance standards based on
16 modern equipment, to be updated every 5 years,
17 that minimize gas loss from—

18 “(i) storage tanks;

19 “(ii) dehydrators;

20 “(iii) compressors;

21 “(iv) open-ended valves or lines;

22 “(v) pumps; and

23 “(vi) other equipment for which the
24 Secretary considers such standards are
25 necessary;

1 “(H) require the replacement of all high-
2 bleed gas-actuated pneumatic devices with low-
3 bleed or no-bleed devices;

4 “(I) set performance standards based on
5 modern procedures and equipment, to be up-
6 dated every 5 years, that minimize gas loss
7 from—

8 “(i) downhole maintenance;

9 “(ii) liquids unloading;

10 “(iii) well completion; and

11 “(iv) other procedures for which the
12 Secretary considers such standards are
13 necessary;

14 “(J) require all operators to have regularly
15 scheduled leak detection programs that assess
16 the entire covered operation using an infrared
17 camera or other equipment with equivalent sen-
18 sitivity and the ability to survey similarly large
19 areas;

20 “(K) require any leaks found during leak
21 detection programs required under subpara-
22 graph (J), or otherwise, to be repaired within 2
23 weeks; and

24 “(L) require recordkeeping for—

25 “(i) equipment maintenance;

1 “(ii) leak detection and repair;
2 “(iii) venting events;
3 “(iv) flaring events; and
4 “(v) other operations for which the
5 Secretary considers such requirements are
6 necessary.

7 “(b) GAS MEASURING, REPORTING, AND TRANS-
8 PARENCY REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary shall, in ac-
10 cordance with this subsection, establish new require-
11 ments for measuring and reporting the production
12 and disposition of all gas subject to the mineral leas-
13 ing laws to allow for more accurate accounting of all
14 such gas that is consumed or lost by venting and
15 flaring, and of fugitive releases of such gas.

16 “(2) MEASURING AND REPORTING REQUIRE-
17 MENTS.—To account for all gas referred to in para-
18 graph (1), the Secretary shall issue rules requiring
19 oil or gas operators to—

20 “(A) measure all production and disposi-
21 tion of gas with such accuracy that fugitive gas
22 releases can be calculated;

23 “(B) install metering devices to measure
24 all vented and flared gas; and

1 “(C) report to the Secretary the volumes of
2 gas measured under the requirements under
3 subparagraph (A), including—

4 “(i) all new measured values for pro-
5 duction and disposition, including vented
6 and flared volumes; and

7 “(ii) fugitive releases based on guide-
8 lines for their calculation established by
9 the Secretary in the rule.

10 “(3) TRANSPARENCY.—The Secretary shall
11 make all new data produced under the requirements
12 established by the Secretary under this subsection,
13 including calculated fugitive releases and volumes of
14 gas lost to venting and flaring, publicly available
15 through the internet—

16 “(A) without a fee or other access charge;

17 “(B) in a searchable, sortable, and
18 downloadable manner, to the extent technically
19 possible; and

20 “(C) as soon as technically practicable
21 after the report by the operator is filed.

22 “(c) APPLICATION.—Except as otherwise specified in
23 this section, the requirements established by the Secretary
24 under this section shall apply to—

1 “(1) the construction and operation of any cov-
2 ered operation initiated after the date of the
3 issuance of rules under this section; and

4 “(2) after the end of the 1-year period begin-
5 ning on the date of the issuance of such rules, any
6 covered operation initiated before the date of the
7 issuance of such rules.

8 “(d) ENFORCEMENT MECHANISMS.—

9 “(1) IN GENERAL.—The Secretary shall include
10 in the rules issued under this section consistent en-
11 forcement mechanisms for covered operations that
12 are not in compliance with the requirements estab-
13 lished by the rules.

14 “(2) REQUIREMENTS.—The enforcement mech-
15 anisms under paragraph (1) shall include—

16 “(A) civil penalties for unauthorized vent-
17 ing and flaring, which shall—

18 “(i) apply in lieu of the penalties
19 under section 109; and

20 “(ii) include production restrictions
21 and civil monetary penalties equivalent to
22 3 times the market value of the vented or
23 flared gas; and

1 “(B) civil penalties that apply to non-
2 compliance with other new or existing proce-
3 dures, which shall—

4 “(i) apply in addition to or in lieu of
5 the penalties under section 109;

6 “(ii) include production restrictions or
7 monetary penalties, or both; and

8 “(iii) in the case of monetary pen-
9 alties, be proportional to market condi-
10 tions.

11 “(e) DEFINITIONS.—In this section:

12 “(1) COVERED OPERATIONS.—The term ‘cov-
13 ered operations’ means all oil and gas operations
14 that are subject to mineral leasing law or title V of
15 the Federal Land Policy and Management Act of
16 1976 (30 U.S.C. 1761 et seq.), regardless of size, in-
17 cluding production, storage, gathering, processing,
18 and handling operations.

19 “(2) FLARE AND FLARING.—The term ‘flaring’
20 means the intentional and controlled burning of gas
21 that occurs in the course of oil and gas operations
22 to limit release of gas to the atmosphere.

23 “(3) FUGITIVE RELEASE.—The term ‘fugitive
24 release’ means the unintentional and uncontrolled

1 release of gas into the atmosphere in the course of
2 oil and gas operations.

3 “(4) GAS CAPTURE PLAN.—The term ‘gas cap-
4 ture plan’ means a plan that includes specific goals,
5 including equipment and timelines, for capturing,
6 gathering, and processing gas produced under an oil
7 or gas lease.

8 “(5) GAS RELEASE.—The term ‘gas release’ in-
9 cludes all gas that is discharged to the atmosphere
10 via venting or fugitive release.

11 “(6) VENT AND VENTING.—The term ‘venting’
12 means the intentional and controlled release of gas
13 into the atmosphere in the course of oil and gas op-
14 erations.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1 of that Act is amended by adding at the end
17 of the items relating to title I the following:

“Sec. 118. Gas waste reduction and enhancement of gas measuring and report-
ing.”.

18 (c) DEADLINE.—The Secretary of the Interior shall
19 issue rules required by the amendments made by this sec-
20 tion by not later than 1 year after the date of the enact-
21 ment of this Act.

22 (d) INTERIM APPLICATION OF PRIOR RULE.—The
23 final rule entitled “Waste Prevention, Production Subject
24 to Royalties, and Resource Conservation”, as published in

1 the Federal Register November 18, 2016 (81 Fed. Reg.
2 83008), shall apply until the date of the publication of
3 a final rule under the amendment made by subsection (a).

4 (e) ASSESSMENT OF VENTING, FLARING, AND FUGI-
5 TIVE RELEASES.—Not later than 6 months after the end
6 of the 1-year period beginning on the date the Secretary
7 of the Interior first receives data submitted under the re-
8 quirements established under subsection (b) of section 118
9 of the Federal Oil and Gas Royalty Management Act of
10 1982, as amended by this section, the Secretary shall—

11 (1) submit a report to Congress describing—

12 (A) the volume of fugitive releases, and gas
13 consumed or lost by venting and flaring, from
14 covered operations (as those terms are used in
15 such section);

16 (B) additional rules the Secretary con-
17 siders necessary to further curtail venting, flar-
18 ing, and fugitive releases, or the rational basis
19 for not issuing new rules if the Secretary con-
20 siders new rules are not necessary; and

21 (C) recommendations for new statutory au-
22 thority necessary to limit venting, flaring, or fu-
23 gitive releases; and

1 (2) issue rules described in the report under
2 paragraph (1)(B) within 1 year after the date of the
3 submission of the report.

4 **SEC. 425. FRACKING REGULATION ON FEDERAL LANDS.**

5 (a) **IN GENERAL.**—Not later than 1 year after the
6 date of the enactment of this Act, the Secretary of the
7 Interior, acting through the Bureau of Land Management,
8 shall issue regulations governing the use of hydraulic frac-
9 turing under oil and gas leases for Federal lands.

10 (b) **INCLUDED PROVISIONS.**—The regulations under
11 this section shall include—

12 (1) requirement of baseline water testing; and

13 (2) full disclosure to the public of chemicals
14 used for hydraulic fracturing, on an appropriate
15 internet website.

16 (c) **INTERIM APPLICATION OF PRIOR RULE.**—The
17 final rule entitled “Oil and Gas; Hydraulic Fracturing on
18 Federal and Indian Lands”, as published in the Federal
19 Register March 26, 2015 (80 Fed. Reg. 16128), and cor-
20 rected by the rule published March 30, 2015 (80 Fed.
21 Reg. 16577), shall apply until the date of the publication
22 of a final rule under subsection (a).

23 **SEC. 426. CLOSING LOOPHOLES.**

24 (a) **SAFE DRINKING WATER ACT.**—

1 (1) HYDRAULIC FRACTURING.—Section
2 1421(d)(1) of the Safe Drinking Water Act (42
3 U.S.C. 300h(d)(1)) is amended by striking subpara-
4 graph (B) and inserting the following:

5 “(B) includes the underground injection of
6 fluids or propping agents pursuant to hydraulic frac-
7 turing operations related to oil, gas, or geothermal
8 production activities; but

9 “(C) excludes the underground injection of nat-
10 ural gas for purposes of storage.”.

11 (2) DISCLOSURE OF HYDRAULIC FRACTURING
12 CHEMICALS; MEDICAL EMERGENCIES; PROPRIETARY
13 CHEMICAL FORMULAS.—Section 1421(b) of the Safe
14 Drinking Water Act (42 U.S.C. 300H(b)) is amend-
15 ed by adding at the end the following:

16 “(4)(A) Regulations included under paragraph
17 (1)(C) shall include the following requirements:

18 “(i) A person conducting hydraulic frac-
19 turing operations shall disclose to the State (or
20 the Administrator if the Administrator has pri-
21 mary enforcement responsibility in the State)—

22 “(I) prior to the commencement of
23 any hydraulic fracturing operations at any
24 lease area or portion thereof, a list of
25 chemicals intended for use in any under-

1 ground injection during such operations,
2 including identification of the chemical
3 constituents of mixtures, Chemical Ab-
4 stracts Service numbers for each chemical
5 and constituent, material safety data
6 sheets when available, and the anticipated
7 volume of each chemical; and

8 “(II) not later than 30 days after the
9 end of any hydraulic fracturing operations,
10 the list of chemicals used in each under-
11 ground injection during such operations,
12 including identification of the chemical
13 constituents of mixtures, Chemical Ab-
14 stracts Service numbers for each chemical
15 and constituent, material safety data
16 sheets when available, and the volume of
17 each chemical used.

18 “(ii) The State or the Administrator, as
19 applicable, shall make the disclosure of chemical
20 constituents referred to in clause (i) available to
21 the public, including by posting the information
22 on an appropriate internet website.

23 “(iii) Whenever the State or the Adminis-
24 trator, or a treating physician or nurse, deter-
25 mines that a medical emergency exists and the

1 proprietary chemical formula of a chemical used
2 in hydraulic fracturing operations is necessary
3 for medical treatment, the person conducting
4 the hydraulic fracturing operations shall, upon
5 request, immediately disclose the proprietary
6 chemical formulas or the specific chemical iden-
7 tity of a trade secret chemical to the State, the
8 Administrator, or the treating physician or
9 nurse, regardless of whether a written state-
10 ment of need or a confidentiality agreement has
11 been provided. The person conducting the hy-
12 draulic fracturing operations may require a
13 written statement of need and a confidentiality
14 agreement as soon thereafter as circumstances
15 permit.

16 “(B) Subparagraphs (A)(i) and (A)(ii) do not
17 authorize the State (or the Administrator) to require
18 the public disclosure of proprietary chemical for-
19 mulas.”.

20 (b) CLEAN WATER ACT.—

21 (1) LIMITATION ON PERMIT REQUIREMENT.—
22 Section 402(l) of the Federal Water Pollution Con-
23 trol Act (33 U.S.C. 1342) is amended by striking
24 paragraph (2) and redesignating paragraph (3) as
25 paragraph (2).

1 (2) DEFINITIONS.—Section 502 of the Federal
2 Water Pollution Control Act (33 U.S.C. 1362) is
3 amended—

4 (A) by striking paragraph (24); and

5 (B) by redesignating paragraphs (25) and
6 (26) as paragraphs (24) and (25), respectively.

7 (3) STUDY.—

8 (A) IN GENERAL.—The Secretary of the
9 Interior shall conduct a study of stormwater
10 impacts with respect to any area that the Sec-
11 retary determines may be contaminated by
12 stormwater runoff associated with oil or gas op-
13 erations, which shall include—

14 (i) an analysis of measurable contami-
15 nation in such area;

16 (ii) an analysis of ground water re-
17 sources in such area; and

18 (iii) an analysis of the susceptibility of
19 aquifers in such area to contamination
20 from stormwater runoff associated with
21 such operations.

22 (B) REPORT.—Not later than 1 year after
23 the date of enactment of this section, the Sec-
24 retary shall submit to Congress a report on the

1 results of studies conducted under subpara-
2 graph (A).

3 (c) CLEAN AIR ACT.—

4 (1) REPEAL OF EXEMPTION FOR AGGREGATION
5 OF EMISSIONS FROM OIL AND GAS SOURCES.—Sec-
6 tion 112(n) of the Clean Air Act (42 U.S.C.
7 7412(n)) is amended by striking paragraph (4).

8 (2) HYDROGEN SULFIDE AS A HAZARDOUS AIR
9 POLLUTANT.—The Administrator of the Environ-
10 mental Protection Agency shall—

11 (A) not later than 180 days after the date
12 of enactment of this Act, issue a final rule add-
13 ing hydrogen sulfide to the list of hazardous air
14 pollutants under section 112(b) of the Clean
15 Air Act (42 U.S.C. 7412(b)); and

16 (B) not later than 365 days after a final
17 rule under paragraph (1) is issued, revise the
18 list under section 112(c) of such Act (42 U.S.C.
19 7412(c)) to include categories and subcategories
20 of major sources and area sources of hydrogen
21 sulfide, including oil and gas wells.

22 (d) SOLID WASTE DISPOSAL ACT.—

23 (1) IDENTIFICATION OR LISTING, AND REGULA-
24 TION UNDER SUBTITLE C.—Paragraph (2) of section

1 3001(b) of the Solid Waste Disposal Act (42 U.S.C.
2 6921(b)) is amended to read as follows:

3 “(2) Not later than 1 year after the date of enact-
4 ment of the Sustainable Energy Development Reform Act,
5 the Administrator shall—

6 “(A) determine whether drilling fluids, pro-
7 duced waters, and other wastes associated with the
8 exploration, development, or production of crude oil,
9 natural gas, or geothermal energy meet the criteria
10 promulgated under this section for the identification
11 or listing of hazardous waste;

12 “(B) identify or list as hazardous waste any
13 drilling fluids, produced waters, or other wastes as-
14 sociated with the exploration, development, or pro-
15 duction of crude oil, natural gas, or geothermal en-
16 ergy that the Administrator determines, pursuant to
17 subparagraph (A), meet the criteria promulgated
18 under this section for the identification or listing of
19 hazardous waste; and

20 “(C) promulgate regulations under sections
21 3002, 3003, and 3004 for wastes identified or listed
22 as hazardous waste pursuant to subparagraph (B),
23 except that the Administrator is authorized to mod-
24 ify the requirements of such sections to take into ac-
25 count the special characteristics of such wastes so

1 long as such modified requirements protect human
2 health and the environment.”.

3 (2) REGULATION UNDER SUBTITLE D.—Section
4 4010(e) of the Solid Waste Disposal Act (42 U.S.C.
5 6949a(e)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “(7) DRILLING FLUIDS, PRODUCED WATERS,
8 AND OTHER WASTES ASSOCIATED WITH THE EXPLO-
9 RATION, DEVELOPMENT, OR PRODUCTION OF CRUDE
10 OIL, NATURAL GAS, OR GEOTHERMAL ENERGY.—Not
11 later than 1 year after the date of enactment of the
12 Sustainable Energy Development Reform Act, the
13 Administrator shall promulgate revisions of the cri-
14 teria promulgated under section 4004(a) and under
15 section 1008(a)(3) for facilities that may receive
16 drilling fluids, produced waters, or other wastes as-
17 sociated with the exploration, development, or pro-
18 duction of crude oil, natural gas, or geothermal en-
19 ergy, that are not identified or listed as hazardous
20 waste pursuant to section 3001(b)(2). The criteria
21 shall be those necessary to protect human health
22 and the environment and may take into account the
23 practicable capability of such facilities. At a min-
24 imum such revisions for facilities potentially receiv-
25 ing such wastes should require ground water moni-

1 toring as necessary to detect contamination, estab-
2 lish criteria for the acceptable location of new or ex-
3 isting facilities, and provide for corrective action and
4 financial assurance as appropriate.”.

5 **SEC. 427. TRANSPARENCY IN MANAGEMENT OF LEASES.**

6 Section 17(a) of the Mineral Leasing Act (30 U.S.C.
7 226(a)), as amended by sections 401, 404, and 405 of this
8 Act, is further amended by adding at the end the fol-
9 lowing:

10 “(5) TRANSPARENCY IN MANAGEMENT OF
11 LEASES.—The Secretary shall make available on a
12 public Internet website for each lease under this sec-
13 tion—

14 “(A) the identity of—

15 “(i) each person who is or has been a
16 lessee under the lease; and

17 “(ii) each person who is or has been
18 an operator under the lease;

19 “(B) notice of each transfer of the lease;
20 and

21 “(C) notice of each suspension of oper-
22 ations, each suspension of production, and each
23 suspension of operations and production.”.

1 **SEC. 428. LEASE CANCELLATION FOR IMPROPER**
2 **ISSUANCE.**

3 Section 31(b) of the Mineral Leasing Act (30 U.S.C.
4 188(b)) is amended by inserting “if the lease was improv-
5 erly issued or” after “30 days notice”.

6 **SEC. 429. PROTECTING NATIONAL PARKS AND WILDLIFE**
7 **REFUGES.**

8 (a) **IN GENERAL.**—Each of the rules described in
9 subsection (b) shall apply as published on the date re-
10 ferred to in such subsection for such rule, unless—

11 (1) the Secretary of the Interior determines
12 that modifications to such rule are necessary; and

13 (2) such modifications are more protective of
14 National Parks or National Wildlife Refuges, as ap-
15 plicable.

16 (b) **RULES DESCRIBED.**—The rules referred to in
17 subsection (a) are—

18 (1) the rule entitled “General Provisions and
19 Non-Federal Oil and Gas Rights; Final Rule”, as
20 published in the Federal Register November 4, 2016
21 (81 Fed. Reg. 77972); and

22 (2) the rule entitled “Management of Non-Fed-
23 eral Oil and Gas Rights”, as published November
24 14, 2016 (81 Fed. Reg. 79948).

1 **TITLE V—OFFSHORE OIL AND**
2 **GAS REFORMS**
3 **Subtitle A—Regional Coordination**
4 **and Planning**

5 **SEC. 501. DEFINITIONS.**

6 In this subtitle:

7 (1) **AFFECTED INDIAN TRIBE.**—The term “af-
8 fected Indian tribe” means an Indian tribe that has
9 federally reserved rights that are affirmed by treaty,
10 statute, Executive order, Federal court order, or
11 other Federal law in the area at issue.

12 (2) **COASTAL STATE.**—The term “coastal
13 State” has the meaning given the term in section
14 304 of the Coastal Zone Management Act of 1972
15 (16 U.S.C. 1453).

16 (3) **IMPORTANT ECOLOGICAL AREA.**—The term
17 “important ecological area” means an area that con-
18 tributes significantly to local or larger marine eco-
19 system health or is an especially unique or sensitive
20 marine ecosystem.

21 (4) **MARINE ECOSYSTEM HEALTH.**—The term
22 “marine ecosystem health” means the ability of an
23 ecosystem in ocean and coastal waters to support
24 and maintain patterns, important processes, and
25 productive, sustainable, and resilient communities of

1 organisms, having a species composition, diversity,
2 and functional organization resulting from the nat-
3 ural habitat of the region, such that it is capable of
4 supporting a variety of activities and providing a
5 complete range of ecological benefits. Such an eco-
6 system would be characterized by a variety of fac-
7 tors, including—

8 (A) a complete diversity of native species
9 and habitat wherein each native species is able
10 to maintain an abundance, population struc-
11 ture, and distribution supporting its ecological
12 and evolutionary functions, patterns, and proc-
13 esses; and

14 (B) a physical, chemical, geological, and
15 microbial environment that is necessary to
16 achieve such diversity.

17 (5) OUTER CONTINENTAL SHELF.—The term
18 “Outer Continental Shelf” has the meaning that the
19 term “outer Continental Shelf” has in the Outer
20 Continental Shelf Lands Act (43 U.S.C. 1331 et
21 seq.).

22 (6) REGIONAL OCEAN PARTNERSHIP.—The
23 term “Regional Ocean Partnership” means vol-
24 untary, collaborative management initiatives devel-
25 oped and entered into by the Governors of two or

1 more coastal States or created by an interstate com-
2 pact for the purpose of addressing more than one
3 ocean, coastal, or Great Lakes issue and to imple-
4 ment policies and activities identified under special
5 area management plans under the Coastal Zone
6 Management Act of 1972 (16 U.S.C. 1451 et seq.)
7 or other agreements developed and signed by the
8 Governors.

9 (7) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 **SEC. 502. REGIONAL COORDINATION.**

12 (a) IN GENERAL.—The purpose of this subtitle is—

13 (1) to promote better coordination, communica-
14 tion, and collaboration between Federal agencies
15 with authorities for ocean, coastal, and Great Lakes
16 management; and

17 (2) to promote coordinated and collaborative re-
18 gional planning efforts using the best available
19 science in decisions affecting the sustainable develop-
20 ment and use of Federal renewable and nonrenew-
21 able resources on, in, or above the ocean (including
22 the Outer Continental Shelf) and the Great Lakes to
23 ensure the protection and maintenance of marine
24 ecosystem health and for the long-term economic
25 and environmental benefit of the United States.

1 (b) OBJECTIVES OF REGIONAL EFFORTS.—Such re-
2 gional efforts shall achieve the following objectives:

3 (1) Greater systematic communication and co-
4 ordination among Federal, coastal State, and af-
5 fected tribal governments concerned with the con-
6 servation of and the sustainable development and
7 use of Federal renewable and nonrenewable re-
8 sources of the oceans, coasts, and Great Lakes.

9 (2) To the maximum extent feasible, greater re-
10 liance on a multiobjective, science- and ecosystem-
11 based, spatially explicit management approach that
12 integrates regional economic, ecological, affected
13 tribal, and social objectives into ocean, coastal, and
14 Great Lakes management decisions.

15 (3) Identification and prioritization of shared
16 State and Federal ocean, coastal, and Great Lakes
17 management issues.

18 (4) Identification of data and information need-
19 ed by the Regional Coordination Councils established
20 under section 503.

21 (c) REGIONS.—There are hereby designated the fol-
22 lowing Coordination Regions:

23 (1) PACIFIC REGION.—The Pacific Coordination
24 Region, which shall consist of the coastal waters and

1 Exclusive Economic Zone adjacent to the States of
2 Washington, Oregon, and California.

3 (2) GULF OF MEXICO REGION.—The Gulf of
4 Mexico Coordination Region, which shall consist of
5 the coastal waters and Exclusive Economic Zone ad-
6 jacent to the States of Texas, Louisiana, Mississippi,
7 and Alabama, and the west coast of Florida.

8 (3) NORTH ATLANTIC REGION.—The North At-
9 lantic Coordination Region, which shall consist of
10 the coastal waters and Exclusive Economic Zone ad-
11 jacent to the States of Maine, New Hampshire, Mas-
12 sachusetts, Rhode Island, and Connecticut.

13 (4) MID ATLANTIC REGION.—The Mid Atlantic
14 Coordination Region, which shall consist of the
15 coastal waters and Exclusive Economic Zone adja-
16 cent to the States of New York, New Jersey, Penn-
17 sylvania, Delaware, Maryland, and Virginia.

18 (5) SOUTH ATLANTIC REGION.—The South At-
19 lantic Coordination Region, which shall consist of
20 the coastal waters and Exclusive Economic Zone ad-
21 jacent to the States of North Carolina, South Caro-
22 lina, Georgia, the east coast of Florida, and the
23 Straits of Florida Planning Area.

24 (6) ALASKA REGION.—The Alaska Coordination
25 Region, which shall consist of the coastal waters and

1 Exclusive Economic Zone adjacent to the State of
2 Alaska.

3 (7) PACIFIC ISLANDS REGION.—The Pacific Is-
4 lands Coordination Region, which shall consist of the
5 coastal waters and Exclusive Economic Zone adja-
6 cent to the State of Hawaii, the Commonwealth of
7 the Northern Mariana Islands, American Samoa,
8 and Guam.

9 (8) CARIBBEAN REGION.—The Caribbean Co-
10 ordination Region, which shall consist of the coastal
11 waters and Exclusive Economic Zone adjacent to
12 Puerto Rico and the United States Virgin Islands.

13 (9) GREAT LAKES REGION.—The Great Lakes
14 Coordination Region, which shall consist of waters of
15 the Great Lakes in the States of Illinois, Indiana,
16 Michigan, Minnesota, New York, Ohio, Pennsyl-
17 vania, and Wisconsin.

18 **SEC. 503. REGIONAL COORDINATION COUNCILS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the Chairman of the
21 Council on Environmental Quality, in consultation with
22 the affected coastal States and affected Indian tribes, shall
23 establish or designate a Regional Coordination Council for
24 each of the Coordination Regions designated by section
25 502(c).

1 (b) MEMBERSHIP.—

2 (1) FEDERAL REPRESENTATIVES.—Not later
3 than 90 days after the date of the enactment of this
4 Act, the Chairman of the Council on Environmental
5 Quality shall publish the titles of the officials of each
6 Federal agency and department that shall partici-
7 pate in each Council. The Councils shall include rep-
8 resentatives of each Federal agency and department
9 that has authority related to the development of
10 ocean, coastal, or Great Lakes policies or engages in
11 planning, management, or scientific activities that
12 significantly affect or inform the use of ocean, coast-
13 al, or Great Lakes resources. The Chairman of the
14 Council on Environmental Quality shall determine
15 which Federal agency representative shall serve as
16 the chairperson of each Council.

17 (2) COASTAL STATE REPRESENTATIVES.—

18 (A) NOTICE OF INTENT TO PARTICI-
19 PATE.—Not later than 3 months after the date
20 of the enactment of this Act, the Governor of
21 each coastal State within each Coordination Re-
22 gion designated by section 502(c) that intends
23 to participate in the Regional Coordination
24 Council for the Region shall inform the Chair-
25 man of the Council on Environmental Quality.

1 (B) APPOINTMENT OF RESPONSIBLE
2 STATE OFFICIAL.—The Governor of each coast-
3 al State that intends to participate in the Re-
4 gional Coordination Council for the Region shall
5 appoint an officer or employee of the coastal
6 State agency with primary responsibility for
7 overseeing ocean and coastal policy or resource
8 management to that Council.

9 (3) REGIONAL FISHERY MANAGEMENT COUNCIL
10 REPRESENTATION.—The Chairman of each Regional
11 Fishery Management Council with jurisdiction in the
12 Coordination Region of a Regional Coordination
13 Council and the executive director of the interstate
14 marine fisheries commission with jurisdiction in the
15 Coordination Region of a Regional Coordination
16 Council shall each serve as a member of the Council.

17 (4) REGIONAL OCEAN PARTNERSHIP REP-
18 REPRESENTATION.—A representative of any Regional
19 Ocean Partnership that has been established for any
20 part of the Coordination Region of a Regional Co-
21 ordination Council may appoint a representative to
22 serve on the Council in addition to any Federal or
23 State appointments.

24 (5) TRIBAL REPRESENTATION.—An appropriate
25 tribal official selected by affected Indian tribes situ-

1 ated in the affected Coordination Region may elect
2 to appoint a representative of such tribes collectively
3 to serve as a member of the Regional Coordination
4 Council for that Region.

5 (6) LOCAL REPRESENTATION.—The Chairman
6 of the Council on Environmental Quality shall, in
7 consultation with the Governors of the coastal States
8 within each Coordination Region, identify and ap-
9 point representatives of county and local govern-
10 ments, as appropriate, to serve as members of the
11 Regional Coordination Council for that Region.

12 (c) ADVISORY COMMITTEE.—Each Regional Coordi-
13 nation Council shall establish an advisory committee made
14 up of a balanced representation from the energy, shipping,
15 and transportation, marine tourism, and recreation indus-
16 tries, from marine environmental nongovernmental organi-
17 zations, and from scientific and educational authorities
18 with expertise in the conservation and management of
19 ocean, coastal, and Great Lakes resources to advise the
20 Council during the development of Regional Assessments
21 and Regional Strategic Plans and in its other activities.

22 (d) COORDINATION WITH EXISTING PROGRAMS.—
23 Each Regional Coordination Council shall build upon and
24 complement current State, multistate, and regional capac-
25 ity and governance and institutional mechanisms to man-

1 age and protect ocean waters, coastal waters, and ocean
2 resources.

3 **SEC. 504. REGIONAL STRATEGIC PLANS.**

4 (a) INITIAL REGIONAL ASSESSMENT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of the enactment of this Act, each Regional
7 Coordination Council shall prepare an initial assess-
8 ment of its Coordination Region that identifies defi-
9 ciencies in data and information necessary to in-
10 formed decisionmaking. Each initial assessment
11 shall, to the extent feasible—

12 (A) identify the Coordination Region’s re-
13 newable and nonrenewable resources, including
14 current and potential energy resources;

15 (B) identify and include a spatially and
16 temporally explicit inventory of existing and po-
17 tential uses of the Coordination Region, includ-
18 ing fishing and fish habitat, tourism, recreation,
19 and energy development;

20 (C) document the health and relative envi-
21 ronmental sensitivity of the marine ecosystem
22 within the Coordination Region, including a
23 comprehensive survey and status assessment of
24 species, habitats, and indicators of ecosystem
25 health;

1 (D) identify marine habitat types and im-
2 portant ecological areas within the Coordination
3 Region;

4 (E) assess the Coordination Region's ma-
5 rine economy and cultural attributes and in-
6 clude regionally specific ecological and socio-
7 economic baseline data;

8 (F) identify and prioritize additional sci-
9 entific and economic data necessary to inform
10 the development of Strategic Plans; and

11 (G) include other information to improve
12 decision making as determined by the Regional
13 Coordination Council.

14 (2) DATA.—Each initial assessment shall—

15 (A) use the best available data;

16 (B) collect and provide data in a spatially
17 explicit manner wherever practicable and pro-
18 vide such data to the interagency comprehensive
19 digital mapping initiative as described in section
20 2 of Public Law 109–58 (42 U.S.C. 15801);
21 and

22 (C) make publicly available any such data
23 that is not classified information.

24 (3) PUBLIC PARTICIPATION.—Each Regional
25 Coordination Council shall provide adequate oppor-

1 tunity for review and input by stakeholders and the
2 general public during the preparation of the initial
3 assessment and any revised assessments.

4 (b) REGIONAL STRATEGIC PLANS.—

5 (1) REQUIREMENT.—Not later than 3 years
6 after the completion of the initial regional assess-
7 ment, each Regional Coordination Council shall pre-
8 pare and submit to the Chairman of the Council on
9 Environmental Quality a multiobjective, science- and
10 ecosystem-based, spatially explicit, integrated Stra-
11 tegic Plan in accordance with this subsection for the
12 Council's Coordination Region.

13 (2) MANAGEMENT OBJECTIVE.—The manage-
14 ment objective of the Strategic Plans under this sub-
15 section shall be to foster comprehensive, integrated,
16 and sustainable development and use of ocean,
17 coastal, and Great Lakes resources, while protecting
18 marine ecosystem health and sustaining the long-
19 term economic and ecosystem values of the oceans.

20 (3) CONTENTS.—Each Strategic Plan prepared
21 by a Regional Coordination Council shall—

22 (A) be based on the initial regional assess-
23 ment and updates for the Coordination Region
24 under subsections (a) and (c), respectively;

1 (B) foster the sustainable and integrated
2 development and use of ocean, coastal, and
3 Great Lakes resources in a manner that pro-
4 tects the health of marine ecosystems;

5 (C) identify areas with potential for siting
6 and developing renewable energy resources and
7 oil and gas projects in the Coordination Region
8 covered by the Strategic Plan;

9 (D) identify other current and potential
10 uses of the ocean and coastal resources in the
11 Coordination Region;

12 (E) identify and recommend long-term
13 monitoring needs for ecosystem health and so-
14 cioeconomic variables within the Coordination
15 Region covered by the Strategic Plan;

16 (F) identify existing State and Federal
17 regulating authorities within the Coordination
18 Region covered by the Strategic Plan;

19 (G) identify best available technologies to
20 minimize adverse environmental impacts and
21 use conflicts in the development of ocean and
22 coastal resources in the Coordination Region;

23 (H) identify additional research, informa-
24 tion, and data needed to carry out the Strategic
25 Plan;

1 (I) identify performance measures and
2 benchmarks for purposes of fulfilling the re-
3 sponsibilities under this section to be used to
4 evaluate the Strategic Plan's effectiveness;

5 (J) define responsibilities and include an
6 analysis of the gaps in authority, coordination,
7 and resources, including funding, that must be
8 filled in order to fully achieve those perform-
9 ance measures and benchmarks; and

10 (K) include such other information at the
11 Chairman of the Council on Environmental
12 Quality determines is appropriate.

13 (4) PUBLIC PARTICIPATION.—Each Regional
14 Coordination Council shall provide adequate oppor-
15 tunities for review and input by stakeholders and the
16 general public during the development of the Stra-
17 tegic Plan and any Strategic Plan revisions.

18 (c) UPDATED REGIONAL ASSESSMENTS.—Each Re-
19 gional Coordination Council shall update the initial re-
20 gional assessment prepared under subsection (a) in coordi-
21 nation with each Strategic Plan revision under subsection
22 (e) to provide more detailed information regarding the re-
23 quired elements of the assessment and to include any rel-
24 evant new information that has become available in the
25 interim.

1 (d) REVIEW AND APPROVAL.—

2 (1) COMMENCEMENT OF REVIEW.—Not later
3 than 10 days after the receipt of a Strategic Plan
4 under this section, or any revision to such a Stra-
5 tegic Plan, from a Regional Coordination Council,
6 the Chairman of the Council of Environmental Qual-
7 ity shall commence a review of the Strategic Plan or
8 the revised Strategic Plan, respectively.

9 (2) PUBLIC NOTICE AND COMMENT.—Imme-
10 diately after receipt of such a Strategic Plan or revi-
11 sion, the Chairman of the Council of Environmental
12 Quality shall publish the Strategic Plan or revision
13 in the Federal Register and provide an opportunity
14 for the submission of public comment for a 90-day
15 period beginning on the date of such publication.

16 (3) REQUIREMENTS FOR APPROVAL.—Before
17 approving a Strategic Plan, or any revision to a
18 Strategic Plan, the Chairman of the Council on En-
19 vironmental Quality must find that the Strategic
20 Plan or revision—

21 (A) is consistent with the Outer Conti-
22 nental Shelf Lands Act;

23 (B) complies with subsection (b); and

1 (C) complies with the purposes of this sub-
2 title as identified in section 502(a) and the ob-
3 jectives identified in section 502(b).

4 (4) DEADLINE FOR COMPLETION.—Not later
5 than 180 days after the receipt of a Strategic Plan,
6 or a revision to a Strategic Plan, the Chairman of
7 the Council of Environmental Quality shall approve
8 or disapprove the Strategic Plan or revision. If the
9 Chairman disapproves the Strategic Plan or revision,
10 the Chairman shall transmit to the Regional Coordi-
11 nation Council that submitted the Strategic Plan or
12 revision, an identification of the deficiencies and rec-
13 ommendations to improve it. The Council shall sub-
14 mit a revised Strategic Plan or revision to such plan
15 not later than 180 days after receiving the rec-
16 ommendations from the Chairman.

17 (e) PLAN REVISION.—Each Strategic Plan shall be
18 reviewed and revised by the relevant Regional Coordina-
19 tion Council at least once every 5 years. Such review and
20 revision shall be based on the most recently updated re-
21 gional assessment. Any proposed revisions to the Strategic
22 Plan shall be submitted to the Chairman of the Council
23 on Environmental Quality for review and approval pursu-
24 ant to this section.

1 **SEC. 505. REGULATIONS.**

2 The Chairman of the Council on Environmental
3 Quality may issue such regulations as the Chairman con-
4 siders necessary to ensure proper administration of this
5 subtitle.

6 **SEC. 506. OCEAN RESOURCES CONSERVATION AND ASSIST-**
7 **ANCE (ORCA) FUND.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established in the
10 Treasury of the United States a separate account to
11 be known as the Ocean Resources Conservation and
12 Assistance Fund, referred to in this section as the
13 “ORCA Fund”.

14 (2) CREDITS.—The ORCA Fund shall be cred-
15 ited with amounts as specified in section 9 of the
16 Outer Continental Shelf Lands Act (43 U.S.C.
17 1338), as amended by section 514 of this title.

18 (3) ALLOCATION OF THE ORCA FUND.—

19 (A) IN GENERAL.—Of the amounts depos-
20 ited in the ORCA Fund each fiscal year—

21 (i) 70 percent shall be allocated to the
22 Secretary of Commerce, of which—

23 (I) $\frac{1}{2}$ shall be used to make
24 grants to coastal States and affected
25 Indian tribes under subsection (b);
26 and

1 (II) $\frac{1}{2}$ shall be used for the
2 ocean, coastal, and Great Lakes
3 grants program established by sub-
4 section (c);

5 (ii) 20 percent shall be allocated to
6 the Secretary of Commerce to carry out
7 the purposes of subsection (e); and

8 (iii) 10 percent shall be allocated to
9 the Secretary of Commerce to make grants
10 to Regional Ocean Partnerships under sub-
11 section (d).

12 (B) AVAILABILITY.—Amounts allocated to
13 the Secretary of Commerce under subparagraph
14 (A) shall be available without further appropria-
15 tion.

16 (4) PROCEDURES.—The Secretary of Commerce
17 shall establish application, review, oversight, finan-
18 cial accountability, and performance accountability
19 procedures for each grant program for which funds
20 are allocated under this subsection.

21 (b) GRANTS TO COASTAL STATES.—

22 (1) GRANT AUTHORITY.—The Secretary of
23 Commerce may use amounts allocated under sub-
24 section (a)(3)(A)(i)(I) to make grants to—

1 (A) coastal States pursuant to the formula
2 established under section 306(c) of the Coastal
3 Zone Management Act of 1972 (16 U.S.C.
4 1455(c)); and

5 (B) affected Indian tribes based on and
6 proportional to any specific coastal and ocean
7 management authority granted to an affected
8 tribe pursuant to affirmation of a Federal re-
9 served right.

10 (2) ELIGIBILITY.—To be eligible to receive a
11 grant under this subsection, a coastal State or af-
12 fected Indian tribe must prepare and revise a 5-year
13 plan and annual work plans that—

14 (A) demonstrate that activities for which
15 the coastal State or affected Indian tribe will
16 use the funds are consistent with the eligible
17 uses of the Fund described in subsection (f);
18 and

19 (B) provide mechanisms to ensure that
20 funding is made available to government, non-
21 government, and academic entities to carry out
22 eligible activities at the county and local level.

23 (3) APPROVAL OF STATE AND AFFECTED TRIB-
24 AL PLANS.—

1 (A) IN GENERAL.—Plans required under
2 paragraph (2) must be submitted to and ap-
3 proved by the Secretary of Commerce.

4 (B) PUBLIC INPUT AND COMMENT.—In de-
5 termining whether to approve such plans, the
6 Secretary of Commerce shall provide oppor-
7 tunity for, and take into consideration, public
8 input and comment on the plans from stake-
9 holders and the general public.

10 (4) OIL SPILL PLANNING AND RESPONSE
11 GRANTS.—For each of the fiscal years 2018–2022,
12 the Secretary of Commerce may use funds allocated
13 for grants under this subsection to make grants to
14 coastal States and affected tribes under section 321
15 of the Coastal Zone Management Act of 1972 (16
16 U.S.C. 1451 et seq.), as amended by this Act.

17 (5) USE OF FUNDS.—Any amounts provided as
18 a grant under this subsection, other than as a grant
19 under paragraph (4), may only be used for activities
20 described in subsection (f).

21 (c) OCEAN AND COASTAL COMPETITIVE GRANTS
22 PROGRAM.—

23 (1) ESTABLISHMENT.—The Secretary of Com-
24 merce shall use amounts allocated under subsection
25 (a)(3)(A)(i)(II) to make competitive grants for con-

1 servation and management of ocean, coastal, and
2 Great Lakes ecosystems and marine resources.

3 (2) OCEAN, COASTAL, AND GREAT LAKES RE-
4 VIEW PANEL.—

5 (A) IN GENERAL.—The Secretary of Com-
6 merce shall establish an Ocean, Coastal, and
7 Great Lakes Review Panel (in this subsection
8 referred to as the “Panel”), which shall consist
9 of 12 members appointed by the Secretary of
10 Commerce with expertise in the conservation
11 and management of ocean, coastal, and Great
12 Lakes ecosystems and marine resources. In ap-
13 pointing members to the Council, the Secretary
14 of Commerce shall include a balanced diversity
15 of representatives of relevant Federal agencies,
16 the private sector, nonprofit organizations, and
17 academia.

18 (B) FUNCTIONS.—The Panel shall—

19 (i) review, in accordance with the pro-
20 cedures and criteria established under
21 paragraph (3), grant applications under
22 this subsection;

23 (ii) make recommendations to the
24 Secretary of Commerce regarding which

1 grant applications should be funded and
2 the amount of each grant; and

3 (iii) establish any specific require-
4 ments, conditions, or limitations on a grant
5 application recommended for funding.

6 (3) PROCEDURES AND ELIGIBILITY CRITERIA
7 FOR GRANTS.—

8 (A) IN GENERAL.—The Secretary of Com-
9 merce shall establish—

10 (i) procedures for applying for a grant
11 under this subsection and criteria for eval-
12 uating applications for such grants; and

13 (ii) criteria, in consultation with the
14 Panel, to determine what persons are eligi-
15 ble for grants under the program.

16 (B) ELIGIBLE PERSONS.—Persons eligible
17 under the criteria under subparagraph (A)(ii)
18 shall include Federal, State, affected tribal, and
19 local agencies, fishery or wildlife management
20 organizations, nonprofit organizations, and aca-
21 demic institutions.

22 (4) APPROVAL OF GRANTS.—In making grants
23 under this subsection the Secretary of Commerce
24 shall give the highest priority to the recommenda-
25 tions of the Panel. If the Secretary of Commerce

1 disapproves a grant recommended by the Panel, the
2 Secretary of Commerce shall explain that dis-
3 approval in writing.

4 (5) USE OF GRANT FUNDS.—Any amounts pro-
5 vided as a grant under this subsection may only be
6 used for activities described in subsection (f).

7 (d) GRANTS TO REGIONAL OCEAN PARTNERSHIPS.—

8 (1) GRANT AUTHORITY.—The Secretary of
9 Commerce may use amounts allocated under sub-
10 section (a)(3)(A)(iii) to make grants to Regional
11 Ocean Partnerships.

12 (2) ELIGIBILITY.—In order to be eligible to re-
13 ceive a grant, a Regional Ocean Partnership must
14 prepare and annually revise a plan that—

15 (A) identifies regional science and informa-
16 tion needs, regional goals and priorities, and
17 mechanisms for facilitating coordinated and col-
18 laborative responses to regional issues;

19 (B) establishes a process for coordinating
20 and collaborating with the Regional Coordina-
21 tion Councils established under section 503 to
22 address regional issues and information needs
23 and achieve regional goals and priorities; and

1 (C) demonstrates that activities to be car-
2 ried out with such funds are eligible uses of the
3 funds identified in subsection (f).

4 (3) APPROVAL BY SECRETARY.—Such plans
5 must be submitted to and approved by the Secretary
6 of Commerce.

7 (4) PUBLIC INPUT AND COMMENT.—In deter-
8 mining whether to approve such plans, the Secretary
9 of Commerce shall provide opportunity for, and take
10 into consideration, input and comment on the plans
11 from stakeholders and the general public.

12 (5) USE OF FUNDS.—Any amounts provided as
13 a grant under this subsection may only be used for
14 activities described in subsection (f).

15 (e) LONG-TERM OCEAN AND COASTAL OBSERVA-
16 TIONS.—

17 (1) IN GENERAL.—The Secretary of Commerce
18 shall use the amounts allocated under subsection
19 (a)(3)(A)(ii) to build, operate, and maintain the sys-
20 tem established under section 12304 of Public Law
21 111–11 (33 U.S.C. 3603), in accordance with the
22 purposes and policies for which the system was es-
23 tablished.

24 (2) ADMINISTRATION OF FUNDS.—The Sec-
25 retary of Commerce shall administer and distribute

1 funds under this subsection based upon comprehen-
2 sive system budgets adopted by the Council referred
3 to in section 12304(c)(1)(A) of Public Law 111–11
4 (33 U.S.C. 3603(c)(1)(A)).

5 (f) ELIGIBLE USE OF FUNDS.—Any funds made
6 available under this section may only be used for activities
7 that contribute to the conservation, protection, mainte-
8 nance, and restoration of ocean, coastal, and Great Lakes
9 ecosystems in a manner that is consistent with Federal
10 environmental laws and that avoids environmental deg-
11 radation, including—

12 (1) activities to conserve, protect, maintain, and
13 restore coastal, marine, and Great Lakes ecosystem
14 health;

15 (2) activities to protect marine biodiversity and
16 living marine and coastal resources and their habi-
17 tats, including fish populations;

18 (3) the development and implementation of
19 multiobjective, science- and ecosystem-based plans
20 for monitoring and managing the wide variety of
21 uses affecting ocean, coastal, and Great Lakes eco-
22 systems and resources that consider cumulative im-
23 pacts and are spatially explicit where appropriate;

24 (4) activities to improve the resiliency of those
25 ecosystems;

1 (5) activities to improve the ability of those eco-
2 systems to become more resilient, and to adapt to
3 and withstand the impacts of climate change and
4 ocean acidification;

5 (6) planning for and managing coastal develop-
6 ment to minimize the loss of life and property asso-
7 ciated with sea level rise and the coastal hazards re-
8 sulting from it;

9 (7) research, assessment, monitoring, and dis-
10 semination of information that contributes to the
11 achievement of these purposes;

12 (8) research of, protection of, enhancement to,
13 and activities to improve the resiliency of culturally
14 significant areas and resources; and

15 (9) activities designed to rescue, rehabilitate,
16 and recover injured marine mammals, marine birds,
17 and sea turtles.

18 **SEC. 507. WAIVER.**

19 The Federal Advisory Committee Act (5 U.S.C. App.)
20 shall not apply to the Regional Coordination Councils es-
21 tablished under section 503.

1 **Subtitle B—Outer Continental**
2 **Shelf Lands Act Amendments**

3 **SEC. 511. NATIONAL POLICY FOR THE OUTER CONTI-**
4 **NENTAL SHELF.**

5 Section 3 of the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1332) is amended—

7 (1) by striking paragraph (3) and inserting the
8 following:

9 “(3) the outer Continental Shelf is a vital na-
10 tional resource reserve held by the Federal Govern-
11 ment for the public, that should be managed in a
12 manner that—

13 “(A) recognizes the need of the United
14 States for domestic sources of energy, food,
15 minerals, and other resources;

16 “(B) minimizes the potential impacts of
17 development of those resources on the marine
18 and coastal environment and on human health
19 and safety; and

20 “(C) acknowledges the long-term economic
21 value to the United States of the balanced and
22 orderly management of those resources that
23 safeguards the environment and respects the
24 multiple values and uses of the outer Conti-
25 nental Shelf;”;

1 (2) in paragraph (4), by striking the period at
2 the end and inserting a semicolon;

3 (3) in paragraph (5), by striking “should be”
4 and inserting “shall be”, and striking “; and” and
5 inserting a semicolon;

6 (4) by redesignating paragraph (6) as para-
7 graph (7);

8 (5) by inserting after paragraph (5) the fol-
9 lowing:

10 “(6) exploration, development, and production
11 of energy and minerals on the outer Continental
12 Shelf should be allowed only when those activities
13 can be accomplished in a manner that minimizes—

14 “(A) harmful impacts to life (including fish
15 and other aquatic life) and health;

16 “(B) damage to the marine, coastal, and
17 human environments and to property; and

18 “(C) harm to other users of the waters,
19 seabed, or subsoil; and”;

20 (6) in paragraph (7) (as so redesignated), by—

21 (A) striking “should be” and inserting
22 “shall be”;

23 (B) inserting “best available” after
24 “using”; and

25 (C) striking “or minimize”.

1 **SEC. 512. OCS LEASING STANDARD.**

2 Section 5 of the Outer Continental Shelf Lands Act
3 (43 U.S.C. 1334) is amended—

4 (1) in subsection (a), by striking “The Sec-
5 retary may at any time” and inserting “The Sec-
6 retary shall”;

7 (2) in the second sentence of subsection (a), by
8 inserting after “provide for” the following: “oper-
9 ational safety, the protection of the marine and
10 coastal environment, and”;

11 (3) in subsection (a), by inserting “and the Sec-
12 retary of Commerce with respect to matters that
13 may affect the marine and coastal environment”
14 after “which may affect competition”;

15 (4) in clause (ii) of subsection (a)(2)(A), by
16 striking “a reasonable period of time” and inserting
17 “30 days”; and

18 (5) in subsection (a)(7), by inserting “in a
19 manner that minimizes harmful impacts to the ma-
20 rine and coastal environment” after “lease area”.

21 **SEC. 513. OCS LEASING PROCEDURES.**

22 (a) **FINANCIAL ASSURANCE AND FISCAL RESPONSIB-**
23 **BILITY.**—Section 8 of the Outer Continental Shelf Lands
24 Act (43 U.S.C. 1337) is amended by adding at the end
25 the following:

1 “(q) REVIEW OF BOND AND SURETY AMOUNTS.—
2 Not later than May 1, 2018, and every 5 years thereafter,
3 the Secretary shall review the minimum financial responsi-
4 bility requirements for leases issued under this section and
5 shall ensure that any bonds or surety required are ade-
6 quate to comply with the requirements of this Act or the
7 Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

8 “(r) PERIODIC FISCAL REVIEW AND REPORT.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this subsection and every
11 3 years thereafter, the Secretary shall carry out a
12 review and prepare a report setting forth—

13 “(A)(i) the royalty and rental rates in-
14 cluded in new offshore oil and gas leases; and

15 “(ii) the rationale for the rates;

16 “(B) whether, in the view of the Secretary,
17 the royalty and rental rates described in sub-
18 paragraph (A) will yield a fair return to the
19 public while promoting the production of oil and
20 gas resources in a timely manner;

21 “(C)(i) the minimum bond or surety
22 amounts required pursuant to offshore oil and
23 gas leases; and

24 “(ii) the rationale for the minimum
25 amounts;

1 “(D) whether the bond or surety amounts
2 described in subparagraph (C) are adequate to
3 comply with subsection (q); and

4 “(E) whether the Secretary intends to
5 modify the royalty or rental rates, or bond or
6 surety amounts, based on the review.

7 “(2) PUBLIC PARTICIPATION.—In carrying out
8 a review and preparing a report under paragraph
9 (1), the Secretary shall provide to the public an op-
10 portunity to participate.

11 “(3) REPORT DEADLINE.—Not later than 30
12 days after the date on which the Secretary completes
13 a report under paragraph (1), the Secretary shall
14 transmit copies of the report to—

15 “(A) the Committee on Energy and Nat-
16 ural Resources of the Senate; and

17 “(B) the Committee on Natural Resources
18 of the House of Representatives.

19 “(s) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

20 “(1) IN GENERAL.—Not later than 2 years
21 after the date of enactment of this subsection and
22 every 5 years thereafter, the Secretary shall carry
23 out a comprehensive review of all components of the
24 Federal offshore oil and gas fiscal system, including
25 requirements for—

1 “(A) bonus bids;

2 “(B) rental rates;

3 “(C) royalties; and

4 “(D) oil and gas taxes.

5 “(2) REQUIREMENTS.—

6 “(A) CONTENTS; SCOPE.—A review under
7 paragraph (1) shall include—

8 “(i) the information and analyses nec-
9 essary to compare the offshore bonus bids,
10 rents, royalties, and taxes of the Federal
11 Government to the offshore bonus bids,
12 rents, royalties, and taxes of other resource
13 owners, including States and foreign coun-
14 tries; and

15 “(ii) an assessment of the overall off-
16 shore oil and gas fiscal system in the
17 United States, as compared to foreign
18 countries.

19 “(B) ADVISORY COMMITTEE.—In carrying
20 out a review under paragraph (1), the Secretary
21 shall convene and seek the advice of the Royalty
22 Policy Committee.

23 “(3) REPORT.—

24 “(A) IN GENERAL.—The Secretary shall
25 prepare a report that contains—

1 “(i) the contents and results of the re-
2 view carried out under paragraph (1) for
3 the period covered by the report; and

4 “(ii) any recommendations of the Sec-
5 retary based on the contents and results of
6 the review.

7 “(B) REPORT DEADLINE.—Not later than
8 30 days after the date on which the Secretary
9 completes a report under paragraph (1), the
10 Secretary shall transmit copies of the report to
11 the Committee on Natural Resources of the
12 House of Representatives and the Committee
13 on Energy and Natural Resources of the Sen-
14 ate.”.

15 (b) ENVIRONMENTAL DILIGENCE.—Section 8 of the
16 Outer Continental Shelf Lands Act (43 U.S.C. 1337) is
17 amended by striking subsection (d) and inserting the fol-
18 lowing:

19 “(d) REQUIREMENT FOR CERTIFICATION OF RE-
20 SPONSIBLE STEWARDSHIP.—

21 “(1) CERTIFICATION REQUIREMENT.—No bid
22 or request for a lease, easement, or right-of-way
23 under this section, or for a permit to drill under sec-
24 tion 11(d), may be submitted by any person unless
25 the person certifies to the Secretary that the person

1 (including any related person and any predecessor of
2 such person or related person) meets each of the fol-
3 lowing requirements:

4 “(A) The person is meeting due diligence,
5 safety, and environmental requirements on
6 other leases, easements, and rights-of-way.

7 “(B) In the case of a person that is a re-
8 sponsible party for a vessel or a facility from
9 which oil is discharged, for purposes of section
10 1002 of the Oil Pollution Act of 1990 (33
11 U.S.C. 2702), the person has met all of its obli-
12 gations under that Act to provide compensation
13 for covered removal costs and damages.

14 “(2) ENFORCEMENT.—If the Secretary deter-
15 mines that a certification made under paragraph (1)
16 is false, the Secretary shall cancel any lease, ease-
17 ment, or right-of-way and shall revoke any permit
18 with respect to which the certification was required
19 under such paragraph.

20 “(3) DEFINITION OF RELATED PERSON.—For
21 purposes of this subsection, the term ‘related person’
22 includes a parent, subsidiary, affiliate, member of
23 the same controlled group, contractor, subcontractor,
24 a person holding a controlling interest or in which
25 a controlling interest is held, and a person with sub-

1 stantially the same board members, senior officers,
2 or investors.”.

3 (c) REVIEW OF IMPACTS OF LEASE SALES ON THE
4 MARINE AND COASTAL ENVIRONMENT BY SECRETARY.—
5 Section 8 of the Outer Continental Shelf Lands Act (43
6 U.S.C. 1337) is amended by adding at the end of sub-
7 section (a) the following:

8 “(9) At least 60 days prior to any lease sale,
9 the Secretary shall request a review by the Secretary
10 of Commerce of the proposed sale with respect to
11 impacts on the marine and coastal environment. The
12 Secretary of Commerce shall complete and submit in
13 writing the results of that review within 60 days
14 after receipt of the Secretary of the Interior’s re-
15 quest.”.

16 (d) TERMS AND PROVISIONS.—Section 8(b) of the
17 Outer Continental Shelf Lands Act (43 U.S.C. 1337(b))
18 is amended by striking “An oil and gas lease issued pursu-
19 ant to this section shall” and inserting “An oil and gas
20 lease may be issued pursuant to this section only if the
21 Secretary determines that activities under the lease are
22 not likely to result in any condition described in section
23 5(a)(2)(A)(i), and shall”.

1 **SEC. 514. FUNDING.**

2 Section 9 of the Outer Continental Shelf Lands Act
3 (43 U.S.C. 1338) is amended to read as follows:

4 **“SEC. 9. DISPOSITION OF REVENUES.**

5 “(a) GENERAL.—Except as provided in subsections
6 (b), (c), and (d), all rentals, royalties, and other sums paid
7 to the Secretary or the Secretary of the Navy under any
8 lease on the outer Continental Shelf for the period from
9 June 5, 1950, to date, and thereafter shall be deposited
10 in the Treasury of the United States and credited to mis-
11 cellaneous receipts.

12 “(b) LAND AND WATER CONSERVATION FUND.—Ef-
13 fective for fiscal year 2018 and each fiscal year thereafter,
14 \$900,000,000 of the amounts referred to in subsection (a)
15 shall be deposited in the Treasury of the United States
16 and credited to the Land and Water Conservation Fund.
17 These sums shall be available to the Secretary, without
18 further appropriation or fiscal year limitation, for carrying
19 out the purposes of chapter 2003 of title 54, United States
20 Code.

21 “(c) HISTORIC PRESERVATION FUND.—Effective for
22 fiscal year 2018 and each fiscal year thereafter,
23 \$150,000,000 of the amounts referred to in subsection (a)
24 shall be deposited in the Treasury of the United States
25 and credited to the Historic Preservation Fund. These
26 sums shall be available to the Secretary, without further

1 appropriation or fiscal year limitation, for carrying out the
2 purposes of chapters 3021 through 3039 of title 54,
3 United States Code.

4 “(d) OCEAN RESOURCES CONSERVATION AND AS-
5 SISTANCE FUND.—Effective for each fiscal year 2018 and
6 thereafter, 10 percent of the amounts referred to in sub-
7 section (a) shall be deposited in the Treasury of the
8 United States and credited to the Ocean Resources Con-
9 servation and Assistance Fund established by section 506
10 of the Sustainable Energy Development Reform Act.
11 These sums shall be available to the Secretary, without
12 further appropriation or fiscal year limitation, for carrying
13 out the purposes of such section.

14 “(e) SAVINGS PROVISION.—Nothing in this section
15 shall decrease the amount any State shall receive pursuant
16 to section 8(g) of this Act or section 105 of the Gulf of
17 Mexico Energy Security Act (43 U.S.C. 1331 note).”.

18 **SEC. 515. EXPLORATION PLANS.**

19 (a) LIMITATION ON HARM FROM AGENCY EXPLO-
20 RATION.—Section 11(a)(1) of the Outer Continental Shelf
21 Lands Act (43 U.S.C. 1340(a)(1)) is amended by striking
22 “unduly harmful to” and inserting “likely to harm”.

23 (b) EXPLORATION PLAN REVIEW.—Section 11(c)(1)
24 of the Outer Continental Shelf Lands Act (43 U.S.C.
25 1340(c)(1)), is amended—

1 (1) by inserting “(A)” before the first sentence;

2 (2) in paragraph (1)(A), as designated by the
3 amendment made by paragraph (1) of this sub-
4 section—

5 (A) by striking “and the provisions of such
6 lease” and inserting “the provisions of such
7 lease, and other applicable environmental and
8 natural resource conservation laws”; and

9 (B) by striking the fourth sentence and in-
10 serting the following:

11 “(B) The Secretary shall approve such
12 plan, as submitted or modified, within 90 days
13 after its submission and it is made publicly ac-
14 cessible by the Secretary, or within such addi-
15 tional time as the Secretary determines is nec-
16 essary to complete any environmental, safety, or
17 other reviews, if the Secretary determines
18 that—

19 “(i) any proposed activity under such
20 plan is not likely to result in any condition
21 described in section 5(a)(2)(A)(i);

22 “(ii) the plan complies with other ap-
23 plicable environmental or natural resource
24 conservation laws; and

1 “(iii) the applicant has demonstrated
2 the capability and technology to respond
3 immediately and effectively to a worst-case
4 oil spill in real-world conditions in the area
5 of the proposed activity.”; and

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

7 “(5) If the Secretary requires greater than 90
8 days to review an exploration plan submitted pursu-
9 ant to any oil and gas lease issued or maintained
10 under this Act, then the Secretary may provide for
11 a suspension of that lease pursuant to section 5
12 until the review of the exploration plan is com-
13 pleted.”.

14 (c) REQUIREMENTS.—Section 11(c) of the Outer
15 Continental Shelf Lands Act (43 U.S.C. 1340(c)) is
16 amended by amending paragraph (3) to read as follows:

17 “(3) An exploration plan submitted under this
18 subsection shall include, in the degree of detail that
19 the Secretary may by regulation require—

20 “(A) a schedule of anticipated exploration
21 activities to be undertaken;

22 “(B) a detailed and accurate description of
23 equipment to be used for such activities, includ-
24 ing—

25 “(i) a description of each drilling unit;

1 “(ii) a statement of the design and
2 condition of major safety-related pieces of
3 equipment, including independent third-
4 party certification of such equipment; and

5 “(iii) a description of any new tech-
6 nology to be used;

7 “(C) a map showing the location of each
8 well to be drilled;

9 “(D) a scenario for the potential blowout
10 of the well involving the highest potential vol-
11 ume of liquid hydrocarbons, along with a com-
12 plete description of a response plan to both con-
13 trol the blowout and manage the accompanying
14 discharge of hydrocarbons, including the likeli-
15 hood for surface intervention to stop the blow-
16 out, the availability of a rig to drill a relief well,
17 an estimate of the time it would take to drill a
18 relief well, a description of other technology
19 that may be used to regain control of the well
20 or capture escaping hydrocarbons and the po-
21 tential timeline for using that technology for its
22 intended purpose, and the strategy, organiza-
23 tion, and resources necessary to avoid harm to
24 the environment and human health from hydro-
25 carbons;

1 “(E) an analysis of the potential impacts
2 of the worst-case-scenario discharge of hydro-
3 carbons on the marine, coastal, and human en-
4 vironments for activities conducted pursuant to
5 the proposed exploration plan; and

6 “(F) such other information deemed perti-
7 nent by the Secretary.”.

8 (d) DRILLING PERMITS.—Section 11(d) of the Outer
9 Continental Shelf Lands Act (43 U.S.C. 1340(d)) is
10 amended to read as follows:

11 “(d) DRILLING PERMITS.—

12 “(1) IN GENERAL.—The Secretary shall, by
13 regulation, require that any lessee operating under
14 an approved exploration plan obtain a permit prior
15 to drilling any well in accordance with such plan,
16 and prior to any significant modification of the well
17 design as originally approved by the Secretary.

18 “(2) ENGINEERING REVIEW REQUIRED.—The
19 Secretary may not grant any drilling permit or
20 modification of the permit prior to completion of a
21 full engineering review of the well system, including
22 a determination that critical safety systems, includ-
23 ing blowout prevention, will utilize best available
24 technology and that blowout prevention systems will
25 include redundancy and remote triggering capability.

1 “(3) OPERATOR SAFETY AND ENVIRONMENTAL
2 MANAGEMENT REQUIRED.—The Secretary shall not
3 grant any drilling permit or modification of the per-
4 mit prior to completion of a safety and environ-
5 mental management plan to be utilized by the oper-
6 ator during all well operations.”.

7 (e) EXPLORATION PERMIT REQUIREMENTS.—Sec-
8 tion 11(g) of the Outer Continental Shelf Lands Act (43
9 U.S.C. 1340(g)) is amended—

10 (1) by striking “shall be issued” and inserting
11 “may be issued”;

12 (2) by inserting “and after consultation with
13 the Secretary of Commerce,” after “in accordance
14 with regulations issued by the Secretary”;

15 (3) by striking the “and” at the end of para-
16 graph (2);

17 (4) in paragraph (3), by striking “will not be
18 unduly harmful to” and inserting “is not likely to
19 harm”;

20 (5) by striking the period at the end of para-
21 graph (3) and inserting a semicolon; and

22 (6) by adding at the end the following:

23 “(4) the exploration will be conducted in ac-
24 cordance with other applicable environmental and
25 natural resource conservation laws;

1 “(5) in the case of geophysical surveys, the ap-
2 plicant shall use the best available technologies and
3 methods to minimize impacts on marine life; and

4 “(6) in the case of drilling operations, the appli-
5 cant has available oil spill response and clean-up
6 equipment and technology that has been dem-
7 onstrated to be capable of effectively remediating a
8 worst-case release of oil.”.

9 (f) ENVIRONMENTAL REVIEW OF PLANS.—Section
10 11 of the Outer Continental Shelf Lands Act (43 U.S.C.
11 1340) is amended by adding at the end the following:

12 “(i) ENVIRONMENTAL REVIEW OF PLANS.—The Sec-
13 retary shall treat the approval of an exploration plan, or
14 a significant revision of such a plan, as an agency action
15 requiring preparation of an environmental assessment or
16 environmental impact statement in accordance with the
17 National Environmental Policy Act of 1969 (42 U.S.C.
18 4321 et seq.) and shall require that such plan be based
19 on the best available technology to ensure safety in car-
20 rying out both the drilling of the well and any oil spill
21 response.

22 “(j) DISAPPROVAL OF PLAN.—

23 “(1) IN GENERAL.—The Secretary shall dis-
24 approve an exploration plan if the Secretary deter-
25 mines, because of exceptional geological conditions in

1 the lease areas, exceptional resource values in the
2 marine or coastal environment, or other exceptional
3 circumstances, that—

4 “(A) implementation of the plan would
5 probably cause serious harm or damage to life
6 (including fish and other aquatic life), to prop-
7 erty, to any mineral deposits (in areas leased or
8 not leased), to the national security or defense,
9 or to the marine, coastal, or human environ-
10 ments;

11 “(B) the threat of harm or damage will
12 not disappear or decrease to an acceptable ex-
13 tent within a reasonable period of time; and

14 “(C) the advantages of disapproving the
15 plan outweigh the advantages of exploration.

16 “(2) CANCELLATION OF LEASE FOR DIS-
17 APPROVAL OF PLAN.—If a plan is disapproved under
18 this subsection, the Secretary may cancel such lease
19 in accordance with subsection (c)(1) of this sec-
20 tion.”.

21 **SEC. 516. 5-YEAR PROGRAMS.**

22 Section 18 of the Outer Continental Shelf Lands Act
23 (43 U.S.C. 1344) is amended—

24 (1) in subsection (a) in the second sentence by
25 striking “meet national energy needs” and inserting

1 “balance national energy needs and the protection of
2 the marine and coastal environment and all the re-
3 sources in that environment,”;

4 (2) in subsection (a)(1), by striking “considers”
5 and inserting “gives equal consideration to”;

6 (3) in subsection (a)(2)(A)—

7 (A) by striking “existing” and inserting
8 “the best available scientific”; and

9 (B) by inserting “, including at least three
10 consecutive years of data” after “information”;

11 (4) in subsection (a)(2)(D), by inserting “, po-
12 tential and existing sites of renewable energy instal-
13 lations” after “deepwater ports,”;

14 (5) in subsection (a)(2)(H), by inserting “in-
15 cluding the availability of infrastructure to support
16 oil spill response” before the period;

17 (6) in subsection (a)(3), by—

18 (A) striking “to the maximum extent prac-
19 ticable,”;

20 (B) striking “obtain a proper balance be-
21 tween” and inserting “minimize”; and

22 (C) striking “damage,” and all that follows
23 through the period and inserting “damage and
24 adverse impacts on the marine, coastal, and

1 human environments, and enhancing the poten-
2 tial for the discovery of oil and gas.”;

3 (7) in subsection (b)(1), by inserting “environ-
4 mental, marine, and energy” after “obtain”;

5 (8) in subsection (b)(2), by inserting “environ-
6 mental, marine, and” after “interpret the”;

7 (9) in subsection (b)(3), by striking “and” after
8 the semicolon at the end;

9 (10) by striking the period at the end of sub-
10 section (b)(4) and inserting a semicolon;

11 (11) by adding at the end of subsection (b) the
12 following:

13 “(5) provide technical review and oversight of
14 exploration plans and a systems review of the safety
15 of well designs and other operational decisions;

16 “(6) conduct regular and thorough safety re-
17 views and inspections; and

18 “(7) enforce all applicable laws and regula-
19 tions.”;

20 (12) in the first sentence of subsection (c)(1),
21 by inserting “the National Oceanic and Atmospheric
22 Administration and” after “including”;

23 (13) in subsection (c)(2)—

24 (A) by inserting after the first sentence the
25 following: “The Secretary shall also submit a

1 copy of such proposed program to the head of
2 each Federal agency referred to in, or that oth-
3 erwise provided suggestions under, paragraph
4 (1).”;

5 (B) in the third sentence, by inserting “or
6 head of a Federal agency” after “such Gov-
7 ernor”; and

8 (C) in the fourth sentence, by inserting “or
9 between the Secretary and the head of a Fed-
10 eral agency,” after “affected State,”;

11 (14) in the second sentence of subsection
12 (d)(2), by inserting “, the head of a Federal agen-
13 cy,” after “Attorney General”;

14 (15) in subsection (g), by inserting after the
15 first sentence the following: “Such information may
16 include existing inventories and mapping of marine
17 resources previously undertaken by the Department
18 of the Interior and the National Oceanic and Atmos-
19 pheric Administration, information provided by the
20 Department of Defense, and other available data re-
21 garding energy or mineral resource potential, navi-
22 gation uses, fisheries, aquaculture uses, recreational
23 uses, habitat, conservation, and military uses on the
24 outer Continental Shelf.”; and

25 (16) by adding at the end the following:

1 “(i) RESEARCH AND DEVELOPMENT.—The Secretary
2 shall carry out a program of research and development
3 to ensure the continued improvement of methodologies for
4 characterizing resources of the outer Continental Shelf
5 and conditions that may affect the ability to develop and
6 use those resources in a safe, sound, and environmentally
7 responsible manner. Such research and development ac-
8 tivities may include activities to provide accurate estimates
9 of energy and mineral reserves and potential on the Outer
10 Continental Shelf and any activities that may assist in fill-
11 ing gaps in environmental data needed to develop each
12 leasing program under this section.”.

13 **SEC. 517. ENVIRONMENTAL STUDIES.**

14 (a) INFORMATION NEEDED FOR ASSESSMENT AND
15 MANAGEMENT OF ENVIRONMENTAL IMPACTS.—Section
16 20 of the Outer Continental Shelf Lands Act (43 U.S.C.
17 1346) is amended by striking so much as precedes sub-
18 section (a)(2) and inserting the following:

19 **“SEC. 20. ENVIRONMENTAL STUDIES.**

20 “(a)(1) The Secretary, in cooperation with the Sec-
21 retary of Commerce, shall conduct a study no less than
22 once every three years of any area or region included in
23 any oil and gas lease sale or other lease in order to estab-
24 lish information needed for assessment and management
25 of environmental impacts on the human, marine, and

1 coastal environments of the outer Continental Shelf and
2 the coastal areas which may be affected by oil and gas
3 or other mineral development in such area or region.”.

4 (b) IMPACTS OF DEEP WATER SPILLS.—Section 20
5 of the Outer Continental Shelf Lands Act (43 U.S.C.
6 1346) is amended by—

7 (1) redesignating subsections (c) through (f) as
8 (d) through (g); and

9 (2) inserting after subsection (b) the following:

10 “(c) The Secretary shall conduct research to identify
11 and reduce data gaps related to impacts of deepwater hy-
12 drocarbon spills, including—

13 “(1) effects to benthic substrate communities
14 and species;

15 “(2) water column habitats and species;

16 “(3) surface and coastal impacts from spills
17 originating in deep waters; and

18 “(4) the use of dispersants.”.

19 **SEC. 518. INSPECTIONS AND CERTIFICATIONS.**

20 Section 22 of the Outer Continental Shelf Lands Act
21 (43 U.S.C. 1348) is amended—

22 (1) by amending subsection (c) to read as fol-
23 lows:

24 “(c) INSPECTIONS.—The Secretary and the Secretary
25 of the department in which the Coast Guard is operating

1 shall individually, or jointly if they so agree, promulgate
2 regulations to provide for—

3 “(1) scheduled onsite inspection, at least once a
4 year, of each facility on the outer Continental Shelf
5 which is subject to any environmental or safety regu-
6 lation promulgated pursuant to this Act, which in-
7 spection shall include all safety equipment designed
8 to prevent or ameliorate blowouts, fires, spillages, or
9 other major accidents;

10 “(2) scheduled onsite inspection, at least once a
11 month, of each facility on the outer Continental
12 Shelf engaged in drilling operations and which is
13 subject to any environmental or safety regulation
14 promulgated pursuant to this Act, which inspection
15 shall include all safety equipment designed to pre-
16 vent or ameliorate blowouts, fires, spillages, or other
17 major accidents;

18 “(3) periodic onsite inspection without advance
19 notice to the operator of such facility to assure com-
20 pliance with such environmental or safety regula-
21 tions; and

22 “(4) periodic audits of each required safety and
23 environmental management plan, and any associated
24 safety case, both with respect to their implementa-
25 tion at each facility on the outer Continental Shelf

1 for which such a plan or safety case is required and
2 with respect to onshore management support for ac-
3 tivities at such a facility.”;

4 (2) in subsection (d)(1)—

5 (A) by striking “each major fire and each
6 major oil spillage” and inserting “each major
7 fire, each major oil spillage, each loss of well
8 control, and any other accident that presented
9 a serious risk to human or environmental safe-
10 ty”; and

11 (B) by inserting before the period at the
12 end the following: “, as a condition of the lease
13 or permit”;

14 (3) in subsection (d)(2), by inserting before the
15 period at the end the following: “as a condition of
16 the lease or permit”;

17 (4) in subsection (e), by adding at the end the
18 following: “Any such allegation from any employee
19 of the lessee or any subcontractor of the lessee shall
20 be investigated by the Secretary.”;

21 (5) in subsection (b)(1), by striking “recog-
22 nized” and inserting “uncontrolled”; and

23 (6) by adding at the end the following:

24 “(g) INFORMATION ON CAUSES AND CORRECTIVE
25 ACTIONS.—For any incident investigated under this sec-

1 tion, the Secretary shall promptly make available to all
2 lessees and the public technical information about the
3 causes and corrective actions taken. All data and reports
4 related to any such incident shall be maintained in a data
5 base available to the public.

6 “(h) OPERATOR’S ANNUAL CERTIFICATION.—

7 “(1) The Secretary, in cooperation with the
8 Secretary of the department in which the Coast
9 Guard is operating, shall require all operators of all
10 new and existing drilling and production operations
11 to annually certify that their operations are being
12 conducted in accordance with applicable law and reg-
13 ulations.

14 “(2) Each certification shall include, but, not be
15 limited to, statements that verify the operator has—

16 “(A) examined all well control system
17 equipment (both surface and subsea) being used
18 to ensure that it has been properly maintained
19 and is capable of shutting in the well during
20 emergency operations;

21 “(B) examined and conducted tests to en-
22 sure that the emergency equipment has been
23 function-tested and is capable of addressing
24 emergency situations;

1 “(C) reviewed all rig drilling, casing, ce-
2 menting, well abandonment (temporary and
3 permanent), completion, and workover practices
4 to ensure that well control is not compromised
5 at any point while emergency equipment is in-
6 stalled on the wellhead;

7 “(D) reviewed all emergency shutdown and
8 dynamic positioning procedures that interface
9 with emergency well control operations; and

10 “(E) taken the necessary steps to ensure
11 that all personnel involved in well operations
12 are properly trained and capable of performing
13 their tasks under both normal drilling and
14 emergency well control operations.

15 “(i) CEO ANNUAL CERTIFICATION.—Operators of all
16 drilling and production operations shall annually submit
17 to the Secretary a general statement by the operator’s
18 chief executive officer that certifies to the operators’ com-
19 pliance with all applicable laws and operating regulations.

20 “(j) THIRD-PARTY CERTIFICATION.—All operators
21 that modify or upgrade any emergency equipment placed
22 on any operation to prevent blow-outs or other well control
23 events, shall have an independent third party conduct a
24 detailed physical inspection and design review of such
25 equipment within 30 days of its installation. The inde-

1 pendent third party shall certify that the equipment will
2 operate as originally designed and any modifications or
3 upgrades conducted after delivery have not compromised
4 the design, performance or functionality of the equipment.
5 Failure to comply with this subsection shall result in sus-
6 pension of the lease.”.

7 **SEC. 519. PETITIONS.**

8 Section 23(c)(3) of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1349(c)(3)) is amended by striking
10 “sixty” and inserting “90”.

11 **Subtitle C—Other Provisions**

12 **SEC. 521. CONTRACTOR LIABILITY.**

13 Section 24 of the Outer Continental Shelf Lands Act
14 (43 U.S.C. 1350) is amended by adding at the end the
15 following:

16 “(f) LIABILITY OF CONTRACTORS.—A person who
17 enters into a contract with a lessee under this Act to pro-
18 vide goods or services to be used in activities under a lease
19 under this Act shall be held jointly liable with the lessee
20 for any damages resulting from a violation of this Act
21 committed by such person in their performance under the
22 contract.”.

23 **SEC. 522. AREA-WIDE LEASING.**

24 The Secretary of the Interior shall seek to enter into
25 an arrangement with the National Academy of Sciences

1 to conduct a study to estimate the financial impact of the
2 Secretary ceasing to offer oil and gas lease sales for the
3 outer Continental Shelf under the area-wide system and
4 returning to offering such lease sales under the tract-nom-
5 ination system.

6 **SEC. 523. FRONTIER AREAS.**

7 Section 8 of the Outer Continental Shelf Lands Act
8 (43 U.S.C. 1337) is amended by adding at the end the
9 following:

10 “(q) PROHIBITION OF OIL AND GAS LEASING IN
11 ARCTIC PLANNING AREA OF THE OUTER CONTINENTAL
12 SHELF.—Notwithstanding any other provision of this Act
13 or any other law, the Secretary of the Interior shall not
14 issue or renew a lease or any other authorization for the
15 exploration, development, or production of oil, natural gas,
16 or any other mineral in the Arctic Ocean, including the
17 Beaufort Sea and Chukchi Sea Planning Areas.”.

18 **SEC. 524. STRENGTHENING COASTAL STATE OIL SPILL**
19 **PLANNING AND RESPONSE.**

20 The Coastal Zone Management Act of 1972 (16
21 U.S.C. 1451 et seq.) is amended by adding at the end
22 the following:

1 **“SEC. 321. STRENGTHENING COASTAL STATE OIL SPILL**
2 **PLANNING AND RESPONSE.**

3 “(a) GRANTS TO STATES.—The Secretary may make
4 grants to eligible coastal states—

5 “(1) to revise management programs approved
6 under section 306 (16 U.S.C. 1455) to identify and
7 implement new enforceable policies and procedures
8 to ensure sufficient response capabilities at the state
9 level to address the environmental, economic, and so-
10 cial impacts of oil spills or other accidents resulting
11 from outer Continental Shelf energy activities with
12 the potential to affect any land or water use or nat-
13 ural resource of the coastal zone;

14 “(2) to review and revise, where necessary, ap-
15 plicable enforceable policies and procedures of ap-
16 proved state management programs affecting coastal
17 energy activities to ensure that such policies are con-
18 sistent with—

19 “(A) other emergency response plans and
20 policies developed under Federal or State law;
21 and

22 “(B) new policies and procedures developed
23 under paragraph (1); and

24 “(3) after a State has adopted new or revised
25 enforceable policies and procedures under para-
26 graphs (1) and (2)—

1 “(A) the State shall submit the policies
2 and procedures to the Secretary; and

3 “(B) the Secretary shall notify the State
4 whether the Secretary approves or disapproves
5 the incorporation of the policies and procedures
6 into the State’s management program pursuant
7 to section 306(e).

8 “(b) ELEMENTS.—New enforceable policies and pro-
9 cedures developed by coastal states with grants awarded
10 under this section shall consider—

11 “(1) other existing emergency response plans,
12 procedures and enforceable policies developed under
13 other Federal or State law that affect the coastal
14 zone;

15 “(2) identification of critical infrastructure es-
16 sential to facilitate spill or accident response activi-
17 ties;

18 “(3) identification of coordination, logistics, and
19 communication networks between Federal and State
20 government agencies and between State agencies
21 and affected local communities to ensure the effi-
22 cient and timely dissemination of data and other in-
23 formation;

24 “(4) inventories of shore locations and infra-
25 structure and equipment necessary to respond to oil

1 spills or other accidents resulting from outer Conti-
2 nental Shelf energy activities;

3 “(5) identification and characterization of sig-
4 nificant or sensitive marine ecosystems or other
5 areas possessing important conservation, rec-
6 reational, ecological, historic, or aesthetic values;

7 “(6) inventories and surveys of shore locations
8 and infrastructure capable of supporting alternative
9 energy development; and

10 “(7) other information or actions as may be
11 necessary or as determined by the Secretary.

12 “(c) GUIDELINES.—The Secretary shall, within 180
13 days after the date of the enactment of this section and
14 after consultation with the coastal states, publish guide-
15 lines for the application for and use of grants under this
16 section.

17 “(d) PARTICIPATION.—A coastal state shall provide
18 opportunity for public participation in developing new en-
19 forceable policies and procedures under this section pursu-
20 ant to sections 306(d)(1) and 306(e), especially by rel-
21 evant Federal agencies, other coastal state agencies, local
22 governments, regional organizations, port authorities, and
23 other interested parties and stakeholders, public and pri-
24 vate, that are related to, or affected by, outer Continental
25 Shelf energy activities.

1 “(e) ANNUAL GRANTS.—

2 “(1) IN GENERAL.—For each of fiscal years
3 2018 through 2022, the Secretary may make a
4 grant to a coastal state to develop new enforceable
5 polices and procedures as required under this sec-
6 tion.

7 “(2) GRANT AMOUNTS.—The amount of any
8 grant to any one coastal State under this section
9 shall not exceed \$750,000 for any fiscal year.

10 “(3) GRANT LIMITATIONS.—A coastal state—

11 “(A) may not receive more than two grants
12 under this section; and

13 “(B) may not receive more than one grant
14 under this section in a fiscal year.

15 “(4) NO STATE MATCHING CONTRIBUTION RE-
16 QUIRED.—Because it is in the national interest to be
17 able to respond efficiently and effectively at all levels
18 of government to oil spills and other accidents re-
19 sulting from outer Continental Shelf energy activi-
20 ties, a coastal state shall not be required to con-
21 tribute any portion of the cost of a grant awarded
22 under this section.

23 “(5) SECRETARIAL REVIEW AND LIMIT ON
24 AWARDS.—After an initial grant is made to a coastal
25 state under this section, no subsequent grant may be

1 made to that coastal state under this section unless
2 the Secretary finds that the coastal state is satisfac-
3 torily developing revisions to address offshore energy
4 impacts.

5 “(f) APPLICABILITY.—This section shall not be con-
6 strued to convey any new authority to any coastal state
7 or to repeal or supersede any existing authority of any
8 coastal state to regulate the siting, licensing, leasing, or
9 permitting of energy facilities in areas of the outer Conti-
10 nental Shelf under the administration of the Federal Gov-
11 ernment. Nothing in this section repeals or supersedes any
12 existing coastal state authority.

13 “(g) ASSISTANCE BY THE SECRETARY.—The Sec-
14 retary, to the extent practicable, shall provide technical as-
15 sistance to the coastal states under section 310(a) for the
16 purpose of revising approved management programs to
17 meet the requirements under this section.”.

18 **SEC. 525. REPEAL OF LIMITATION ON LIABILITY FOR OFF-**
19 **SHORE FACILITIES.**

20 (a) REPEAL.—Section 1004(a) of the Oil Pollution
21 Act of 1990 (33 U.S.C. 2704(a)) is amended—

22 (1) in paragraph (2), by striking the semicolon
23 and inserting “; and”;

24 (2) by striking paragraph (3); and

1 (3) by redesignating paragraph (4) as para-
2 graph (3).

3 (b) CONFORMING AMENDMENT.—Section 1004(b)(2)
4 of the Oil Pollution Act of 1990 (33 U.S.C. 2704(b)(2))
5 is amended by striking the second sentence.

6 **SEC. 526. EVIDENCE OF FINANCIAL RESPONSIBILITY FOR**
7 **OFFSHORE FACILITIES.**

8 Section 1016 of the Oil Pollution Act of 1990 (33
9 U.S.C. 2716) is amended—

10 (1) in subsection (c)(1)—

11 (A) in subparagraph (B), by striking “sub-
12 paragraph (A) is” and all that follows through
13 the period at the end and inserting “subpara-
14 graph (A) is \$300,000,000.”; and

15 (B) by striking subparagraph (C) and in-
16 serting the following:

17 “(C) ALTERNATE AMOUNT.—

18 “(i) SPECIFIC FACILITIES.—

19 “(I) IN GENERAL.—If the Presi-
20 dent determines that an amount of fi-
21 nancial responsibility for a responsible
22 party that is less than the amount re-
23 quired by subparagraph (B) is justi-
24 fied based on the criteria established
25 under clause (ii), the evidence of fi-

1 nancial responsibility required shall be
2 for an amount prescribed under such
3 clause by the President.

4 “(II) MINIMUM AMOUNTS.—In
5 no case shall the evidence of financial
6 responsibility required under this sec-
7 tion be less than—

8 “(aa) \$105,000,000 for an
9 offshore facility located seaward
10 of the seaward boundary of a
11 State; or

12 “(bb) \$30,000,000 for an
13 offshore facility located landward
14 of the seaward boundary of a
15 State.

16 “(ii) CRITERIA FOR DETERMINATION
17 OF FINANCIAL RESPONSIBILITY.—The
18 President shall prescribe the amount of fi-
19 nancial responsibility required under clause
20 (i)(I) based on the following:

21 “(I) The market capacity of the
22 insurance industry to issue such in-
23 struments.

24 “(II) The operational risk of a
25 discharge and the likely effects of that

1 discharge on the environment and the
2 region.

3 “(III) The quantity and location
4 of the oil and gas that is explored for,
5 drilled for, produced by, or trans-
6 ported by the responsible party.

7 “(IV) The asset value of the
8 owner of the offshore facility, includ-
9 ing the combined asset value of all
10 partners that own the facility.

11 “(V) The cost of all removal
12 costs and damages for which the re-
13 sponsible party may be liable under
14 this Act based on a worst-case-sce-
15 nario.

16 “(VI) The safety history of the
17 owner of the offshore facility.

18 “(VII) Any other factors that the
19 President considers appropriate.

20 “(iii) ADJUSTMENT FOR ALL OFF-
21 SHORE FACILITIES.—

22 “(I) IN GENERAL.—Not later
23 than 3 years after the date of enact-
24 ment of the Sustainable Energy De-
25 velopment Reform Act, and at least

1 once every 3 years thereafter, the
2 President shall review the levels of fi-
3 nancial responsibility specified in this
4 subsection and the limit on liability
5 specified in subsection (f)(4) and may
6 by regulation revise such levels and
7 limit upward to the levels and limit
8 that the President determines are jus-
9 tified.

10 “(II) NOTICE TO CONGRESS.—

11 Upon completion of a review specified
12 in subclause (I), the President shall
13 notify Congress as to whether the
14 President will revise the levels of fi-
15 nancial responsibility and limit on li-
16 ability referred to in subclause (I) and
17 the factors used in making such deter-
18 mination.

19 “(III) SPECIFIC ADJUST-

20 MENTS.—Not less frequently than
21 every 3 years, the President shall re-
22 view the amount of financial responsi-
23 bility required of a responsible party
24 under this subsection and revise that
25 amount, in accordance with this sub-

1 section, as necessary based on the rel-
2 ative operational, environmental, and
3 other risks posed by the quantity,
4 quality, or location of oil that is ex-
5 plored for, drilled for, produced by, or
6 transported by the responsible party
7 at the time of the review.”;

8 (2) in subsection (e) by striking “self-insurer,”
9 and inserting “self-insurer, participation in coopera-
10 tive arrangements such as pooling or joint insur-
11 ance,”; and

12 (3) in subsection (f)—

13 (A) in paragraph (1) by striking “Subject”
14 and inserting “Except as provided in paragraph
15 (4) and subject”; and

16 (B) by adding at the end the following:

17 “(4) MAXIMUM LIABILITY.—The maximum li-
18 ability of a guarantor of an offshore facility under
19 this subsection is \$300,000,000.”.

20 **TITLE VI—COAL REFORMS**

21 **SEC. 601. POWDER RIVER BASIN.**

22 (a) DESIGNATION.—The Secretary of the Interior
23 shall designate the Powder River Coal Production Region,
24 as such region is described in “Identification of Coal Pro-
25 duction Regions Having Major Federal Coal Interests”

1 (44 Fed. Reg. 219 (November 9, 1979)), as a coal produc-
2 tion region under section 3400.5 of title 43, Code of Fed-
3 eral Regulations (or any successor regulation).

4 (b) LEASE REQUIREMENT.—The Secretary shall
5 offer lease sales for the Powder River Coal Production Re-
6 gion, as designated by subsection (a), in a manner that
7 maximizes competition.

8 **SEC. 602. DEDUCTIONS.**

9 Section 7 of the Mineral Leasing Act (30 U.S.C. 207)
10 is amended by adding at the end the following:

11 “(d) ROYALTY PAYMENT REDUCTION.—The Sec-
12 retary may not determine a lesser amount of royalty than
13 the amount in subsection (a) for washed coal.”.

14 **SEC. 603. VALUATION.**

15 (a) LOOPHOLE.—Section 7 of the Mineral Leasing
16 Act (30 U.S.C. 207), as amended by section 602, is fur-
17 ther amended by adding at the end the following:

18 “(e) VALUATION OF COAL.—

19 “(1) IN GENERAL.—The value of coal for pur-
20 poses of calculating the required royalty payment
21 under subsection (a) is the gross proceeds accruing
22 to the lessee or the lessee’s affiliate under the first
23 arm’s-length contract for sale of the coal if—

24 “(A) the lessee or the lessee’s affiliate sells
25 the coal under an arm’s-length contract; or

1 “(B) the lessee or the lessee’s affiliate sells
2 the coal to a person under a non-arm’s-length
3 contract who then sells the coal under an arm’s-
4 length contract.

5 “(2) DEFINITION OF ARM’S-LENGTH CON-
6 TRACT.—In this subsection, the term ‘arm’s-length
7 contract’ means a contract or agreement between
8 independent persons who are not affiliates and who
9 have opposing economic interests regarding that con-
10 tract.”.

11 (b) STUDY.—The Secretary of the Interior shall enter
12 into an agreement with the National Academy of Sciences
13 to conduct a study to determine the most equitable method
14 for valuation of coal produced on Federal lands for pur-
15 poses of Federal coal leases.

16 **SEC. 604. METHANE RECOVERY.**

17 Section 2 of the Mineral Leasing Act (30 U.S.C. 201)
18 is amended—

19 (1) in subsection (a)(1), by inserting “and sub-
20 ject to subsection (e)(6),” after “deems appro-
21 priate,”; and

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

23 “(e) Notwithstanding any other provision of law, any
24 Federal coal lease issued under this section and any modi-

1 fication of an existing coal lease issued under this section
2 shall include terms that establish the following:

3 “(1) Coal mine methane released in conjunction
4 with mining activities shall be deemed to be included
5 within the scope of the coal lease if the United
6 States owns both the coal and gas resources.

7 “(2) Except as provided in paragraph (4), any
8 coal lease issued on lands for which the United
9 States owns both the coal and gas resources shall in-
10 clude a requirement that the lessee recover the coal
11 mine methane associated with the leased coal re-
12 sources to the maximum feasible extent, taking into
13 account the economics of both the mining and meth-
14 ane-capture operations.

15 “(3) Before the issuance of a lease for recovery
16 of coal by deep mining operations, the Secretary
17 shall require an analysis to determine the extent to
18 which coal mine methane can be economically cap-
19 tured and either put to productive use or flared. The
20 cost of the analysis shall be paid by the lessee and
21 carried out by a person chosen by the Secretary with
22 professional qualifications in the capture of coal
23 mine methane and without financial or other eco-
24 nomic ties to the lessee.

1 “(4) If the Secretary determines that recovery
2 or flaring of coal mine methane under a lease is not
3 economically feasible in accordance with paragraph
4 (2), or cannot be carried out in a manner that
5 assures the protection of mine workers, coal mining
6 under such lease may proceed without requiring re-
7 covery or flaring of the coal mine methane.

8 “(5) Any coal lease that involves federally
9 owned coal and nonfederally owned gas resources
10 shall require the coal operator to make a reasonable
11 effort to negotiate an arrangement with the gas
12 owner in advance of conducting any mining oper-
13 ations. If the coal lessee and gas owner are unable
14 to arrange for the joint development of the coal and
15 coal mine methane, and if the joint development of
16 those resources is economically feasible, the Sec-
17 retary may seek a court order to allow coal mining
18 and methane capture to proceed by the coal lessee,
19 subject to a reasonable division of the proceeds from
20 the sale of the coal and methane resources.

21 “(6) Any assessment of fair market value re-
22 quired by subsection (a)(1) shall include the value of
23 any Federal coal mine methane that is associated
24 with Federal coal resources and subject to capture
25 and use under this section.

1 “(7) Any Federal coal mine methane that is
2 captured and used or sold pursuant to a Federal
3 coal lease shall be subject to a royalty of not less
4 than 18.75 percent.”.

5 **SEC. 605. SELF-BONDING.**

6 Section 509 of the Surface Mining Control and Rec-
7 lamation Act of 1977 (30 U.S.C. 1259) is amended—

8 (1) by striking subsection (c); and

9 (2) by redesignating subsections (d) and (e) as
10 subsections (c) and (d), respectively.

11 **SEC. 606. STREAM PROTECTION.**

12 (a) ADDITION OF STREAM BUFFER.—Title V of the
13 Surface Mining Control and Reclamation Act of 1977 (30
14 U.S.C. 1251 et seq.) is amended by adding at the end
15 the following:

16 **“SEC. 530. LIMITATIONS ON SURFACE OR UNDERGROUND**
17 **COAL MINING ACTIVITY.**

18 “(a) IN GENERAL.—Surface or underground coal
19 mining operations shall not be conducted if—

20 “(1) such activity would disturb the surface of
21 land within 100 feet of a perennial or intermittent
22 stream, unless the Secretary has authorized such ac-
23 tivity to be conducted based on a finding that such
24 disturbance—

1 “(A) will not cause or contribute to the
2 violation of applicable State or Federal water
3 quality standards; and

4 “(B) will not adversely affect the water
5 quantity, water quality, or other environmental
6 resources of the stream or downstream waters;
7 or

8 “(2) the Secretary determines that such activity
9 will—

10 “(A) cause or contribute to the violation of
11 applicable State or Federal water quality stand-
12 ards; or

13 “(B) adversely affect the water quantity or
14 quality or other environmental resources of the
15 stream.

16 “(b) MEASUREMENT OF DISTANCE.—The 100-foot
17 distance referred to in subsection (a)(1) shall be measured
18 horizontally on a line perpendicular to the stream, begin-
19 ning at the ordinary high water mark.

20 “(c) DEFINITION OF PERENNIAL OR INTERMITTENT
21 STREAM.—In this section, the term ‘perennial or intermit-
22 tent stream’ means a stream or part of a stream that—

23 “(1) has flowing water during periods when
24 groundwater provides water for streamflow, but may
25 not have flowing water during other periods; and

1 “(2) has channels that display both a bed-and-
2 bank configuration and an ordinary high water
3 mark.”.

4 (b) DIRECTED RULEMAKING.—The Secretary shall
5 issue regulations under the Surface Mining Control and
6 Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), includ-
7 ing the amendment to such Act made by subsection (a),
8 to—

9 (1) define “material damage to the hydrologic
10 balance outside the permit area” under section
11 510(a)(b)(3) of such Act (30 U.S.C. 1260 (a)(b)(3))
12 and require that each permit specify the point at
13 which adverse mining-related impacts on ground-
14 water and surface water would reach that level of
15 damage;

16 (2) ensure collection of adequate premining
17 data about the site of a proposed mining operation
18 and adjacent areas to establish an adequate baseline
19 for evaluation of the impacts of mining and the ef-
20 fectiveness of reclamation;

21 (3) adjust monitoring requirements to enable
22 timely detection and correction of any adverse trends
23 in the quality or quantity of surface water and
24 groundwater or the biological condition of streams;

1 (4) ensure protection or restoration of perennial
2 and intermittent streams and related resources;

3 (5) ensure that permittees and regulatory au-
4 thorities make use of advances in science and tech-
5 nology;

6 (6) ensure that land disturbed by mining oper-
7 ations is restored to a condition capable of sup-
8 porting the uses that it was capable of supporting
9 before mining; and

10 (7) update and codify the requirements and
11 procedures for protection of threatened or endan-
12 gered species and designated critical habitat.

13 **SEC. 607. CERTIFIED STATES.**

14 Section 411(b) of the Surface Mining Control and
15 Reclamation Act of 1977 (30 U.S.C. 1240a) is amended—

16 (1) by striking “If the Secretary” and inserting
17 the following:

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 if the Secretary”;

20 (2) by redesignating paragraphs (1) and (2) as
21 subparagraphs (A) and (B), respectively, and mov-
22 ing such subparagraphs 2 ems to the right; and

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

24 “(2) OFFICE APPROVAL.—A State may not un-
25 dertake a noncoal mine reclamation project under

1 this title on lands, waters, or facilities determined by
2 the Secretary to be eligible under paragraph (1) un-
3 less—

4 “(A) the State demonstrates to the Office’s
5 satisfaction that the noncoal mine poses a more
6 extreme danger to public health, safety, prop-
7 erty, or the environment than any abandoned
8 coal mine in the State; and

9 “(B) the State has received approval from
10 the Office to undertake such noncoal mine rec-
11 lamation project.

12 “(3) PUBLIC LISTING OF NONCOAL
13 PROJECTS.—The Office shall maintain a public list-
14 ing on the website of the Office of the noncoal mine
15 reclamation projects undertaken by each State under
16 this subsection.”.

17 **SEC. 608. ECONOMIC REDEVELOPMENT ON ABANDONED**
18 **MINE LANDS.**

19 (a) ECONOMIC REVITALIZATION FOR COAL COUN-
20 TRY.—

21 (1) IN GENERAL.—Title IV of the Surface Min-
22 ing Control and Reclamation Act of 1977 (30 U.S.C.
23 1231 et seq.) is amended by adding at the end the
24 following:

1 **“SEC. 415. ABANDONED MINE LAND ECONOMIC REVITAL-**
2 **IZATION.**

3 “(a) DEFINITION OF COMMITTED.—In this section:

4 “(1) IN GENERAL.—The term ‘committed’
5 means that a State or Indian tribe receiving funds
6 under this section has executed a project agreement
7 with an applicant for the funds.

8 “(2) INCLUSION.—The term ‘committed’ in-
9 cludes, with respect to a project agreement, any
10 amount used for project planning under subsection
11 (g).

12 “(b) AUTHORIZATION.—Of the amounts deposited in
13 the fund under section 401(b) before October 1, 2007, and
14 not otherwise appropriated, \$200,000,000 shall be avail-
15 able to the Secretary, without further appropriation, for
16 each of fiscal years 2018 through 2022 for distribution
17 to States and Indian tribes in accordance with this section
18 for the purpose of promoting economic revitalization, di-
19 versification, and development in economically distressed
20 communities through the reclamation and restoration of
21 land and water resources adversely affected by coal mining
22 carried out before August 3, 1977.

23 “(c) USE OF FUNDS.—Funds distributed to a State
24 or Indian tribe under subsection (d) shall be used only
25 for those projects that meet the following criteria:

1 “(1) RELATED TO THE RECLAMATION OF ABAN-
2 DONED MINE LAND AND WATERS.—The project is
3 designed—

4 “(A) to achieve one or more of the prior-
5 ities stated in section 403(a); or

6 “(B) to be conducted on land adjacent to
7 eligible land and waters described in section
8 403(a) that has previously been remediated or
9 will be remediated under this section.

10 “(2) CONTRIBUTION TO FUTURE ECONOMIC OR
11 COMMUNITY DEVELOPMENT.—

12 “(A) IN GENERAL.—The project is reason-
13 ably likely to create favorable conditions, as
14 demonstrated in accordance with subparagraph
15 (B), for the economic development of the
16 project site or promote the general welfare
17 through economic and community development
18 of the area in which the project is conducted.

19 “(B) DEMONSTRATION OF CONDITIONS.—
20 The conditions referred to in subparagraph (A)
21 may be demonstrated by any documentation—

22 “(i) of the role of the project in the
23 economic development strategy or other
24 economic and community development
25 planning process of the applicable area;

1 “(ii) of the planned economic and
2 community use of the project site after the
3 primary reclamation activities are com-
4 pleted, which may include contracts, agree-
5 ments in principle, or other evidence that,
6 once reclaimed, the site is reasonably an-
7 ticipated to be used for one or more indus-
8 trial, commercial, residential, agricultural,
9 or recreational purposes; or

10 “(iii) agreed to by the State or Indian
11 tribe that demonstrates the project will
12 meet the criteria set forth in this sub-
13 section.

14 “(3) LOCATION IN COMMUNITY AFFECTED BY
15 RECENT DECLINE IN MINING.—The project will be
16 conducted in a community—

17 “(A) that has been adversely affected eco-
18 nomically by a reduction in coal mining-related
19 activity over the preceding 5 years, as dem-
20 onstrated by employment data, per capita in-
21 come, or other indicators of reduced economic
22 activity attributable to the reduction; or

23 “(B)(i) that has traditionally relied on coal
24 mining for a substantial portion of the economy
25 of the community; and

1 “(ii) in which the economic contribution of
2 coal mining has significantly declined.

3 “(4) STAKEHOLDER COLLABORATION.—The
4 project has been—

5 “(A) the subject of project planning under
6 subsection (g); and

7 “(B) the focus of collaboration, including
8 partnerships, as appropriate, with interested
9 persons or local organizations.

10 “(5) ELIGIBLE APPLICANTS.—The project has
11 been proposed and will be executed by entities of
12 State, local, county, or tribal government, which may
13 include subcontracting project-related activities, as
14 appropriate.

15 “(d) DISTRIBUTION OF FUNDS.—

16 “(1) UNCERTIFIED STATES.—

17 “(A) IN GENERAL.—Of the amount made
18 available under subsection (b), the Secretary
19 shall distribute \$195,000,000 for each of fiscal
20 years 2018 through 2022 to States and Indian
21 tribes that have a State program approved
22 under section 405 or are referred to in section
23 402(g)(8)(B), and have not made a certification
24 under section 411(a) in which the Secretary has
25 concurred, as follows:

1 “(i) FISCAL YEARS 2018 AND 2019.—
2 For each of fiscal years 2018 and 2019,
3 the Secretary shall allocate to each State
4 and Indian tribe the funds through a for-
5 mula based on the quantity of coal histori-
6 cally produced in each State or from the
7 land of each Indian tribe before August 3,
8 1977.

9 “(ii) FISCAL YEARS 2020 THROUGH
10 2022.—For each of fiscal years 2020
11 through 2022, the Secretary shall allocate
12 to each State and Indian tribe—

13 “(I) the amount allocated to the
14 State or Indian tribe for fiscal year
15 2018, plus any amount reallocated to
16 the State or Indian tribe under this
17 paragraph, if the State or Indian tribe
18 has committed the full amount of the
19 allocation of the State or Indian tribe
20 for the preceding fiscal year to eligible
21 projects; or

22 “(II) if the State or Indian tribe
23 has not committed the full amount of
24 the allocation of the State or Indian
25 tribe for the preceding fiscal year to

1 eligible projects, an amount equal to
2 the lesser of—

3 “(aa) the amount the State
4 or Indian tribe has committed to
5 eligible projects from the alloca-
6 tion of the State or Indian tribe
7 for the preceding fiscal year; and

8 “(bb) the amount allocated
9 to the State or Indian tribe for
10 fiscal year 2018.

11 “(iii) FISCAL YEAR 2023.—For fiscal
12 year 2023, the Secretary shall allocate to
13 each State and Indian tribe the amount re-
14 allocated to the State or Indian tribe under
15 subparagraph (B), if the State or Indian
16 tribe has committed the full amount of the
17 allocation of the State or Indian tribe for
18 fiscal year 2022 to eligible projects.

19 “(B) REALLOCATION OF UNCOMMITTED
20 FUNDS.—

21 “(i) FISCAL YEAR 2020 THROUGH
22 2022.—For each of fiscal years 2020
23 through 2022, the Secretary shall reallo-
24 cate in accordance with clause (iii) any
25 amount available for distribution under

1 this subsection that has not been com-
2 mitted to eligible projects in the preceding
3 2 fiscal years, among the States and In-
4 dian tribes that have committed to eligible
5 projects the full amount of the annual allo-
6 cation of the State or Indian tribe for the
7 preceding fiscal year as described in clause
8 (iii).

9 “(ii) FISCAL YEAR 2023.—For fiscal
10 year 2023, the Secretary shall reallocate in
11 accordance with clause (iii) any amount
12 available for distribution under this sub-
13 section that has not been committed to eli-
14 gible projects or distributed under sub-
15 paragraph (A)(iii), among the States and
16 Indian tribes that have committed to eligi-
17 ble projects the full amount of the annual
18 allocation of the State or Indian tribe for
19 fiscal year 2022.

20 “(iii) AMOUNT OF REALLOCATION.—
21 The amount reallocated to each State and
22 Indian tribe under each of clauses (i) and
23 (ii) shall be determined by the Secretary to
24 reflect, to the extent practicable—

1 “(I) the proportion of
2 unreclaimed eligible land and waters
3 the State or Indian tribe has in the
4 inventory maintained under section
5 403(c); and

6 “(II) the proportion of coal min-
7 ing employment loss incurred in the
8 State or Indian land, respectively, as
9 determined by the Mine Safety and
10 Health Administration, over the 5-
11 year period preceding the fiscal year
12 for which the reallocation is made.

13 “(C) SUPPLEMENTAL FUNDS.—Funds dis-
14 tributed under this subsection—

15 “(i) shall be in addition to, and shall
16 not affect, the amount of funds distributed
17 to States and Indian tribes under section
18 401(f); and

19 “(ii) shall not reduce any funds dis-
20 tributed to a State or Indian tribe by rea-
21 son of the application of section 402(g)(8).

22 “(2) ADDITIONAL FUNDING TO CERTAIN
23 STATES AND INDIAN TRIBES.—

24 “(A) ELIGIBILITY.—Of the amount made
25 available under subsection (b), the Secretary

1 shall distribute \$5,000,000 for each of the 5
2 fiscal years beginning in fiscal year 2018 to
3 States and Indian tribes that—

4 “(i) have a State program approved
5 under section 405; and

6 “(ii)(I) have made a certification
7 under section 411(a) in which the Sec-
8 retary has concurred; or

9 “(II) receive an allocation by reason
10 of the application of section 402(g)(8)(A).

11 “(B) APPLICATION FOR FUNDS.—

12 “(i) IN GENERAL.—Using the process
13 described in section 405(f), any State or
14 Indian tribe described in subparagraph (A)
15 may submit a grant application to the Sec-
16 retary for funds under this paragraph.

17 “(ii) REVIEW.—The Secretary shall
18 review each grant application to confirm
19 that the projects identified in the applica-
20 tion for funding are eligible under sub-
21 section (c).

22 “(C) DISTRIBUTION OF FUNDS.—The
23 amount of funds distributed to each State and
24 Indian tribe under this paragraph shall be de-
25 termined by the Secretary based on the dem-

1 onstrated need for the funding to accomplish
2 the purposes of this section.

3 “(e) RESOLUTION OF CONCERNS OF SECRETARY;
4 CONGRESSIONAL NOTIFICATION.—If the Secretary does
5 not agree with a State or Indian tribe that a proposed
6 project meets the criteria set forth in subsection (c)—

7 “(1) the Secretary and the State or Indian tribe
8 shall meet and confer for a period of not less than
9 30 days to resolve the concerns of the Secretary;

10 “(2) during that period, the Secretary may con-
11 sult with any appropriate Federal agency, such as
12 the Appalachian Regional Commission, the Eco-
13 nomic Development Administration, and the Bureau
14 of Indian Affairs, to assist with the resolution of the
15 concerns; and

16 “(3) at the end of that period, if the concerns
17 of the Secretary are not resolved, the Secretary shall
18 provide to Congress an explanation of the concerns.

19 “(f) ACID MINE DRAINAGE TREATMENT.—

20 “(1) IN GENERAL.—Subject to paragraph (3), a
21 State or Indian tribe that receives funds under this
22 section may retain such portion of the funds as is
23 necessary to supplement the acid mine drainage
24 abatement and treatment fund of the State or In-
25 dian tribe established under section 402(g)(6)(A),

1 for future operation and maintenance costs for the
2 treatment of acid mine drainage associated with the
3 individual projects funded under this section.

4 “(2) APPLICATION.—A State or Indian tribe
5 shall specify the total funds allotted for costs de-
6 scribed in paragraph (1) in the application of the
7 State or Indian tribe submitted under subsection
8 (d)(2)(B).

9 “(3) CONDITION.—A State or Indian tribe may
10 retain and use funds under this subsection only if
11 the State or Indian tribe demonstrates that the an-
12 nual grant distributed to the State or Indian tribe
13 pursuant to section 401(f), including any interest
14 from the acid mine drainage abatement and treat-
15 ment fund of the State or Indian tribe that is not
16 used for the operation or maintenance of preexisting
17 acid mine drainage treatment systems, is insufficient
18 to fund the operation and maintenance of any acid
19 mine drainage treatment system associated with an
20 individual project funded under this section.

21 “(g) PROJECT PLANNING AND ADMINISTRATION.—

22 “(1) STATES AND INDIAN TRIBES.—

23 “(A) IN GENERAL.—A State or Indian
24 tribe may use up to 10 percent of the amounts
25 distributed to the State or Indian tribe under

1 this section for project planning and the costs
2 of administering this section.

3 “(B) PLANNING REQUIREMENTS.—Plan-
4 ning under this paragraph may include—

5 “(i) identification of eligible projects;

6 “(ii) updating the inventory referred
7 to in section 403(c);

8 “(iii) developing project designs;

9 “(iv) preparing cost estimates; or

10 “(v) engaging in other similar activi-
11 ties necessary to facilitate reclamation ac-
12 tivities under this section.

13 “(2) SECRETARY.—In addition to amounts
14 available for distribution under subsection (b), the
15 Secretary may expend, without further appropria-
16 tion, not more than \$3,000,000 for the 5 fiscal years
17 beginning after the date of enactment of this section
18 for staffing and other administrative expenses nec-
19 essary to carry out this section.

20 “(h) REPORT TO CONGRESS.—Each State and Indian
21 tribe to which funds are distributed under this section
22 shall provide to Congress and the Secretary at the end
23 of each fiscal year for which the funds are distributed a
24 detailed report on—

1 “(1) the various projects that have been under-
2 taken with the funds; and

3 “(2) the community and economic benefits that
4 are resulting, or are expected to result, from the use
5 of the funds.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents in the first section of the Surface Mining Con-
8 trol and Reclamation Act of 1977 (30 U.S.C. prec.
9 1201) is amended by adding at the end of the items
10 relating to title IV the following:

“Sec. 415. Abandoned mine land economic revitalization.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) ABANDONED MINE RECLAMATION FUND
13 AND PURPOSES.—Section 401 of the Surface Mining
14 Control and Reclamation Act of 1977 (30 U.S.C.
15 1231) is amended—

16 (A) in subsection (c)—

17 (i) in paragraph (10), by striking
18 “and” at the end;

19 (ii) by redesignating paragraph (11)
20 as paragraph (12); and

21 (iii) by inserting after paragraph (10)
22 the following:

23 “(11) to implement section 415; and”; and

24 (B) in subsection (d)(3), by inserting “and
25 section 415(b)” before the period at the end.

1 (2) RECLAMATION FEE.—Section 402(g) of the
2 Surface Mining Control and Reclamation Act of
3 1977 (30 U.S.C. 1232(g)) is amended—

4 (A) in paragraph (1), in the matter pre-
5 ceding subparagraph (A), by inserting “and sec-
6 tion 415” after “subsection (h)”; and

7 (B) in paragraph (3), by adding at the end
8 the following:

9 “(F) For the purpose of section
10 415(b)(2)(A).”.

11 (3) OBJECTIVES OF FUND.—Section 403(c) of
12 the Surface Mining Control and Reclamation Act of
13 1977 (30 U.S.C. 1233(c)) is amended—

14 (A) in the first sentence—

15 (i) by striking “For” and inserting
16 the following:

17 “(1) IN GENERAL.—For”;

18 (ii) by inserting “any of” after “which
19 meet”; and

20 (iii) by striking “paragraphs (1) and
21 (2) of”;

22 (B) in the second sentence—

23 (i) by striking “Under” and inserting
24 the following:

25 “(2) AMENDMENTS.—

1 “(A) IN GENERAL.—Under”; and

2 (ii) by inserting after subparagraph

3 (A) (as so designated) the following:

4 “(B) ADVANCED TECHNOLOGIES.—As
5 practicable, States and Indian tribes shall offer
6 amendments described in subparagraph (A)
7 based on the use of remote sensing, global posi-
8 tioning systems, and other advanced tech-
9 nologies.”;

10 (C) by striking “The Secretary shall pro-
11 vide” and inserting the following:

12 “(3) ASSISTANCE.—The Secretary shall pro-
13 vide”;

14 (D) by striking “The Secretary shall com-
15 pile” and inserting the following:

16 “(4) INVENTORY.—

17 “(A) IN GENERAL.—The Secretary shall
18 compile”;

19 (E) in the last sentence by striking “On”
20 and inserting the following:

21 “(B) PROJECTS.—On”; and

22 (F) by adding at the end the following:

23 “(C) UPDATES.—The Secretary may per-
24 form any work necessary to amend any entry in
25 the inventory that has not been updated by a

1 State or Indian tribe within the preceding 3
2 years to ensure that the entry is up-to-date and
3 accurate.”.

4 **SEC. 609. PROHIBITION ON BLASTING WITHIN ONE MILE OF**
5 **ANY OCCUPIED DWELLING.**

6 Section 515(b)(15) of the Surface Mining Control
7 and Reclamation Act of 1977 (43 U.S.C. 1265(B)(15))
8 is amended by adding “; and” at the end of subparagraph
9 (E), and by adding at the end the following:

10 “(F) prohibit blasting—

11 “(i) within one mile of any occupied
12 dwelling, unless such prohibition is waived
13 by the owner thereof, and

14 “(ii) within one mile of any public
15 building, school, church, community, insti-
16 tutional building, or public park.”.

17 **SEC. 610. COAL MINERS PENSION PROTECTION.**

18 (a) IN GENERAL.—Subsection (i) of section 402 of
19 the Surface Mining Control and Reclamation Act of 1977
20 (30 U.S.C. 1232), as amended by the Further Continuing
21 and Security Assistance Appropriations Act, 2017, is
22 amended—

23 (1) by redesignating paragraph (4) as para-
24 graph (5); and

1 (2) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) ADDITIONAL AMOUNTS.—

4 “(A) CALCULATION.—If the dollar limita-
5 tion specified in paragraph (3)(A) exceeds the
6 aggregate amount required to be transferred
7 under paragraphs (1) and (2) for a fiscal year,
8 the Secretary of the Treasury shall transfer an
9 additional amount equal to the difference be-
10 tween such dollar limitation and such aggregate
11 amount to the trustees of the 1974 UMWA
12 Pension Plan to pay benefits required under
13 that plan.

14 “(B) CESSATION OF TRANSFERS.—The
15 transfers described in subparagraph (A) shall
16 cease as of the first fiscal year beginning after
17 the first plan year for which the funded per-
18 centage (as defined in section 432(i)(2) of the
19 Internal Revenue Code of 1986) of the 1974
20 UMWA Pension Plan is at least 100 percent.

21 “(C) PROHIBITION ON BENEFIT IN-
22 CREASES, ETC.—During a fiscal year in which
23 the 1974 UMWA Pension Plan is receiving
24 transfers under subparagraph (A), no amend-
25 ment of such plan which increases the liabilities

1 of the plan by reason of any increase in bene-
2 fits, any change in the accrual of benefits, or
3 any change in the rate at which benefits become
4 nonforfeitable under the plan may be adopted
5 unless the amendment is required as a condi-
6 tion of qualification under part I of subchapter
7 D of chapter 1 of the Internal Revenue Code of
8 1986.

9 “(D) TREATMENT OF TRANSFERS FOR
10 PURPOSES OF WITHDRAWAL LIABILITY UNDER
11 ERISA.—The amount of any transfer made
12 under subparagraph (A) (and any earnings at-
13 tributable thereto) shall be disregarded in deter-
14 mining the unfunded vested benefits of the
15 1974 UMWA Pension Plan and the allocation
16 of such unfunded vested benefits to an employer
17 for purposes of determining the employer’s
18 withdrawal liability under section 4201 of the
19 Employee Retirement Income Security Act of
20 1974.

21 “(E) REQUIREMENT TO MAINTAIN CON-
22 TRIBUTION RATE.—A transfer under subpara-
23 graph (A) shall not be made for a fiscal year
24 unless the persons that are obligated to con-
25 tribute to the 1974 UMWA Pension Plan on

1 the date of the transfer are obligated to make
2 the contributions at rates that are no less than
3 those in effect on the date which is 30 days be-
4 fore the date of enactment of the Sustainable
5 Energy Development Reform Act.

6 “(F) ENHANCED ANNUAL REPORTING.—

7 “(i) IN GENERAL.—Not later than the
8 90th day of each plan year beginning after
9 the date of enactment of the Sustainable
10 Energy Development Reform Act, the
11 trustees of the 1974 UMWA Pension Plan
12 shall file with the Secretary of the Treas-
13 ury or the Secretary’s delegate and the
14 Pension Benefit Guaranty Corporation a
15 report (including appropriate documenta-
16 tion and actuarial certifications from the
17 plan actuary, as required by the Secretary
18 of the Treasury or the Secretary’s dele-
19 gate) that contains—

20 “(I) whether the plan is in en-
21 dangered or critical status under sec-
22 tion 305 of the Employee Retirement
23 Income Security Act of 1974 and sec-
24 tion 432 of the Internal Revenue Code

1 of 1986 as of the first day of such
2 plan year;

3 “(II) the funded percentage (as
4 defined in section 432(i)(2) of such
5 Code) as of the first day of such plan
6 year, and the underlying actuarial
7 value of assets and liabilities taken
8 into account in determining such per-
9 centage;

10 “(III) the market value of the as-
11 sets of the plan as of the last day of
12 the plan year preceding such plan
13 year;

14 “(IV) the total value of all con-
15 tributions made during the plan year
16 preceding such plan year;

17 “(V) the total value of all bene-
18 fits paid during the plan year pre-
19 ceding such plan year;

20 “(VI) cash flow projections for
21 such plan year and either the 6 or 10
22 succeeding plan years, at the election
23 of the trustees, and the assumptions
24 relied upon in making such projec-
25 tions;

1 “(VII) funding standard account
2 projections for such plan year and the
3 9 succeeding plan years, and the as-
4 sumptions relied upon in making such
5 projections;

6 “(VIII) the total value of all in-
7 vestment gains or losses during the
8 plan year preceding such plan year;

9 “(IX) any significant reduction
10 in the number of active participants
11 during the plan year preceding such
12 plan year, and the reason for such re-
13 duction;

14 “(X) a list of employers that
15 withdrew from the plan in the plan
16 year preceding such plan year, and
17 the resulting reduction in contribu-
18 tions;

19 “(XI) a list of employers that
20 paid withdrawal liability to the plan
21 during the plan year preceding such
22 plan year and, for each employer, a
23 total assessment of the withdrawal li-
24 ability paid, the annual payment
25 amount, and the number of years re-

1 maintaining in the payment schedule with
2 respect to such withdrawal liability;

3 “(XII) any material changes to
4 benefits, accrual rates, or contribution
5 rates during the plan year preceding
6 such plan year;

7 “(XIII) any scheduled benefit in-
8 crease or decrease in the plan year
9 preceding such plan year having a
10 material effect on liabilities of the
11 plan;

12 “(XIV) details regarding any
13 funding improvement plan or rehabili-
14 tation plan and updates to such plan;

15 “(XV) the number of partici-
16 pants and beneficiaries during the
17 plan year preceding such plan year
18 who are active participants, the num-
19 ber of participants and beneficiaries in
20 pay status, and the number of termi-
21 nated vested participants and bene-
22 ficiaries;

23 “(XVI) the information contained
24 on the most recent annual funding no-
25 tice submitted by the plan under sec-

1 tion 101(f) of the Employee Retirement
2 Income Security Act of 1974;

3 “(XVII) the information contained on the most recent Department
4 of Labor Form 5500 of the plan; and

5 “(XVIII) copies of the plan document and amendments, other retirement
6 benefit or ancillary benefit plans relating to the plan and contribution
7 obligations under such plans, a breakdown of administrative expenses of
8 the plan, participant census data and distribution of benefits, the most recent
9 actuarial valuation report as of the plan year, copies of collective bargaining
10 agreements, and financial reports, and such other information as
11 the Secretary of the Treasury or the Secretary’s delegate, in consultation
12 with the Secretary of Labor and the Director of the Pension Benefit Guaranty
13 Corporation, may require.

14 “(ii) ELECTRONIC SUBMISSION.—The
15 report required under clause (i) shall be
16 submitted electronically.

1 “(iii) INFORMATION SHARING.—The
2 Secretary of the Treasury or the Sec-
3 retary’s delegate shall share the informa-
4 tion in the report under clause (i) with the
5 Secretary of Labor.

6 “(iv) PENALTY.—Any failure to file
7 the report required under clause (i) on or
8 before the date described in such clause
9 shall be treated as a failure to file a report
10 required to be filed under section 6058(a)
11 of the Internal Revenue Code of 1986, ex-
12 cept that section 6652(e) of such Code
13 shall be applied with respect to any such
14 failure by substituting ‘\$100’ for ‘\$25’.
15 The preceding sentence shall not apply if
16 the Secretary of the Treasury or the Sec-
17 retary’s delegate determines that reason-
18 able diligence has been exercised by the
19 trustees of such plan in attempting to
20 timely file such report.

21 “(G) 1974 UMWA PENSION PLAN DE-
22 FINED.—For purposes of this paragraph, the
23 term ‘1974 UMWA Pension Plan’ has the
24 meaning given the term in section 9701(a)(3)
25 of the Internal Revenue Code of 1986, but

1 without regard to the limitation on participation
2 to individuals who retired in 1976 and there-
3 after.”.

4 (b) CUSTOMS USER FEES.—

5 (1) IN GENERAL.—Section 13031(j)(3)(A) of
6 the Consolidated Omnibus Budget Reconciliation Act
7 of 1985 (19 U.S.C. 58c(j)(3)(A)), as amended by
8 section 105(a) of the Health Benefits for Miners Act
9 of 2017, is amended by striking “January 14, 2026”
10 and inserting “May 13, 2026”.

11 (2) RATE FOR MERCHANDISE PROCESSING
12 FEES.—Section 503 of the United States–Korea
13 Free Trade Agreement Implementation Act (Public
14 Law 112–41; 19 U.S.C. 3805 note), as amended by
15 section 105(b) of the Health Benefits for Miners Act
16 of 2017, is amended by striking “January 14, 2026”
17 and inserting “May 13, 2026”.

18 **TITLE VII—LAND MANAGEMENT**
19 **AND SCIENCE**

20 **SEC. 701. ANWR.**

21 (a) INCLUSION OF ARCTIC COASTAL PLAIN.—In fur-
22 therance of the Wilderness Act (16 U.S.C. 1131 et seq.),
23 an area within the Arctic National Wildlife Refuge in the
24 State of Alaska comprising approximately 1,559,538
25 acres, as generally depicted on a map entitled “Arctic Na-

1 tional Wildlife Refuge—1002 Area Alternative E—Wilder-
2 ness Designation” and dated October 28, 1991, is hereby
3 designated as wilderness and, therefore, as a component
4 of the National Wilderness Preservation System.

5 (b) AVAILABILITY OF MAP.—The map referred to in
6 subsection (a) shall be available for inspection in the ap-
7 propriate office of the Secretary of the Interior.

8 (c) ADMINISTRATION.—The Secretary of the Interior
9 shall administer the area designated as wilderness by sub-
10 section (a) in accordance with the Wilderness Act as part
11 of the wilderness area already in existence within the Ar-
12 tic National Wildlife Refuge as of the date of the enact-
13 ment of this Act.

14 **SEC. 702. LAND MANAGEMENT STANDARD.**

15 Section 302(b) of the Federal Land Policy and Man-
16 agement Act of 1976 (43 U.S.C. 1732(b)) is amended in
17 the last sentence by inserting “degradation” after “unne-
18 cessary”.

19 **SEC. 703. GEOLOGICAL AND GEOPHYSICAL DATA.**

20 Section 351(k) of the Energy Policy Act of 2005 (42
21 U.S.C. 15908(k)) is amended by striking “2006 through
22 2010” and inserting “2018 through 2022”.

23 **SEC. 704. LAND AND WATER CONSERVATION FUND.**

24 (a) IN GENERAL.—Section 200302 of title 54, United
25 States Code, is amended—

1 (1) in subsection (b), in the matter preceding
2 paragraph (1), by striking “During the period end-
3 ing September 30, 2018, there” and inserting
4 “‘There’”; and

5 (2) in subsection (c)(1), by striking “through
6 September 30, 2018”.

7 (b) PUBLIC ACCESS.—Section 200306 of title 54,
8 United States Code, is amended by adding at the end the
9 following:

10 “(c) PUBLIC ACCESS.—For each fiscal year, not less
11 than 1.5 percent of amounts made available for expendi-
12 ture in such fiscal year under section 200303, or
13 \$10,000,000, whichever is greater, shall be used for
14 projects that secure recreational public access to existing
15 Federal public land for hunting, fishing, and other rec-
16 reational purposes.”.

17 (c) PARITY FOR TERRITORIES AND THE DISTRICT OF
18 COLUMBIA.—Section 200305(b) of title 54, United States
19 Code, is amended by striking paragraph (5).

20 **SEC. 705. MITIGATION.**

21 The provisions of the order of the Secretary of the
22 Interior numbered 3349 and dated March 29, 2017 (relat-
23 ing to American energy independence) that revoke the
24 order of the Secretary numbered 3330 and dated October
25 31, 2013 (relating to improving mitigation policies and

1 practices of the Department of the Interior) shall have no
2 force or effect, and the order of the Secretary numbered
3 3330 shall apply as published on October 31, 2013.

○