

113TH CONGRESS  
1ST SESSION

# H. R. 1782

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. RIGELL (for himself, Mr. WITTMAN, Mr. GRIFFITH of Virginia, and Mr. HURT) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To require the Secretary of the Interior to 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”.

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

8 (a) CONDUCT OF LEASE SALE.—Notwithstanding in-  
9 clusion in the current 5-year oil and gas leasing program

1 under section 18 of the Outer Continental Shelf Lands  
2 Act (43 U.S.C. 1344), the Secretary of the Interior shall  
3 conduct lease sale 220 (as defined in the Draft Proposed  
4 Outer Continental Shelf (OCS) Oil and Gas Leasing Pro-  
5 gram for 2010–2015 as published in the Federal Register  
6 on January 21, 2009 (74 Fed. Reg. 3631)) under section  
7 8 of such Act (43 U.S.C. 1337) as soon as practicable,  
8 but not later than 1 year after the date of enactment of  
9 this Act.

10 (b) INCLUSION IN FUTURE LEASING PROGRAMS.—  
11 The Secretary of the Interior shall include at least one  
12 lease sale in the Virginia lease sale planning area in each  
13 5-year oil and gas leasing program that applies after the  
14 current leasing program.

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

16 (a) PROHIBITION.—No person may engage in any ex-  
17 ploration, development, or production of oil or natural gas  
18 off the coast of Virginia that would conflict with any mili-  
19 tary operation, as determined in accordance with the  
20 Memorandum of Agreement between the Department of  
21 Defense and the Department of the Interior on Mutual  
22 Concerns on the Outer Continental Shelf signed July 20,  
23 1983, and any revision or replacement for that agreement  
24 that is agreed to by the Secretary of Defense and the Sec-  
25 retary of the Interior after that date but before the date

1 of issuance of the lease under which such exploration, de-  
2 velopment, or production is conducted.

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

8 **SEC. 4. DISPOSITION OF REVENUE.**

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

18 (b) ALLOCATION OF PAYMENTS.—

19 (1) IN GENERAL.—The amount of new leasing  
20 revenues received by the United States with respect  
21 to a leased tract that are required to be paid to Mid-  
22 Atlantic States in accordance with this subsection  
23 each fiscal year shall be allocated among and paid  
24 to Mid-Atlantic States that are within 200 miles of  
25 the leased tract, in amounts that are inversely pro-

1       portional to the respective distances between the  
2       point on the coastline of each such State that is clos-  
3       est to the geographic center of the lease tract, as de-  
4       termined by the Secretary.

5               (2) MINIMUM AND MAXIMUM ALLOCATION.—

6       The amount allocated to a Mid-Atlantic State under  
7       paragraph (1) each fiscal year with respect to a  
8       leased tract shall be—

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

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

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

20              (A) shall be available to the State without  
21       further appropriation;

22              (B) shall remain available until expended;  
23       and

24              (C) shall be in addition to any other  
25       amounts available to the State under the Outer

1 Continental Shelf Lands Act (43 U.S.C. 1331  
2 et seq.).

3 (4) USE OF FUNDS.—

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

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

14 (c) DEFINITIONS.—In this section:

15 (1) AFFECTED STATE.—The term “affected  
16 State” has the meaning that term has under section  
17 2 of the Outer Continental Shelf Lands Act (43  
18 U.S.C. 1331).

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

22 (3) NEW LEASING REVENUES.—The term “new  
23 leasing revenues” means amounts received by the  
24 United States as bonuses, rents, and royalties under  
25 leases for oil and gas, wind, tidal, or other energy

1 exploration, development, and production on areas of  
2 the Outer Continental Shelf that are authorized to  
3 be made available for leasing as a result of enact-  
4 ment of this Act.

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

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

17 (B) a southern boundary consisting of a  
18 straight line extending from the southernmost  
19 point of Virginia’s seaward boundary to the  
20 point on the seaward boundary of the United  
21 States exclusive economic zone located at 36 de-  
22 grees 31 minutes 58 seconds North latitude, 71  
23 degrees 30 minutes 1 second West longitude.

1 **SEC. 5. OFFSHORE METEOROLOGICAL SITE TESTING AND**  
2 **MONITORING PROJECTS.**

3 (a) OFFSHORE METEOROLOGICAL PROJECT PERMIT-  
4 TING.—

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

13 (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND  
14 CONDITIONS.—

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

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

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

25 (ii) consult with the Secretary of De-  
26 fense, the Commandant of the Coast

1           Guard, and the heads of other Federal,  
2           State, and local agencies that would be af-  
3           fected by issuance of the permit and right  
4           of way.

5           (C) DENIAL OF PERMIT; OPPORTUNITY TO  
6           REMEDY DEFICIENCIES.—If the application is  
7           denied, the Secretary shall provide the appli-  
8           cant—

9                   (i) in writing, clear and comprehensive  
10                  reasons why the application was not ap-  
11                  proved and detailed information concerning  
12                  any deficiencies in the application; and

13                   (ii) an opportunity to remedy such de-  
14                  ficiencies.

15           (b) NEPA EXCLUSION.—Section 102(2)(C) of the  
16           National Environmental Policy Act of 1969 (42 U.S.C.  
17           4332(2)(C)) shall not apply with respect to an offshore  
18           meteorological site testing and monitoring project.

19           (c) PROTECTION OF INFORMATION.—The informa-  
20           tion provided to the Secretary of the Interior pursuant to  
21           subsection (d)(3) shall be treated by the Secretary as pro-  
22           prietary information and protected against disclosure.

23           (d) DEFINITION OF AN OFFSHORE METEOROLOG-  
24           ICAL SITE TESTING AND MONITORING PROJECT.—In this  
25           section, the term “offshore meteorological site testing and



1 monitoring project” means a project carried out on or in  
2 the waters of the Outer Continental Shelf administered  
3 by the Department of the Interior to test or monitor  
4 weather (including wind, tidal, current, and solar energy)  
5 using towers, buoys, or other temporary ocean infrastruc-  
6 ture, that—

7 (1) causes—

8 (A) less than 1 acre of surface or seafloor  
9 disruption at the location of each meteorological  
10 tower or other device; and

11 (B) not more than 5 acres of surface or  
12 seafloor disruption within the proposed area af-  
13 fected by the project (including hazards to navi-  
14 gation);

15 (2) is decommissioned not more than 5 years  
16 after the date of commencement of the project, in-  
17 cluding—

18 (A) removal of towers, buoys, or other tem-  
19 porary ocean infrastructure from the project  
20 site; and

21 (B) restoration of the project site to ap-  
22 proximately the original condition of the site;  
23 and

1           (3) provides meteorological information ob-  
2           tained by the project to the Secretary of the Inte-  
3           rior.

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