

114TH CONGRESS  
1ST SESSION

# H. R. 1840

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 16, 2015

Mr. RIGELL (for himself, Mrs. COMSTOCK, Mr. GRIFFITH, Mr. HURT of Virginia, and Mr. WITTMAN) 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 Notwithstanding inclusion in the 2017–2022 OCS Oil and  
12 Gas Leasing Program, the Secretary of the Interior shall  
13 include at least 2 lease sales in the Virginia lease sale  
14 planning area (as defined in section 4(c)(4)) in each 5-  
15 year oil and gas leasing program that applies after the  
16 current leasing program.

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

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

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

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

10 **SEC. 4. DISPOSITION OF REVENUE.**

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

20 (b) ALLOCATION OF PAYMENTS.—

21 (1) IN GENERAL.—The amount of new leasing  
22 revenues received by the United States with respect  
23 to a leased tract that are required to be paid to  
24 States in accordance with this subsection each fiscal  
25 year shall be allocated among and paid to States

1 that are within 200 miles of the leased tract, in  
2 amounts that are inversely proportional to the re-  
3 spective distances between the point on the coastline  
4 of each such State that is closest to the geographic  
5 center of the lease tract, as determined by the Sec-  
6 retary.

7 (2) MINIMUM AND MAXIMUM ALLOCATION.—

8 The amount allocated to a State under paragraph  
9 (1) each fiscal year with respect to a leased tract  
10 shall be—

11 (A) in the case of a State that is the near-  
12 est State to the geographic center of the leased  
13 tract, not less than 25 percent of the total  
14 amounts allocated with respect to the leased  
15 tract; and

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

20 (3) ADMINISTRATION.—Amounts allocated to a  
21 State under this subsection—

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

24 (B) shall remain available until expended;  
25 and

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

5           (4) USE OF FUNDS.—

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

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

15           (c) DEFINITIONS.—In this section:

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

20           (2) NEW LEASING REVENUES.—The term “new  
21 leasing revenues” means amounts received by the  
22 United States as bonuses, rents, and royalties under  
23 leases for oil and gas, wind, tidal, or other energy  
24 exploration, development, and production on areas of  
25 the Outer Continental Shelf that are authorized to

1 be made available for leasing as a result of enact-  
2 ment of this Act.

3 (3) VIRGINIA LEASE SALE PLANNING AREA.—

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

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

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

22 **SEC. 5. OFFSHORE METEOROLOGICAL SITE TESTING AND**  
23 **MONITORING PROJECTS.**

24 (a) OFFSHORE METEOROLOGICAL PROJECT PERMIT-  
25 TING.—

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

9           (2) PERMIT AND RIGHT-OF-WAY TIMELINE AND  
10          CONDITIONS.—

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

16           (B) PUBLIC COMMENT AND CONSULTA-  
17          TION.—During the period referred to in sub-  
18          paragraph (A), the Secretary shall—

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

21           (ii) consult with the Secretary of De-  
22          fense, the Commandant of the Coast  
23          Guard, and the heads of other Federal,  
24          State, and local agencies that would be af-

1                    fected by issuance of the permit and right  
2                    of way.

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

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

11                   (ii) an opportunity to remedy such de-  
12                   ficiencies.

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

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

21                   (d) DEFINITION OF AN OFFSHORE METEOROLOG-  
22                   ICAL SITE TESTING AND MONITORING PROJECT.—In this  
23                   section, the term “offshore meteorological site testing and  
24                   monitoring project” means a project carried out on or in  
25                   the waters of the Outer Continental Shelf administered



1 by the Department of the Interior to test or monitor  
2 weather (including wind, tidal, current, and solar energy)  
3 using towers, buoys, or other temporary ocean infrastruc-  
4 ture, that—

5 (1) causes—

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

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

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

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

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

22 (3) provides meteorological information ob-  
23 tained by the project to the Secretary of the Inte-  
24 rior.

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