

.....
(Original Signature of Member)

113TH CONGRESS
1ST SESSION

H. R.

To require the Secretary of the Interior conduct offshore oil and gas Lease Sale 220 as soon as practicable, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require the Secretary of the Interior conduct offshore oil and gas Lease Sale 220 as soon as practicable, 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 “Virginia Jobs and En-
5 ergy Act”.

1 **SEC. 2. LEASE SALE 220 AND OTHER OCS OIL AND GAS**
2 **LEASE SALES OFFSHORE VIRGINIA.**

3 (a) CONDUCT OF LEASE SALE.—Notwithstanding in-
4 clusion in the current 5-year oil and gas leasing program
5 under section 18 of the Outer Continental Shelf Lands
6 Act (43 U.S.C. 1344), the Secretary of the Interior shall
7 conduct lease sale 220 (as defined in the Draft Proposed
8 Outer Continental Shelf (OCS) Oil and Gas Leasing Pro-
9 gram for 2010-2015 as published in the Federal Register
10 on January 21, 2009 (74 Fed. Reg. 3631) under section
11 8 of such Act (43 U.S.C. 1337) as soon as practicable,
12 but not later than 1 year after the date of enactment of
13 this Act.

14 (b) INCLUSION IN FUTURE LEASING PROGRAMS.—
15 The Secretary of the Interior shall include at least one
16 lease sale in the Virginia lease sale planning area in each
17 5-year oil and gas leasing program that applies after the
18 current leasing program.

19 **SEC. 3. PROTECTION OF MILITARY OPERATIONS.**

20 (a) PROHIBITION.—No person may engage in any ex-
21 ploration, development, or production of oil or natural gas
22 off the coast of Virginia that would conflict with any mili-
23 tary operation, as determined in accordance with the
24 Memorandum of Agreement between the Department of
25 Defense and the Department of the Interior on Mutual
26 Concerns on the Outer Continental Shelf signed July 20,

1 1983, and any revision or replacement for that agreement
2 that is agreed to by the Secretary of Defense and the Sec-
3 retary of the Interior after that date but before the date
4 of issuance of the lease under which such exploration, de-
5 velopment, or production is conducted.

6 (b) REVIEW AND UPDATING OF MOA.—The Sec-
7 retary of the Interior and the Secretary of Defense shall
8 periodically review and revise such memorandum of agree-
9 ment to account for new offshore energy production tech-
10 nologies, including those that use wind energy.

11 **SEC. 4. DISPOSITION OF REVENUE.**

12 (a) PAYMENT OF NEW LEASING REVENUES TO MID-
13 ATLANTIC STATES.—Notwithstanding section 9 of the
14 Outer Continental Shelf Lands Act (43 U.S.C. 1338), of
15 the amount of new leasing revenues received by the United
16 States each fiscal year under any lease issued under this
17 Act, 37.5 percent shall be allocated and paid in accordance
18 with subsection (b) to Mid-Atlantic States that are af-
19 fected States with respect to the leases under which those
20 revenues are received by the United States.

21 (b) ALLOCATION OF PAYMENTS.—

22 (1) IN GENERAL.—The amount of new leasing
23 revenues received by the United States with respect
24 to a leased tract that are required to be paid to Mid-
25 Atlantic States in accordance with this subsection

1 each fiscal year shall be allocated among and paid
2 to Mid-Atlantic States that are within 200 miles of
3 the leased tract, in amounts that are inversely pro-
4 portional to the respective distances between the
5 point on the coastline of each such State that is clos-
6 est to the geographic center of the lease tract, as de-
7 termined by the Secretary.

8 (2) MINIMUM AND MAXIMUM ALLOCATION.—
9 The amount allocated to a Mid-Atlantic State under
10 paragraph (1) each fiscal year with respect to a
11 leased tract shall be—

12 (A) in the case of a Mid-Atlantic State
13 that is the nearest Mid-Atlantic State to the ge-
14 ographic center of the leased tract, not less
15 than 25 percent of the total amounts allocated
16 with respect to the leased tract; and

17 (B) in the case of any other Mid-Atlantic
18 State, not less than 10 percent, and not more
19 than 15 percent, of the total amounts allocated
20 with respect to the leased tract.

21 (3) ADMINISTRATION.—Amounts allocated to a
22 Mid-Atlantic State under this subsection—

23 (A) shall be available to the State without
24 further appropriation;

1 (B) shall remain available until expended;
2 and

3 (C) shall be in addition to any other
4 amounts available to the State under the Outer
5 Continental Shelf Lands Act (43 U.S.C. 1331
6 et seq.).

7 (4) USE OF FUNDS.—

8 (A) IN GENERAL.—Except as provided in
9 subparagraph (B), a Mid-Atlantic State may
10 use funds allocated and paid to it under this
11 subsection for any purpose as determined by
12 the laws of that State.

13 (B) RESTRICTION ON USE FOR MATCH-
14 ING.—Funds allocated and paid to a Mid-Atlan-
15 tic State under this subsection may not be used
16 as matching funds for any other Federal pro-
17 gram.

18 (c) DEFINITIONS.—In this section:

19 (1) AFFECTED STATE.—The term “affected
20 State” has the meaning that term has under section
21 2 of the Outer Continental Shelf Lands Act (43
22 U.S.C. 1331).

23 (2) MID-ATLANTIC STATE.—The term “Mid-At-
24 lantic State” means each of the States of Delaware,
25 North Carolina, Maryland, and Virginia.

1 (3) NEW LEASING REVENUES.—The term “new
2 leasing revenues” means amounts received by the
3 United States as bonuses, rents, and royalties under
4 leases for oil and gas, wind, tidal, or other energy
5 exploration, development, and production on areas of
6 the Outer Continental Shelf that are authorized to
7 be made available for leasing as a result of enact-
8 ment of this Act.

9 (4) VIRGINIA LEASE SALE PLANNING AREA.—
10 The term “Virginia lease sale planning area” means
11 the area of the outer Continental Shelf (as that term
12 is defined in the Outer Continental Shelf Lands Act
13 (33 U.S.C. 1331 et seq.)) that has—

14 (A) a boundary consisting of a straight
15 line extending from the northernmost point of
16 Virginia’s seaward boundary to the point on the
17 seaward boundary of the United States exclu-
18 sive economic zone located at 37 degrees 17
19 minutes 1 second North latitude, 71 degrees 5
20 minutes 16 seconds West longitude; and

21 (B) a southern boundary consisting of a
22 straight line extending from the southernmost
23 point of Virginia’s seaward boundary to the
24 point on the seaward boundary of the United
25 States exclusive economic zone located at 36 de-

1 grees 31 minutes 58 seconds North latitude, 71
2 degrees 30 minutes 1 second West longitude.

3 **SEC. 5. OFFSHORE METEOROLOGICAL SITE TESTING AND**
4 **MONITORING PROJECTS.**

5 (a) OFFSHORE METEOROLOGICAL PROJECT PERMIT-
6 TING.—

7 (1) IN GENERAL.—The Secretary of the Inte-
8 rior shall by regulation require that any applicant
9 seeking to conduct an offshore meteorological site
10 testing and monitoring project on the outer Conti-
11 nental Shelf (as that term is defined in the Outer
12 Continental Shelf Lands Act (43 U.S.C. 1331 et
13 seq.)) must obtain a permit and right of way for the
14 project in accordance with this subsection.

15 (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND
16 CONDITIONS.—

17 (A) DEADLINE FOR APPROVAL.—The Sec-
18 retary shall decide whether to issue a permit
19 and right of way for an offshore meteorological
20 site testing and monitoring project within 30
21 days after receiving an application.

22 (B) PUBLIC COMMENT AND CONSULTA-
23 TION.—During the period referred to in sub-
24 paragraph (A), the Secretary shall—

1 (i) provide an opportunity for submis-
2 sion of comments by the public; and

3 (ii) consult with the Secretary of De-
4 fense, the Commandant of the Coast
5 Guard, and the heads of other Federal,
6 State, and local agencies that would be af-
7 fected by issuance of the permit and right
8 of way.

9 (C) DENIAL OF PERMIT; OPPORTUNITY TO
10 REMEDY DEFICIENCIES.—If the application is
11 denied, the Secretary shall provide the appli-
12 cant—

13 (i) in writing, clear and comprehensive
14 reasons why the application was not ap-
15 proved and detailed information concerning
16 any deficiencies in the application; and

17 (ii) an opportunity to remedy such de-
18 ficiencies.

19 (b) NEPA EXCLUSION.—Section 102(2)(C) of the
20 National Environmental Policy Act of 1969 (42 U.S.C.
21 4332(2)(C)) shall not apply with respect to an offshore
22 meteorological site testing and monitoring project.

23 (c) PROTECTION OF INFORMATION.—The informa-
24 tion provided to the Secretary of the Interior pursuant to

1 subsection (d)(3) shall be treated by the Secretary as pro-
2 prietary information and protected against disclosure.

3 (d) DEFINITION OF AN OFFSHORE METEOROLOG-
4 ICAL SITE TESTING AND MONITORING PROJECT.—In this
5 section, the term “offshore meteorological site testing and
6 monitoring project” means a project carried out on or in
7 the waters of the Outer Continental Shelf administered
8 by the Department of the Interior to test or monitor
9 weather (including wind, tidal, current, and solar energy)
10 using towers, buoys, or other temporary ocean infrastruc-
11 ture, that—

12 (1) causes—

13 (A) less than 1 acre of surface or seafloor
14 disruption at the location of each meteorological
15 tower or other device; and

16 (B) not more than 5 acres of surface or
17 seafloor disruption within the proposed area af-
18 fected by for the project (including hazards to
19 navigation);

20 (2) is decommissioned not more than 5 years
21 after the date of commencement of the project, in-
22 cluding—

23 (A) removal of towers, buoys, or other tem-
24 porary ocean infrastructure from the project
25 site; and

1 (B) restoration of the project site to ap-
2 proximately the original condition of the site;
3 and
4 (3) provides meteorological information ob-
5 tained by the project to the Secretary of the Inte-
6 rior.