

COMMITTEE PRINT

Proposed Recommendations for Budget Reconciliation

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2 **RESOURCES**

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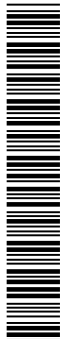
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1 **Subtitle A—Arctic Coastal Plain**
2 **Domestic Energy**

3 **SEC. 6101. SHORT TITLE.**

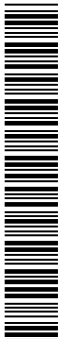
4 This subtitle may be cited as the “Arctic Coastal
5 Plain Domestic Energy Security Act of 2005”.

6 **SEC. 6102. DEFINITIONS.**

7 In this subtitle:

8 (1) COASTAL PLAIN.—The term “Coastal
9 Plain” means that area identified as such in the
10 map entitled “Arctic National Wildlife Refuge”,
11 dated August 1980, as referenced in section 1002(b)
12 of the Alaska National Interest Lands Conservation
13 Act of 1980 (16 U.S.C. 3142(b)(1)), comprising ap-
14 proximately 1,549,000 acres, and as described in ap-
15 pendix I to part 37 of title 50, Code of Federal Reg-
16 ulations.

17 (2) SECRETARY.—The term “Secretary”, except
18 as otherwise provided, means the Secretary of the
19 Interior or the Secretary’s designee.



1 **SEC. 6103. LEASING PROGRAM FOR LANDS WITHIN THE**
2 **COASTAL PLAIN.**

3 (a) IN GENERAL.—The Secretary shall take such ac-
4 tions as are necessary—

5 (1) to establish and implement, in accordance
6 with this Act and acting through the Director of the
7 Bureau of Land Management in consultation with
8 the Director of the United States Fish and Wildlife
9 Service, a competitive oil and gas leasing program
10 under the Mineral Leasing Act (30 U.S.C. 181 et
11 seq.) that will result in an environmentally sound
12 program for the exploration, development, and pro-
13 duction of the oil and gas resources of the Coastal
14 Plain; and

15 (2) to administer the provisions of this subtitle
16 through regulations, lease terms, conditions, restric-
17 tions, prohibitions, stipulations, and other provisions
18 that ensure the oil and gas exploration, development,
19 and production activities on the Coastal Plain will
20 result in no significant adverse effect on fish and
21 wildlife, their habitat, subsistence resources, and the
22 environment, and including, in furtherance of this
23 goal, by requiring the application of the best com-
24 mercially available technology for oil and gas explo-
25 ration, development, and production to all explo-
26 ration, development, and production operations



1 under this subtitle in a manner that ensures the re-
2 ceipt of fair market value by the public for the min-
3 eral resources to be leased.

4 (b) REPEAL.—Section 1003 of the Alaska National
5 Interest Lands Conservation Act of 1980 (16 U.S.C.
6 3143) is repealed.

7 (c) COMPLIANCE WITH REQUIREMENTS UNDER CER-
8 TAIN OTHER LAWS.—

9 (1) COMPATIBILITY.—For purposes of the Na-
10 tional Wildlife Refuge System Administration Act of
11 1966, the oil and gas leasing program and activities
12 authorized by this section in the Coastal Plain are
13 deemed to be compatible with the purposes for which
14 the Arctic National Wildlife Refuge was established,
15 and that no further findings or decisions are re-
16 quired to implement this determination.

17 (2) ADEQUACY OF THE DEPARTMENT OF THE
18 INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT
19 STATEMENT.—The “Final Legislative Environ-
20 mental Impact Statement” (April 1987) on the
21 Coastal Plain prepared pursuant to section 1002 of
22 the Alaska National Interest Lands Conservation
23 Act of 1980 (16 U.S.C. 3142) and section 102(2)(C)
24 of the National Environmental Policy Act of 1969
25 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the re-



1 requirements under the National Environmental Policy
2 Act of 1969 that apply with respect to prelease ac-
3 tivities, including actions authorized to be taken by
4 the Secretary to develop and promulgate the regula-
5 tions for the establishment of a leasing program au-
6 thorized by this subtitle before the conduct of the
7 first lease sale.

8 (3) COMPLIANCE WITH NEPA FOR OTHER AC-
9 TIONS.—Before conducting the first lease sale under
10 this subtitle, the Secretary shall prepare an environ-
11 mental impact statement under the National Envi-
12 ronmental Policy Act of 1969 with respect to the ac-
13 tions authorized by this subtitle that are not re-
14 ferred to in paragraph (2). Notwithstanding any
15 other law, the Secretary is not required to identify
16 nonleasing alternative courses of action or to analyze
17 the environmental effects of such courses of action.
18 The Secretary shall only identify a preferred action
19 for such leasing and a single leasing alternative, and
20 analyze the environmental effects and potential miti-
21 gation measures for those two alternatives. The
22 identification of the preferred action and related
23 analysis for the first lease sale under this subtitle
24 shall be completed within 18 months after the date
25 of enactment of this Act. The Secretary shall only



1 consider public comments that specifically address
2 the Secretary's preferred action and that are filed
3 within 20 days after publication of an environmental
4 analysis. Notwithstanding any other law, compliance
5 with this paragraph is deemed to satisfy all require-
6 ments for the analysis and consideration of the envi-
7 ronmental effects of proposed leasing under this sub-
8 title.

9 (d) RELATIONSHIP TO STATE AND LOCAL AUTHOR-
10 ITY.—Nothing in this subtitle shall be considered to ex-
11 pand or limit State and local regulatory authority.

12 (e) SPECIAL AREAS.—

13 (1) IN GENERAL.—The Secretary, after con-
14 sultation with the State of Alaska, the city of
15 Kaktovik, and the North Slope Borough, may des-
16 ignate up to a total of 45,000 acres of the Coastal
17 Plain as a Special Area if the Secretary determines
18 that the Special Area is of such unique character
19 and interest so as to require special management
20 and regulatory protection. The Secretary shall des-
21 ignate as such a Special Area the Sadlerochit Spring
22 area, comprising approximately 4,000 acres as de-
23 picted on the map referred to in section 6102(1).

24 (2) MANAGEMENT.—Each such Special Area
25 shall be managed so as to protect and preserve the



1 area's unique and diverse character including its
2 fish, wildlife, and subsistence resource values.

3 (3) EXCLUSION FROM LEASING OR SURFACE
4 OCCUPANCY.—The Secretary may exclude any Spe-
5 cial Area from leasing. If the Secretary leases a Spe-
6 cial Area, or any part thereof, for purposes of oil
7 and gas exploration, development, production, and
8 related activities, there shall be no surface occu-
9 pancy of the lands comprising the Special Area.

10 (4) DIRECTIONAL DRILLING.—Notwithstanding
11 the other provisions of this subsection, the Secretary
12 may lease all or a portion of a Special Area under
13 terms that permit the use of horizontal drilling tech-
14 nology from sites on leases located outside the area.

15 (f) LIMITATION ON CLOSED AREAS.—The Sec-
16 retary's sole authority to close lands within the Coastal
17 Plain to oil and gas leasing and to exploration, develop-
18 ment, and production is that set forth in this subtitle.

19 (g) REGULATIONS.—

20 (1) IN GENERAL.—The Secretary shall pre-
21 scribe such regulations as may be necessary to carry
22 out this subtitle, including rules and regulations re-
23 lating to protection of the fish and wildlife, their
24 habitat, subsistence resources, and environment of



1 the Coastal Plain, by no later than 15 months after
2 the date of enactment of this Act.

3 (2) REVISION OF REGULATIONS.—The Sec-
4 retary shall periodically review and, if appropriate,
5 revise the rules and regulations issued under sub-
6 section (a) to reflect any significant biological, envi-
7 ronmental, or engineering data that come to the Sec-
8 retary's attention.

9 **SEC. 6104. LEASE SALES.**

10 (a) IN GENERAL.—Lands may be leased pursuant to
11 this subtitle to any person qualified to obtain a lease for
12 deposits of oil and gas under the Mineral Leasing Act (30
13 U.S.C. 181 et seq.).

14 (b) PROCEDURES.—The Secretary shall, by regula-
15 tion, establish procedures for—

16 (1) receipt and consideration of sealed nomina-
17 tions for any area in the Coastal Plain for inclusion
18 in, or exclusion (as provided in subsection (c)) from,
19 a lease sale;

20 (2) the holding of lease sales after such nomina-
21 tion process; and

22 (3) public notice of and comment on designa-
23 tion of areas to be included in, or excluded from, a
24 lease sale.



1 (c) LEASE SALE BIDS.—Bidding for leases under
2 this subtitle shall be by sealed competitive cash bonus bids.

3 (d) ACREAGE MINIMUM IN FIRST SALE.—In the first
4 lease sale under this subtitle, the Secretary shall offer for
5 lease those tracts the Secretary considers to have the
6 greatest potential for the discovery of hydrocarbons, tak-
7 ing into consideration nominations received pursuant to
8 subsection (b)(1), but in no case less than 200,000 acres.

9 (e) TIMING OF LEASE SALES.—The Secretary
10 shall—

11 (1) conduct the first lease sale under this sub-
12 title within 22 months after the date of the enact-
13 ment of this Act; and

14 (2) conduct additional sales so long as sufficient
15 interest in development exists to warrant, in the Sec-
16 retary's judgment, the conduct of such sales.

17 **SEC. 6105. GRANT OF LEASES BY THE SECRETARY.**

18 (a) IN GENERAL.—The Secretary may grant to the
19 highest responsible qualified bidder in a lease sale con-
20 ducted pursuant to section 6104 any lands to be leased
21 on the Coastal Plain upon payment by the lessee of such
22 bonus as may be accepted by the Secretary.

23 (b) SUBSEQUENT TRANSFERS.—No lease issued
24 under this subtitle may be sold, exchanged, assigned, sub-
25 let, or otherwise transferred except with the approval of



1 the Secretary. Prior to any such approval the Secretary
2 shall consult with, and give due consideration to the views
3 of, the Attorney General.

4 **SEC. 6106. LEASE TERMS AND CONDITIONS.**

5 (a) IN GENERAL.—An oil or gas lease issued pursu-
6 ant to this subtitle shall—

7 (1) provide for the payment of a royalty of not
8 less than 12½ percent in amount or value of the
9 production removed or sold from the lease, as deter-
10 mined by the Secretary under the regulations appli-
11 cable to other Federal oil and gas leases;

12 (2) provide that the Secretary may close, on a
13 seasonal basis, portions of the Coastal Plain to ex-
14 ploratory drilling activities as necessary to protect
15 caribou calving areas and other species of fish and
16 wildlife;

17 (3) require that the lessee of lands within the
18 Coastal Plain shall be fully responsible and liable for
19 the reclamation of lands within the Coastal Plain
20 and any other Federal lands that are adversely af-
21 fected in connection with exploration, development,
22 production, or transportation activities conducted
23 under the lease and within the Coastal Plain by the
24 lessee or by any of the subcontractors or agents of
25 the lessee;



1 (4) provide that the lessee may not delegate or
2 convey, by contract or otherwise, the reclamation re-
3 sponsibility and liability to another person without
4 the express written approval of the Secretary;

5 (5) provide that the standard of reclamation for
6 lands required to be reclaimed under this subtitle
7 shall be, as nearly as practicable, a condition capable
8 of supporting the uses which the lands were capable
9 of supporting prior to any exploration, development,
10 or production activities, or upon application by the
11 lessee, to a higher or better use as approved by the
12 Secretary;

13 (6) contain terms and conditions relating to
14 protection of fish and wildlife, their habitat, and the
15 environment as required pursuant to section
16 6103(a)(2);

17 (7) provide that the lessee, its agents, and its
18 contractors use best efforts to provide a fair share,
19 as determined by the level of obligation previously
20 agreed to in the 1974 agreement implementing sec-
21 tion 29 of the Federal Agreement and Grant of
22 Right of Way for the Operation of the Trans-Alaska
23 Pipeline, of employment and contracting for Alaska
24 Natives and Alaska Native Corporations from
25 throughout the State;



1 (8) prohibit the export of oil produced under
2 the lease; and

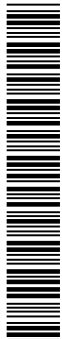
3 (9) contain such other provisions as the Sec-
4 retary determines necessary to ensure compliance
5 with the provisions of this subtitle and the regula-
6 tions issued under this subtitle.

7 (b) **PROJECT LABOR AGREEMENTS.**—The Secretary,
8 as a term and condition of each lease under this subtitle
9 and in recognizing the Government’s proprietary interest
10 in labor stability and in the ability of construction labor
11 and management to meet the particular needs and condi-
12 tions of projects to be developed under the leases issued
13 pursuant to this subtitle and the special concerns of the
14 parties to such leases, shall require that the lessee and
15 its agents and contractors negotiate to obtain a project
16 labor agreement for the employment of laborers and me-
17 chanics on production, maintenance, and construction
18 under the lease.

19 **SEC. 6107. COASTAL PLAIN ENVIRONMENTAL PROTECTION.**

20 (a) **NO SIGNIFICANT ADVERSE EFFECT STANDARD**
21 **TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.**—

22 The Secretary shall, consistent with the requirements of
23 section 6103, administer the provisions of this subtitle
24 through regulations, lease terms, conditions, restrictions,
25 prohibitions, stipulations, and other provisions that—



1 (1) ensure the oil and gas exploration, develop-
2 ment, and production activities on the Coastal Plain
3 will result in no significant adverse effect on fish
4 and wildlife, their habitat, and the environment;

5 (2) require the application of the best commer-
6 cially available technology for oil and gas explo-
7 ration, development, and production on all new ex-
8 ploration, development, and production operations;
9 and

10 (3) ensure that the maximum amount of sur-
11 face acreage covered by production and support fa-
12 cilities, including airstrips and any areas covered by
13 gravel berms or piers for support of pipelines, does
14 not exceed 2,000 acres on the Coastal Plain.

15 (b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—

16 The Secretary shall also require, with respect to any pro-
17 posed drilling and related activities, that—

18 (1) a site-specific analysis be made of the prob-
19 able effects, if any, that the drilling or related activi-
20 ties will have on fish and wildlife, their habitat, and
21 the environment;

22 (2) a plan be implemented to avoid, minimize,
23 and mitigate (in that order and to the extent prac-
24 ticable) any significant adverse effect identified
25 under paragraph (1); and



1 (3) the development of the plan shall occur
2 after consultation with the agency or agencies hav-
3 ing jurisdiction over matters mitigated by the plan.

4 (c) REGULATIONS TO PROTECT COASTAL PLAIN
5 FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS,
6 AND THE ENVIRONMENT.—Before implementing the leas-
7 ing program authorized by this subtitle, the Secretary
8 shall prepare and promulgate regulations, lease terms,
9 conditions, restrictions, prohibitions, stipulations, and
10 other measures designed to ensure that the activities un-
11 dertaken on the Coastal Plain under this subtitle are con-
12 ducted in a manner consistent with the purposes and envi-
13 ronmental requirements of this subtitle.

14 (d) COMPLIANCE WITH FEDERAL AND STATE ENVI-
15 RONMENTAL LAWS AND OTHER REQUIREMENTS.—The
16 proposed regulations, lease terms, conditions, restrictions,
17 prohibitions, and stipulations for the leasing program
18 under this subtitle shall require compliance with all appli-
19 cable provisions of Federal and State environmental law
20 and shall also require the following:

21 (1) Standards at least as effective as the safety
22 and environmental mitigation measures set forth in
23 items 1 through 29 at pages 167 through 169 of the
24 “Final Legislative Environmental Impact State-
25 ment” (April 1987) on the Coastal Plain.



1 (2) Seasonal limitations on exploration, develop-
2 ment, and related activities, where necessary, to
3 avoid significant adverse effects during periods of
4 concentrated fish and wildlife breeding, denning,
5 nesting, spawning, and migration.

6 (3) That exploration activities, except for sur-
7 face geological studies, be limited to the period be-
8 tween approximately November 1 and May 1 each
9 year and that exploration activities shall be sup-
10 ported, if necessary, by ice roads, winter trails with
11 adequate snow cover, ice pads, ice airstrips, and air
12 transport methods, except that such exploration ac-
13 tivities may occur at other times, if the Secretary
14 finds that such exploration will have no significant
15 adverse effect on the fish and wildlife, their habitat,
16 and the environment of the Coastal Plain.

17 (4) Design safety and construction standards
18 for all pipelines and any access and service roads,
19 that—

20 (A) minimize, to the maximum extent pos-
21 sible, adverse effects upon the passage of mi-
22 gratory species such as caribou; and

23 (B) minimize adverse effects upon the flow
24 of surface water by requiring the use of cul-
25 verts, bridges, and other structural devices.



1 (5) Prohibitions on general public access and
2 use on all pipeline access and service roads.

3 (6) Stringent reclamation and rehabilitation re-
4 quirements, consistent with the standards set forth
5 in this subtitle, requiring the removal from the
6 Coastal Plain of all oil and gas development and
7 production facilities, structures, and equipment upon
8 completion of oil and gas production operations, ex-
9 cept that the Secretary may exempt from the re-
10 quirements of this paragraph those facilities, struc-
11 tures, or equipment that the Secretary determines
12 would assist in the management of the Arctic Na-
13 tional Wildlife Refuge and that are donated to the
14 United States for that purpose.

15 (7) Appropriate prohibitions or restrictions on
16 access by all modes of transportation.

17 (8) Appropriate prohibitions or restrictions on
18 sand and gravel extraction.

19 (9) Consolidation of facility siting.

20 (10) Appropriate prohibitions or restrictions on
21 use of explosives.

22 (11) Avoidance, to the extent practicable, of
23 springs, streams, and river system; the protection of
24 natural surface drainage patterns, wetlands, and ri-
25 parian habitats; and the regulation of methods or



1 techniques for developing or transporting adequate
2 supplies of water for exploratory drilling.

3 (12) Avoidance or reduction of air traffic-re-
4 lated disturbance to fish and wildlife.

5 (13) Treatment and disposal of hazardous and
6 toxic wastes, solid wastes, reserve pit fluids, drilling
7 muds and cuttings, and domestic wastewater, includ-
8 ing an annual waste management report, a haz-
9 ardous materials tracking system, and a prohibition
10 on chlorinated solvents, in accordance with applica-
11 ble Federal and State environmental law.

12 (14) Fuel storage and oil spill contingency plan-
13 ning.

14 (15) Research, monitoring, and reporting re-
15 quirements.

16 (16) Field crew environmental briefings.

17 (17) Avoidance of significant adverse effects
18 upon subsistence hunting, fishing, and trapping by
19 subsistence users.

20 (18) Compliance with applicable air and water
21 quality standards.

22 (19) Appropriate seasonal and safety zone des-
23 ignations around well sites, within which subsistence
24 hunting and trapping shall be limited.



1 (20) Reasonable stipulations for protection of
2 cultural and archeological resources.

3 (21) All other protective environmental stipula-
4 tions, restrictions, terms, and conditions deemed
5 necessary by the Secretary.

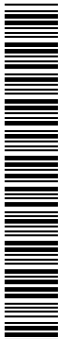
6 (e) CONSIDERATIONS.—In preparing and promul-
7 gating regulations, lease terms, conditions, restrictions,
8 prohibitions, and stipulations under this section, the Sec-
9 retary shall consider the following:

10 (1) The stipulations and conditions that govern
11 the National Petroleum Reserve-Alaska leasing pro-
12 gram, as set forth in the 1999 Northeast National
13 Petroleum Reserve-Alaska Final Integrated Activity
14 Plan/Environmental Impact Statement.

15 (2) The environmental protection standards
16 that governed the initial Coastal Plain seismic explo-
17 ration program under parts 37.31 to 37.33 of title
18 50, Code of Federal Regulations.

19 (3) The land use stipulations for exploratory
20 drilling on the KIC-ASRC private lands that are set
21 forth in Appendix 2 of the August 9, 1983, agree-
22 ment between Arctic Slope Regional Corporation and
23 the United States.

24 (f) FACILITY CONSOLIDATION PLANNING.—



1 (1) IN GENERAL.—The Secretary shall, after
2 providing for public notice and comment, prepare
3 and update periodically a plan to govern, guide, and
4 direct the siting and construction of facilities for the
5 exploration, development, production, and transpor-
6 tation of Coastal Plain oil and gas resources.

7 (2) OBJECTIVES.—The plan shall have the fol-
8 lowing objectives:

9 (A) Avoiding unnecessary duplication of fa-
10 cilities and activities.

11 (B) Encouraging consolidation of common
12 facilities and activities.

13 (C) Locating or confining facilities and ac-
14 tivities to areas that will minimize impact on
15 fish and wildlife, their habitat, and the environ-
16 ment.

17 (D) Utilizing existing facilities wherever
18 practicable.

19 (E) Enhancing compatibility between wild-
20 life values and development activities.

21 (g) ACCESS TO PUBLIC LANDS.—The Secretary
22 shall—

23 (1) manage public lands in the Coastal Plain
24 subject to subsections (a) and (b) of section 811 of



1 the Alaska National Interest Lands Conservation
2 Act (16 U.S.C. 3121); and

3 (2) ensure that local residents shall have rea-
4 sonable access to public lands in the Coastal Plain
5 for traditional uses.

6 **SEC. 6108. EXPEDITED JUDICIAL REVIEW.**

7 (a) FILING OF COMPLAINT.—

8 (1) DEADLINE.—Subject to paragraph (2), any
9 complaint seeking judicial review of any provision of
10 this subtitle or any action of the Secretary under
11 this subtitle shall be filed in any appropriate district
12 court of the United States—

13 (A) except as provided in subparagraph
14 (B), within the 90-day period beginning on the
15 date of the action being challenged; or

16 (B) in the case of a complaint based solely
17 on grounds arising after such period, within 90
18 days after the complainant knew or reasonably
19 should have known of the grounds for the com-
20 plaint.

21 (2) VENUE.—Any complaint seeking judicial re-
22 view of an action of the Secretary under this subtitle
23 may be filed only in the United States Court of Ap-
24 peals for the District of Columbia.



1 (3) LIMITATION ON SCOPE OF CERTAIN RE-
2 VIEW.—Judicial review of a Secretarial decision to
3 conduct a lease sale under this subtitle, including
4 the environmental analysis thereof, shall be limited
5 to whether the Secretary has complied with the
6 terms of this subtitle and shall be based upon the
7 administrative record of that decision. The Sec-
8 retary's identification of a preferred course of action
9 to enable leasing to proceed and the Secretary's
10 analysis of environmental effects under this subtitle
11 shall be presumed to be correct unless shown other-
12 wise by clear and convincing evidence to the con-
13 trary.

14 (b) LIMITATION ON OTHER REVIEW.—Actions of the
15 Secretary with respect to which review could have been
16 obtained under this section shall not be subject to judicial
17 review in any civil or criminal proceeding for enforcement.

18 **SEC. 6109. FEDERAL AND STATE DISTRIBUTION OF REVE-**
19 **NUES.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, of the amount of adjusted bonus, rental, and
22 royalty revenues from oil and gas leasing and operations
23 authorized under this subtitle—

24 (1) 50 percent shall be paid to the State of
25 Alaska; and



1 (2) except as provided in section 6112(d) the
2 balance shall be deposited into the Treasury as mis-
3 cellaneous receipts.

4 (b) PAYMENTS TO ALASKA.—Payments to the State
5 of Alaska under this section shall be made semiannually.

6 (c) USE OF BONUS PAYMENTS FOR LOW-INCOME
7 HOME ENERGY ASSISTANCE.—Amounts that are received
8 by the United States as bonuses for leases under this sub-
9 title and deposited into the Treasury under subsection
10 (a)(2) may be appropriated to the Secretary of the Health
11 and Human Services, in addition to amounts otherwise
12 available, to provide assistance under the Low-Income
13 Home Energy Assistance Act of 1981 (42 U.S.C. 8621
14 et seq.).

15 **SEC. 6110. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.**

16 (a) EXEMPTION.—Title XI of the Alaska National In-
17 terest Lands Conservation Act of 1980 (16 U.S.C. 3161
18 et seq.) shall not apply to the issuance by the Secretary
19 under section 28 of the Mineral Leasing Act (30 U.S.C.
20 185) of rights-of-way and easements across the Coastal
21 Plain for the transportation of oil and gas.

22 (b) TERMS AND CONDITIONS.—The Secretary shall
23 include in any right-of-way or easement referred to in sub-
24 section (a) such terms and conditions as may be necessary
25 to ensure that transportation of oil and gas does not result



1 in a significant adverse effect on the fish and wildlife, sub-
2 sistence resources, their habitat, and the environment of
3 the Coastal Plain, including requirements that facilities be
4 sited or designed so as to avoid unnecessary duplication
5 of roads and pipelines.

6 (c) REGULATIONS.—The Secretary shall include in
7 regulations under section 6103(g) provisions granting
8 rights-of-way and easements described in subsection (a)
9 of this section.

10 **SEC. 6111. CONVEYANCE.**

11 In order to maximize Federal revenues by removing
12 clouds on title to lands and clarifying land ownership pat-
13 terns within the Coastal Plain, the Secretary, notwith-
14 standing the provisions of section 1302(h)(2) of the Alas-
15 ka National Interest Lands Conservation Act (16 U.S.C.
16 3192(h)(2)), shall convey—

17 (1) to the Kaktovik Inupiat Corporation the
18 surface estate of the lands described in paragraph 1
19 of Public Land Order 6959, to the extent necessary
20 to fulfill the Corporation's entitlement under section
21 12 of the Alaska Native Claims Settlement Act (43
22 U.S.C. 1611) in accordance with the terms and con-
23 ditions of the Agreement between the Department of
24 the Interior, the United States Fish and Wildlife
25 Service, the Bureau of Land Management, and the



1 Kaktovik Inupiat Corporation effective January 22,
2 1993; and

3 (2) to the Arctic Slope Regional Corporation
4 the remaining subsurface estate to which it is enti-
5 tled pursuant to the August 9, 1983, agreement be-
6 tween the Arctic Slope Regional Corporation and the
7 United States of America.

8 **SEC. 6112. LOCAL GOVERNMENT IMPACT AID AND COMMU-**
9 **NITY SERVICE ASSISTANCE.**

10 (a) FINANCIAL ASSISTANCE AUTHORIZED.—

11 (1) IN GENERAL.—The Secretary may use
12 amounts available from the Coastal Plain Local Gov-
13 ernment Impact Aid Assistance Fund established by
14 subsection (d) to provide timely financial assistance
15 to entities that are eligible under paragraph (2) and
16 that are directly impacted by the exploration for or
17 production of oil and gas on the Coastal Plain under
18 this subtitle.

19 (2) ELIGIBLE ENTITIES.—The North Slope
20 Borough, Kaktovik, and other boroughs, municipal
21 subdivisions, villages, and any other community or-
22 ganized under Alaska State law shall be eligible for
23 financial assistance under this section.

24 (b) USE OF ASSISTANCE.—Financial assistance
25 under this section may be used only for—



1 (1) planning for mitigation of the potential ef-
2 fects of oil and gas exploration and development on
3 environmental, social, cultural, recreational and sub-
4 sistence values;

5 (2) implementing mitigation plans and main-
6 taining mitigation projects;

7 (3) developing, carrying out, and maintaining
8 projects and programs that provide new or expanded
9 public facilities and services to address needs and
10 problems associated with such effects, including fire-
11 fighting, police, water, waste treatment, medivac,
12 and medical services; and

13 (4) establishment of a coordination office, by
14 the North Slope Borough, in the City of Kaktovik,
15 which shall—

16 (A) coordinate with and advise developers
17 on local conditions, impact, and history of the
18 areas utilized for development; and

19 (B) provide to the Committee on Resources
20 of the Senate and the Committee on Energy
21 and Resources of the Senate an annual report
22 on the status of coordination between devel-
23 opers and the communities affected by develop-
24 ment.

25 (c) APPLICATION.—



1 (1) IN GENERAL.—Any community that is eligi-
2 ble for assistance under this section may submit an
3 application for such assistance to the Secretary, in
4 such form and under such procedures as the Sec-
5 retary may prescribe by regulation.

6 (2) NORTH SLOPE BOROUGH COMMUNITIES.—A
7 community located in the North Slope Borough may
8 apply for assistance under this section either directly
9 to the Secretary or through the North Slope Bor-
10 ough.

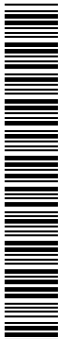
11 (3) APPLICATION ASSISTANCE.—The Secretary
12 shall work closely with and assist the North Slope
13 Borough and other communities eligible for assist-
14 ance under this section in developing and submitting
15 applications for assistance under this section.

16 (d) ESTABLISHMENT OF FUND.—

17 (1) IN GENERAL.—There is established in the
18 Treasury the Coastal Plain Local Government Im-
19 pact Aid Assistance Fund.

20 (2) USE.—Amounts in the fund may be used
21 only for providing financial assistance under this
22 section.

23 (3) DEPOSITS.—Subject to paragraph (4), there
24 shall be deposited into the fund amounts received by
25 the United States as revenues derived from rents,



1 bonuses, and royalties under on leases and lease
2 sales authorized under this subtitle.

3 (4) LIMITATION ON DEPOSITS.—The total
4 amount in the fund may not exceed \$11,000,000.

5 (5) INVESTMENT OF BALANCES.—The Sec-
6 retary of the Treasury shall invest amounts in the
7 fund in interest bearing government securities.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—To pro-
9 vide financial assistance under this section there is author-
10 ized to be appropriated to the Secretary from the Coastal
11 Plain Local Government Impact Aid Assistance Fund
12 \$5,000,000 for each fiscal year.

13 **Subtitle B—Recommendations of**
14 **Subcommittee on Energy and**
15 **Mineral Resources**

16 **CHAPTER 1—MISCELLANEOUS**

17 **AMENDMENTS RELATING TO MINING**

18 **SEC. 6201. FEES FOR RECORDATION AND LOCATION OF**

19 **MINING CLAIMS.**

20 (a) DEPOSIT AND USE OF MINING CLAIM REVE-
21 NUES.—Section 2320 of the Revised Statutes (30 U.S.C.
22 23) is amended by inserting “(a) MINING CLAIMS, GEN-
23 ERALLY.—” before the first sentence, and by adding at
24 the end the following:



1 “(b) DEPOSIT AND USE OF MINING CLAIM REVE-
2 NUES.—

3 “(1) DEPOSIT.—Notwithstanding any other
4 provision of law, amounts received by the United
5 States beginning after the date of the enactment of
6 this Act as claim location fees, claim maintenance
7 fees, and mineral patent application fees required
8 under the general mining laws of the United States
9 shall be deposited into a separate account in the
10 Treasury.

11 “(2) USE OF DEPOSITS.—Amounts deposited
12 under subsection (a) shall be available to the Sec-
13 retary of the Interior for expenditure, without fur-
14 ther appropriation and fiscal year limitation, to ad-
15 minister the general mining laws of the United
16 States and the provisions of this Act.”.

17 (b) RECORDATION OF MINING CLAIMS AND ABAN-
18 DONMENT.—Section 2320 of the Revised Statutes (30
19 U.S.C. 23), as amended by subsection (a) of this section,
20 is further amended by adding at the end the following:

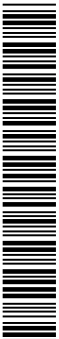
21 “(c) RECORDATION OF MINING CLAIMS.—The owner
22 of an unpatented lode or placer mining claim or mill or
23 tunnel site located after October 21, 1976, shall, within
24 90 days after the date of location of such claim, file in
25 the office of the Bureau designated by the Secretary a



1 copy of the official record of the notice of location or cer-
2 tificate of location, including a description of the location
3 of the mining claim or mill or tunnel site sufficient to lo-
4 cate the claimed lands on the ground. The failure to file
5 such instruments as required by this section is deemed
6 conclusively to constitute an abandonment of the mining
7 claim or mill or tunnel site by the owner. Such recordation
8 by itself shall not render valid any claim that would not
9 be otherwise valid under applicable law.”.

10 (c) LOCATION FEE.—Section 2320 of the Revised
11 Statutes (30 U.S.C. 23), as amended by subsections (a)
12 and (b) of this section, is further amended by adding at
13 the end the following:

14 “(d) LOCATION FEE.—Notwithstanding any other
15 provision of law, for every mining claim, mill site, or tun-
16 nel site located after the date of the enactment of this
17 subsection pursuant to the general mining laws of the
18 United States, the locator shall, at the time the location
19 notice is recorded pursuant to subsection (b), pay a loca-
20 tion fee of \$100 per claim. This fee shall be in addition
21 to the first year’s claim maintenance fee required by sec-
22 tion 2324 of the Revised Statutes. Payment of the location
23 fee required by this section and the maintenance fee re-
24 quired by section 2324 of the Revised Statutes secures the



1 right to use and occupy the public lands for purposes of
2 the general mining laws of the United States.”.

3 (d) GENERAL MINING LAWS OF THE UNITED
4 STATES DEFINED; RULE OF CONSTRUCTION.—Section
5 2320 of the Revised Statutes (30 U.S.C. 23), as amended
6 by subsections (a), (b), and (c) of this section, is further
7 amended by adding at the end the following:

8 “(e) GENERAL MINING LAWS OF THE UNITED
9 STATES DEFINED; RULE OF CONSTRUCTION.—

10 “(1) GENERAL MINING LAWS OF THE UNITED
11 STATES DEFINED.—In this section the term ‘general
12 mining laws of the United States’ means the provi-
13 sions of law codified in chapters 2, 12A, and 16 of
14 title 30, United States Code, and in sections 161
15 and 162 of such title.

16 “(2) RULE OF CONSTRUCTION.—Subsections
17 (b) and (c) shall be construed in accordance with ju-
18 dicial decisions under section 314 of the Federal
19 Land Policy and Management Act of 1976, as in ef-
20 fect before the enactment of those subsections.”.

21 (e) CONFORMING AMENDMENTS.—

22 (1) The Federal Land Policy and Management
23 Act of 1976 is amended—

24 (A) by striking section 314 (43 U.S.C.
25 1744);



1 (B) in the table of contents preceding title
2 I by striking the item relating to section 314;
3 and

4 (C) in section 302(a) by striking “section
5 314, section 603,” and inserting “section 603”.

6 (2) Section 22 of the Alaska Native Claims Set-
7 tlement Act is amended by striking “and section 314
8 of the Federal Land Policy and Management Act of
9 1976 (43 U.S.C. 1744)”.

10 (3) Section 10101(a) of Public Law 103–66 (30
11 U.S.C. 28g(a)) is amended by striking “and the re-
12 lated filing requirements” and all that follows
13 through the end of the sentence and inserting a pe-
14 riod.

15 (4) Section 10105(a) of Public Law 103–66 (30
16 U.S.C. 28j(a)) is amended by striking “section
17 314(b)” and all that follows through “and such re-
18 quirements” and inserting “subsections (b) and (c)
19 of section 2320 of the Revised Statutes (30 U.S.C.
20 23)”.

21 (5) Section 31(f) of the Mineral Leasing Act
22 (30 U.S.C. 188(f)) is amended by striking “section
23 314 of the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1744)” and inserting “sub-



1 sections (b) and (c) of section 2320 of the Revised
2 Statutes (30 U.S.C. 23)”.
3

4 (6) Section 2511(e) of the Energy Policy Act of
5 1992 (30 U.S.C. 242(e)) is amended by striking the
6 last sentence.

7 (f) DIMENSIONS OF MINING CLAIMS.—Section 2320
8 of the Revised Statutes (30 U.S.C. 2320), as amended by
9 subsection (a) of this section, is further amended in sub-
10 section (a) by striking the second sentence and inserting
11 the following: “A mining claim located after May 10,
12 1872, whether located by one or more persons, may equal,
13 but shall not exceed, 1,500 feet in length along the vein
14 or lode, and shall extend no more than 300 feet on each
15 side of the middle of the vein at the surface, nor shall
16 any claim be limited by any mining regulation to less than
17 25 feet on each side of the middle of the vein at the sur-
18 face, except where adverse rights existing on May 10,
19 1872, render such limitation necessary.”.

20 (g) RIGHTS SECURED BY CLAIM MAINTENANCE
21 FEES.—Section 2322 of the Revised Statutes (30 U.S.C.
22 26) is amended by inserting “(a) RIGHTS OF LOCATORS,
23 GENERALLY.—” before the first sentence, and by adding
24 at the end the following:

25 “(c) RIGHTS SECURED BY MAINTENANCE FEES.—
Prior to issuance of a patent, timely payment of the claim



1 maintenance fee secures the rights of claimants to mining
2 claims, mill sites, or tunnel sites, both prior to and after
3 discovery of valuable mineral deposits, to use and occupy
4 public lands under the provisions of the general mining
5 laws of the United States (as that term is defined in sec-
6 tion 2320 of the Revised Statutes) for prospecting, explo-
7 ration, development, mining, milling, processing, reclama-
8 tion, and uses reasonably incident thereto. Except for the
9 location fee in subsection (c) of section 2320 of the Re-
10 vised Statutes (30 U.S.C. 23), the maintenance fees in
11 section 2324 of the Revised Statutes (30 U.S.C. 28), and
12 the patent prices in sections 2325, 2333, and 2337 of the
13 Revised Statutes (30 U.S.C. 29, 37, and 42), no other
14 fees or fair market value assessments shall be applied to
15 prospecting, exploration, development, mining, processing,
16 or reclamation, and uses reasonably incident thereto.”.

17 (h) PATENT REQUIREMENTS.—Section 2325 of the
18 Revised Statutes (30 U.S.C. 29) is amended—

19 (1) in the first sentence by inserting “including
20 with the law of discovery,” after “an application for
21 a patent, under oath, showing such compliance,”;
22 and

23 (2) in the second sentence by striking “, or at
24 any time” and inserting “shall include a processing
25 fee of \$2,500 for the first claim or site, and \$50 for



1 each additional claim contained therein, and at any
2 time”.

3 (i) MINING DISTRICT REGULATIONS BY MINERS.—
4 Section 2324 of the Revised Statutes (30 U.S.C. 28) is
5 amended to read as follows:

6 “SEC. 2322. (a) AUTHORITY TO MAKE REGULA-
7 TIONS.—The miners of each mining district may make
8 regulations not in conflict with the laws of the United
9 States, or with the laws of the State or Territory in which
10 the district is situated, governing the location, manner of
11 recording, amount of work necessary to hold possession
12 of a mining claim, subject to the following requirements:

13 “(1) The location must be distinctly marked on
14 the ground so that its boundaries can be readily
15 traced.

16 “(2) All records of mining claims made after
17 May 10, 1872, shall contain the name or names of
18 the locators, the date of the location, and such a de-
19 scription of the claim or claims located by reference
20 to some natural object or permanent monument as
21 will identify the claim.

22 “(b) SCHEDULE OF CLAIM MAINTENANCE FEES.—
23 (1) The holder of each unpatented mining claim, mill site,
24 or tunnel site located pursuant to the general mining laws
25 of the United States on or after the date of the enactment



1 of this subsection shall pay to the Secretary of the Inte-
2 rior, on or before September 1 of each year, a claim main-
3 tenance fee per claim or site. Except as provided in para-
4 graph (2), such claim maintenance fee shall be paid in
5 the following amounts:

6 “(A) \$35 per claim for each of the first through
7 fifth assessment years, beginning with the year the
8 claim was recorded.

9 “(B) \$70 per claim for each of the sixth
10 through tenth assessment years.

11 “(C) \$125 per claim for each of the eleventh
12 through fifteenth assessment years.

13 “(D) \$150 per claim for the sixteenth assess-
14 ment year and each year thereafter.

15 “(2) Notwithstanding any other provision of law, for
16 every unpatented mining claim located after the date of
17 enactment of this subsection pursuant to the general min-
18 ing laws of the United States (as that term is defined in
19 section 2320 of the Revised Statutes) from which minerals
20 are produced in paying quantities, and in lieu of the fee
21 otherwise required by paragraph (1), the locator shall pay
22 to the Secretary of the Interior an annual maintenance
23 fee of \$200 per claim.

24 “(3) The holder of each unpatented mining claim,
25 mill site, or tunnel site located pursuant to the general



1 mining laws of the United States before the date of enact-
2 ment of this subsection shall pay to the Secretary of the
3 Interior for such claim—

4 “(A) except as provided in subparagraph (B),
5 the claim maintenance fee that applied before such
6 date of enactment; or

7 “(B) the claim maintenance fee that applies
8 under paragraph (1) or (2), based on the number of
9 years since the original location of the claim, if be-
10 fore the date the payment is due the claim holder—

11 “(i) notifies the Secretary; and

12 “(ii) pays to the Secretary a transfer fee of
13 \$100.

14 “(c) ADJUSTMENT OF CLAIM MAINTENANCE
15 FEES.—Claim maintenance fees shall not be subject to ad-
16 justment.

17 “(d) WORK REQUIREMENT.—(1) The holder of each
18 unpatented mining claim, mill, or tunnel site located pur-
19 suant to the mining laws of the United States after the
20 date of enactment of this subsection, and any holder of
21 a claim that under subsection (g) has transferred such
22 claim to the claim maintenance fee schedule under sub-
23 section (b), shall conduct physical evaluation and develop-
24 ment of the claim. Exploration and mining activities con-
25 ducted pursuant to a notice, plan of operations, or, in the



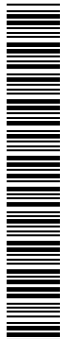
1 case of split estate lands, a comparable State or county
2 approval, demonstrates compliance with this section.

3 “(2) If physical evaluation of the claim is not carried
4 out in accordance with paragraph (1) before the end of
5 the fifth, tenth, or fifteenth assessment year (beginning
6 with the assessment year in which the claim is filed), re-
7 spectively, the claimant shall be required to pay in the next
8 assessment year the location fee described in section
9 2320(c) of the Revised Statutes, in addition to the annual
10 claim maintenance fee required to be paid for the next
11 assessment year.

12 “(e) WAIVER OF CLAIM MAINTENANCE FEE ADJUST-
13 MENTS AND WORK REQUIREMENT.—If a delay in meeting
14 the work requirements under subsection (d) is the result
15 of pending administrative proceedings or litigation con-
16 cerning issuance of any permit required under Federal,
17 State, or local law for physical evaluation and development
18 of the claim—

19 “(1) any increase in the claim maintenance fee
20 that would otherwise apply under subsection (b) and
21 the work requirements under subsection (d) shall be
22 suspended for the claim; and

23 “(2) claim maintenance fees required to be paid
24 each year for the claim shall be the same as such



1 fees that applied for the year in which the delay first
2 occurred.

3 “(f) TIME OF PAYMENT.—The claim maintenance fee
4 required under subsection (b) for any assessment year
5 shall be paid before the commencement of the assessment
6 year, except that for the assessment year in which the lo-
7 cation is made the locator shall pay the claim maintenance
8 fee and the location fee imposed under section 2320(c) of
9 the Revised Statutes at the time the location notice is re-
10 corded with the Bureau of Land Management. The Direc-
11 tor of the Bureau of Land Management, after consultation
12 with the Governor of Alaska and by not later than 1 year
13 after the date of enactment of this subsection, may estab-
14 lish a claim maintenance fee filing date for Alaska claim
15 holders that is not later than 60 days after September 1.

16 “(g) SMALL MINER CLAIM MAINTENANCE FEE.—In
17 the case of a claim for which the holder certifies in writing
18 to the Secretary that, on the date the payment of any
19 claim maintenance fee under this section was due, the
20 claimant and all related parties held not more than 10
21 mining claims, mill sites, or tunnel sites, or any combina-
22 tion thereof, on public lands—

23 “(1) the claim maintenance fee shall be \$25 per
24 claim per year for the life of the claim or site held
25 by the claimant; and



1 “(2) subsection (b) shall not apply.

2 “(h) FAILURE TO PAY.—(1) Failure to pay a claim
3 maintenance fee or a location fee for an unpatented min-
4 ing claim as required by this section shall subject an
5 unpatented mining claim, mill site, or tunnel site to for-
6 feiture by the claimant as provided in this subsection.

7 “(2) The Secretary shall provide the claimant with
8 notice of the failure and the opportunity to cure within
9 45 calendar days after the claimant’s receipt of the notice.

10 “(3) The claimant must, within such 45-day period,
11 pay twice the amount of maintenance fee that would other-
12 wise have been required to be timely paid. The Secretary
13 shall specify the amount that must be paid in the notice
14 under paragraph (2).

15 “(4) Failure by the claimant to make a timely and
16 proper payment in the amount specified in the notice by
17 the Secretary, within 45 days after receipt of the notice,
18 shall constitute a forfeiture of the mining claim, mill site,
19 or tunnel site by the claimant by operation of law.

20 “(i) FAILURE OF CO-OWNER TO CONTRIBUTE.—
21 Upon the failure of any one of several co-owners of a claim
22 to contribute the co-owner’s proportion of any claim main-
23 tenance fee required by this section, the co-owners who
24 have paid the claim maintenance fee, at the expiration of
25 the year in which any unpaid amount was due, may give



1 such delinquent co-owner personal notice in writing or no-
2 tice by publication in the newspaper of record for the
3 county in which the land that is subject to the claim is
4 located published nearest such land, at least once a week
5 for 90 days. If at the expiration of such 90-day period
6 such delinquent co-owner fails or refuses to contribute the
7 co-owner's proportion of the claim maintenance fee re-
8 quired by this section, the co-owner's interest in the claim
9 shall become the property of the other co-owners who have
10 paid the claim maintenance fee.

11 “(j) OIL SHALE CLAIMS SUBJECT TO CLAIM MAIN-
12 TENANCE FEES UNDER ENERGY POLICY ACT OF 1992.—
13 This section shall not apply to any oil shale claim for
14 which a fee is required to be paid under section 2511(e)(2)
15 of the Energy Policy Act of 1992 (30 U.S.C. 242).”.

16 **SEC. 6202. PATENTS FOR MINING OR MILL SITE CLAIMS.**

17 (a) REPEAL OF LIMITATION ON USE OF FUNDS FOR
18 APPLICATIONS FOR PATENT.—Section 408(a) of the De-
19 partment of the Interior, Environment, and Related Agen-
20 cies Appropriations Act, 2006 (Public Law 109–54) is re-
21 pealed.

22 (b) PAYMENT AMOUNTS.—The Revised Statutes are
23 amended—

24 (1) in section 2325 (30 U.S.C. 29) by striking
25 “five dollars” and inserting “\$1,000”;



1 (2) in section 2333 (30 U.S.C. 37)—

2 (A) by striking “five dollars” and inserting
3 “\$1,000 dollars”; and

4 (B) by striking “two dollars and fifty
5 cents” and inserting “\$1,000”; and

6 (3) in section 2337 (30 U.S.C. 42)—

7 (A) in subsection (a) by striking “made at
8 the same rate” and all that follows through the
9 end of that sentence and inserting “at the rate
10 of \$1,000 per acre.”; and

11 (B) in subsection (b) by striking “made at
12 the rate” and all that follows through the end
13 of that sentence and inserting “at the rate of
14 \$1,000 per acre.”.

15 (c) LABOR REQUIREMENTS.—Section 2325 of the
16 Revised Statutes (30 U.S.C. 29) is amended by striking
17 “five hundred dollars” and inserting “\$7,500”.

18 (d) PATENT APPLICANTS IN LIMBO.—If the holder
19 of an unpatented mining claim or mill site submitted an
20 application for a mineral patent and paid the patent appli-
21 cation fees required by sections 2325, 2327, and 2329 of
22 the Revised Statutes (30 U.S.C. 29, 34, and 35) and the
23 Secretary of the Interior did not complete all actions to
24 process the applications before the date of enactment of
25 the Department of the Interior, Environment, and Related



1 Agencies Appropriations Act, 2005, the holder of such
2 claim may, at their election, have such application proc-
3 essed under rules that applied before the date of the enact-
4 ment of this Act.

5 (e) ALTERNATIVE VALUABLE MINERAL DEPOSIT
6 CRITERIA.—Section 2325 of the Revised Statutes, as
7 amended by section 6201(h) of this Act, is further amend-
8 ed by inserting “(a) MANNER FOR OBTAINING PATENT,
9 GENERALLY.—” before the first sentence, and by adding
10 at the end the following:

11 “(b) ALTERNATIVE VALUABLE MINERAL DEPOSIT
12 CRITERIA.—

13 “(1) CLAIMS SUBJECT TO ONGOING ACTIVI-
14 TIES.—The holder of an unpatented mining claim or
15 mill site who is conducting mining activities that
16 meet the definition of a mine under section 3(h) of
17 the Federal Mine Safety and Health Act of 1972
18 (30 U.S.C. 802(h)) and whose activities with respect
19 to that claim or site are described in section 4 of
20 such Act (30 U.S.C. 803) may receive a patent for
21 any unpatented mining claims on which activities
22 are occurring or mill sites within the boundaries of
23 a plan of operations or a comparable State or county
24 approval. All lands within those boundaries are eligi-
25 ble for patent upon compliance with this section and



1 sections 2327 and 2329 of the Revised Statutes (30
2 U.S.C. 34, 35).

3 “(2) DISCLOSED CLAIMS AND MILL SITES.—

4 The holder of an unpatented mining claim or mill
5 site who is subject to the Securities Act of 1933 (15
6 U.S.C. 77a) and the Securities Exchange Act of
7 1934 (15 U.S.C. 78a) and who has , in a filing re-
8 quired under either of those Acts, made a public dis-
9 closure regarding proven and probable reserves that
10 are subject to such claim may receive a patent for
11 any unpatented mining claims containing such re-
12 serves or for mill sites within the boundaries of a
13 plan of operations or a comparable State or county
14 approval for such reserves. All lands within those
15 boundaries are eligible for patent upon compliance
16 with this section and sections 2327 and 2329 of the
17 Revised Statutes (30 U.S.C. 34, 35).

18 “(c) MINERAL EXAMINATIONS.—In order to process
19 patent applications in a timely and responsible manner,
20 upon the request of a patent applicant, the Secretary of
21 the Interior shall allow the applicant to fund a qualified
22 third-party contractor to be selected by the Bureau of
23 Land Management to conduct a mineral examination of
24 the mining claims or mill sites contained in a patent appli-
25 cation as set forth in this section and sections 2333 and



1 2337 of the Revised Statutes (30 U.S.C. 37, 42). The Bu-
2 reau of Land Management shall have the sole responsi-
3 bility to choose and pay the third-party contractor in ac-
4 cordance with the standard procedures employed by the
5 Bureau of Land Management in the retention of third-
6 party contractors.

7 “(d) DISPOSITION OF PROCEEDS.—The gross pro-
8 ceeds of conveyances of land under this section and sec-
9 tions 2333 and 2337 of the Revised Statutes (30 U.S.C.
10 37, 42) shall be used as follows:

11 “(1) 10 percent shall be deposited into the Fed-
12 eral Energy and Mineral Resource Professional De-
13 velopment Fund.

14 “(2) 20 percent shall be available to the Sec-
15 retary of the Army for use, through the Corps of
16 Engineers, for the Restoration of Abandoned Mine
17 Sites Program and section 560 of the Water Re-
18 sources Development Act of 1999.

19 “(3) 70 percent shall be deposited into the Gen-
20 eral Fund of the Treasury.

21 “(e) ISSUING PATENTS.—If no adverse claim has
22 been filed with the register and the receiver of the proper
23 land office at the expiration of the 60-day period begin-
24 ning on the date of publication of the notice that an appli-
25 cation for mineral patent has been filed under section



1 2325, 2327 and 2379 of the Revised Statutes (30 U.S.C.
2 23, 34, 35), the Secretary shall issue the patent not later
3 than 24 months after the date on which the application
4 for patent was filed.”.

5 **SEC. 6203. MINERAL EXAMINATIONS FOR MINING ON CER-**
6 **TAIN LANDS.**

7 Section 302 of the Federal Land Policy and Manage-
8 ment Act of 1976 (43 U.S.C. 1732) is amended by adding
9 at the end the following:

10 “(e) The Secretary of the Interior shall not require
11 a mineral examination report, otherwise required to be
12 prepared under regulations promulgated pursuant to this
13 Act, to approve a plan of operations under such regula-
14 tions for mining claims and mill sites located on with-
15 drawn lands if such mining claims, mill sites, and blocks
16 of such mining claims and mill sites are contiguous to pat-
17 ented or unpatented mining claims where mining has been
18 conducted as otherwise authorized by law or regulation.”.

19 **SEC. 6204. MINERAL DEVELOPMENT LANDS AVAILABLE**
20 **FOR PURCHASE.**

21 (a) AVAILABILITY FOR PURCHASE.—The Secretary
22 of the Interior shall make Mineral Development Lands
23 available for purchase.

24 (b) LAND SURVEYS.—For the purpose of this section,
25 and notwithstanding section 2334 of the Revised Statutes



1 (30 U.S.C. 39), land surveys of the lands applied for shall
2 be paid for by the applicant and shall be completed either
3 by a land surveyor registered in the State where the land
4 is situated, or by such a surveyor also designated by the
5 Bureau of Land Management as a mineral surveyor, if
6 such mineral surveyors are available, willing, and able to
7 complete such surveys without delay at a cost comparable
8 to the charges of ordinary registered land surveyors.

9 (c) DEADLINE FOR CONVEYANCE; PRICE.—Notwith-
10 standing any other provision of law, and not later than
11 one year after the date of the approval of any survey re-
12 quired under subsection (b), the Secretary shall convey to
13 the applicant, in return for a payment of \$1,000 per acre,
14 all right, title, and interest in and to the land, subject to
15 valid existing rights and the terms and conditions of the
16 Act of August 30, 1890 (26 Stat. 391).

17 (d) DEFINITIONS.—For purposes of this section—

18 (1) the term “Mineral Development Lands”
19 means mining claims, mill sites, and blocks of such
20 mining claims and mill sites contiguous to patented
21 or unpatented mining claims where mining has been
22 conducted as otherwise authorized by law or regula-
23 tion and on which mineral development work has
24 been performed since September 30, 1994, by the
25 applicant or applicants, or by the applicant’s or ap-



1 plicants' predecessors, whether one or more, for the
2 benefit of the lands within the parcel or parcels iden-
3 tified and submitted for purchase; and

4 (2) the term "mineral development work"
5 means geologic, geochemical or geophysical surveys;
6 road building; exploration drilling, trenching, and ex-
7 ploratory sampling by any other means; construction
8 of underground workings for the purpose of con-
9 ducting exploration; mine development work; mineral
10 production from underground or surface mines; envi-
11 ronmental baseline studies, construction of environ-
12 mental protection and monitoring systems; construc-
13 tion of power and water distribution facilities; engi-
14 neering, metallurgical, geotechnical, and economic
15 feasibility studies; land surveys; and any other work
16 reasonably incident to mineral development.

17 **SEC. 6205. CORRECTION TO GEOTHERMAL STEAM ACT OF**
18 **1970.**

19 Section 6(a) of the Geothermal Steam Act of 1970
20 (30 U.S.C. 1005(a)) is amended by adding at the end the
21 following:

22 "(4) ACHIEVING PRODUCTION IN COMMERCIAL
23 QUANTITIES.—Once energy is produced or utilized in
24 commercial quantities from geothermal resources un-
25 derlying the lease, its term shall continue for so long



1 thereafter as such production or utilization continues
2 in commercial quantities.”.

3 **CHAPTER 2—DISPOSAL OF CERTAIN**
4 **PUBLIC LANDS IN NEVADA**

5 **SEC. 6211. SHORT TITLE.**

6 This chapter may be cited as the “Northern Nevada
7 Sustainable Development in Mining Act”.

8 **SEC. 6212. DEFINITIONS.**

9 In this chapter:

10 (1) CLAIMANT.—The term “Claimant” means
11 Coeur Rochester, Inc.

12 (2) COUNTY.—The term “County” means Per-
13 shing County, Nevada.

14 (3) GENERAL MINING LAWS.—The term “the
15 general mining laws” includes, in general, the provi-
16 sions of law codified in chapters 2, 12A, and 16 of
17 title 30, United States Code, and in sections 161
18 and 162 of such title.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 **SEC. 6213. LAND CONVEYANCE.**

22 (a) CONVEYANCE OF LAND.—Notwithstanding any
23 other provision of law, and not later than 90 days after
24 the date of the enactment of this Act, the Secretary shall
25 convey to the Claimant, in return for a payment of \$500



1 per acre, all right, title, and interest, subject to the terms
2 and conditions of subsection (c), in the approximately
3 7,000 acres of Federal lands subject to Claimant's mining
4 claims maintained under the general mining laws and de-
5 picted on the Rochester Sustainable Development Project
6 map.

7 (b) EXEMPTION FROM REVIEW, ETC.—Any convey-
8 ance of land under this Act is not subject to review, con-
9 sultation, or approval under any other Federal law.

10 (c) TERMS AND CONDITIONS OF CONVEYANCE.—

11 (1) NO IMPACT ON LEGAL OBLIGATIONS.—Con-
12 veyance of the lands pursuant to subsection (a) shall
13 not affect Claimant's legal obligations to comply
14 with applicable Federal mine closure or mine land
15 reclamation laws, or with any other applicable Fed-
16 eral or State requirement relating to closure of the
17 Rochester Mine and use of the land comprising such
18 mine, including any requirement to prepare any en-
19 vironmental impact statement under the National
20 Environmental Policy Act of 1969.

21 (2) NO INTERFERENCE WITH RECLAMATION
22 AND CLOSURE OBLIGATIONS.—The sustainable de-
23 velopment project shall be carried out in a way that
24 is consistent with reclamation and closure obliga-
25 tions under Federal laws. Federal reclamation and



1 closure obligations shall not be used to remove infra-
2 structure identified by Claimant as being usable by
3 a post-mining land use.

4 (3) TITLE TO MATERIALS AND MINERALS.—
5 Notwithstanding any other provision of law, Claim-
6 ant shall own and have title to all spent ore, waste
7 rock and tailings, and other materials located on
8 lands conveyed pursuant to subsection (a).

9 (4) VALID EXISTING RIGHTS.—All lands con-
10 veyed pursuant to subsection (a) shall be subject to
11 valid existing rights existing as of the date of trans-
12 fer of title, and Claimant shall succeed to the rights
13 and obligations of the United States with respect to
14 any mining claim, mill site claim, lease, right-of-way,
15 permit, or other valid existing right to which the
16 property is subject.

17 (5) ENVIRONMENTAL LIABILITY.—Notwith-
18 standing any other Federal, State or local law, the
19 United States—

20 (A) shall not be responsible for inves-
21 tigating or disclosing the condition of any prop-
22 erty to be conveyed under this Act; and

23 (B) shall not be responsible for environ-
24 mental remediation, waste management, or en-
25 vironmental compliance activities arising from



1 its ownership, occupancy, or management of
2 land and interests therein conveyed under this
3 Act with respect to conditions existing at or on
4 the land at the time of the conveyance.

5 **SEC. 6214. DISPOSITION OF PROCEEDS.**

6 The gross proceeds of conveyances of land under this
7 chapter shall be used as follows:

8 (1) Such sums as are necessary shall be used
9 to cover 100 percent of the administrative costs, not
10 to exceed \$20,000, incurred by the Nevada State Of-
11 fice and the Winnemucca Field Office of the Bureau
12 of Land Management in conducting conveyances
13 under this Act.

14 (2) \$500,000 shall be paid directly to the State
15 of Nevada for use in the State's abandoned mined
16 land program.

17 (3) \$20,000 per fiscal year for a 5-fiscal-year
18 period shall be paid directly to Pershing County, Ne-
19 vada.

20 (4) Proceeds remaining after the payments pur-
21 suant to paragraphs (1) through (3) shall be depos-
22 ited in the general fund of the Treasury.



1 **CHAPTER 3—DISPOSAL OF CERTAIN**
2 **PUBLIC LANDS**

3 **SEC. 6221. SHORT TITLE.**

4 This chapter may be cited as the “Remedy Act”.

5 **SEC. 6222. DEFINITIONS.**

6 In this chapter:

7 (a) CLAIMANT.—The term “Claimant” means John
8 J. Trautner of Girdwood, Alaska.

9 (b) MINING LAW.—The term “the general mining
10 laws” includes, in general, the provisions of law codified
11 in chapters 2, 12A, and 16 of title 30, United States Code,
12 and in sections 161 and 162 of such title.

13 (c) SECRETARY.—The term “Secretary” means the
14 Secretary of Agriculture.

15 **SEC. 6223. LAND CONVEYANCE.**

16 (a) CONVEYANCE OF LAND.—Notwithstanding any
17 other provision of law, and not later than 90 days after
18 the date of the enactment of this Act, the Secretary shall
19 convey in fee simple to the Claimant, in return for a pay-
20 ment of \$100,000.00, all right, title, and interest, subject
21 to the terms and conditions of subsection (b), in Federal
22 mining claims AA047916, AA047917, AA047918,
23 AA047915, AA023163, AA023149, AA0470919,
24 AA047913, AA047914, whether or not such claims are
25 maintained under the general mining laws. Any convey-



1 ance of land under this chapter is not subject to review,
2 consultation, or approval under any other Federal law.

3 (b) TERMS AND CONDITIONS OF CONVEYANCE.—

4 Notwithstanding any other Federal, State, or local law,
5 the United States—

6 (1) shall not be responsible for investigating or
7 disclosing the condition of any property to be con-
8 veyed under this chapter; and

9 (2) shall not be responsible for environmental
10 remediation, waste management, or environmental
11 compliance activities arising from its ownership, oc-
12 cupancy, or management of land and interests there-
13 in conveyed under this chapter with respect to condi-
14 tions existing at or on the land at the time of the
15 conveyance.

16 **SEC. 6224. PROCEEDS.**

17 Within one year of the completion of the conveyances
18 under this chapter the gross proceeds of the conveyances
19 shall be used as follows:

20 (1) Such sums as are necessary shall be used
21 to cover 100 percent of the administrative costs, not
22 to exceed \$15,000, incurred by the Forest Service in
23 effectuating conveyances under this chapter.



1 (2) Proceeds remaining after the payments pur-
2 suant to paragraphs (1) shall be deposited in the
3 general fund of the Treasury.

4 **CHAPTER 4—DISPOSAL OF CERTAIN**
5 **PUBLIC LANDS IN IDAHO**

6 **SEC. 6231. SHORT TITLE.**

7 This chapter may be cited as the “Central Idaho Sus-
8 tainable Development in Mining Act”.

9 **SEC. 6232. DEFINITIONS.**

10 In this chapter:

11 (1) CLAIMANT.—The term “Claimant” means
12 TDS LLC, an affiliated company of L&W Stone
13 Corporation.

14 (2) COUNTY.—The term “County” means Cus-
15 ter County, Idaho.

16 (3) MINING LAW.—The term “the general min-
17 ing laws” includes, in general, the provisions of law
18 codified in chapters 2, 12A, and 16 of title 30,
19 United States Code, and in sections 161 and 162 of
20 such title.

21 (4) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 **SEC. 6233. LAND CONVEYANCE.**

24 (a) CONVEYANCE OF LAND.—Notwithstanding any
25 other provision of law, and not later than 90 days after



1 the date of the enactment of this Act, the Secretary shall
2 convey to the Claimant, in return for a payment of \$1,000
3 per acre, all right, title, and interest, subject to the terms
4 and conditions of subsection (c), in the approximately
5 519.7 acres of Federal lands subject to Claimant's mining
6 claims maintained under the general mining laws and de-
7 picted on the Central Idaho Sustainable Development
8 Project map.

9 (b) EXEMPTION FROM REVIEW, ETC.—Any convey-
10 ance of land under this chapter is not subject to review,
11 consultation, or approval under any other Federal law.

12 (c) TERMS AND CONDITIONS OF CONVEYANCE.—

13 (1) TRANSFER OF FEE TITLE IN FEDERAL
14 LANDS.—Notwithstanding any other provision of
15 law, full fee title in approximately 519.7 acres of
16 Federal lands shall be transferred to Claimant as
17 depicted as “proposed land exchange alignment” on
18 the Central Idaho Sustainable Development Project
19 map.

20 (2) VALID EXISTING RIGHTS.—All lands con-
21 veyed pursuant to subsection (a) shall be subject to
22 valid existing rights existing as of the date of trans-
23 fer of title, and Claimant shall succeed to the rights
24 and obligations of the United States with respect to
25 any mining claim, mill site claim, lease, right-of-way,



1 permit, or other valid existing right to which the
2 property is subject.

3 (3) ENVIRONMENTAL LIABILITY.—Notwith-
4 standing any other Federal, State, or local law, the
5 United States—

6 (A) shall not be responsible for inves-
7 tigating or disclosing the condition of any prop-
8 erty to be conveyed under this chapter; and

9 (B) shall not be responsible for environ-
10 mental remediation, waste management, or en-
11 vironmental compliance activities arising from
12 its ownership, occupancy, or management of
13 land and interests therein conveyed under this
14 chapter with respect to conditions existing at or
15 on the land at the time of the conveyance.

16 **SEC. 6234. DISPOSITION OF PROCEEDS.**

17 Within one year of the completion of the conveyance
18 under this chapter, the gross proceeds of the conveyance
19 shall be used as follows:

20 (1) Such sums as are necessary shall be used
21 to cover 100 percent of the administrative costs, not
22 to exceed \$15,000, incurred by the Idaho State Of-
23 fice and the Challis Field Office of the Bureau of
24 Land Management in conducting conveyances under
25 this chapter.



1 (2) \$200,000 shall be paid directly to the State
2 of Idaho for use in the State Parks program.

3 (3) \$200,000 shall be paid directly to Custer
4 County, Idaho.

5 (4) Proceeds remaining after the payments pur-
6 suant to paragraphs (1) through (3) shall be depos-
7 ited in the general fund of the Treasury.

8 **CHAPTER 5—MINING AND REMOVAL OF**
9 **BENTONITE**

10 **SEC. 6241. SHORT TITLE.**

11 This chapter may be cited as the “Big Horn Ben-
12 tonite Act”.

13 **SEC. 6242. DEFINITIONS.**

14 In this chapter:

15 (1) COVERED LAND.—The term “covered land”
16 means the approximately 20 acres of previously
17 withdrawn land located in the E¹/₂ NE¹/₄ SE¹/₄ of
18 sec. 32, T. 56N., R. 95W., sixth principal meridian,
19 Big Horn County, Wyoming.

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 **SEC. 6243. AUTHORIZATION OF MINING AND REMOVAL OF**
23 **BENTONITE.**

24 (a) IN GENERAL.—Notwithstanding the withdrawal
25 of the covered land for military purposes, the Secretary



1 may, with the consent of the Secretary of the Army, per-
2 mit the mining and removal of bentonite on the covered
3 land.

4 (b) SOLE-SOURCE CONTRACT.—The Secretary shall
5 enter into a sole-source contract for the mining and re-
6 moval of the bentonite from the covered land that provides
7 for the payment to the Secretary of \$1.00 per ton of ben-
8 tonite removed from the covered land.

9 (c) TERMS AND CONDITIONS.—

10 (1) IN GENERAL.—Mining and removal of ben-
11 tonite under this chapter shall be subject to such
12 terms and conditions as the Secretary may prescribe
13 for—

14 (A) the prevention of unnecessary or undue
15 degradation of the covered land; and

16 (B) the reclamation of the covered land
17 after the bentonite is removed.

18 (2) REQUIREMENTS.—The terms and condi-
19 tions prescribed under paragraph (1) shall be at
20 least as protective of the covered land as the terms
21 and conditions established for Pit No. 144L (BLM
22 Case File WYW136110).

23 (3) LAND USE PLAN.—In carrying out the pro-
24 visions of this chapter, the Secretary is not required
25 to amend any land use plan under section 202 of the



1 Federal Land Policy and Management Act of 1976
2 (43 U.S.C. 1712).

3 (4) TERMINATION OF INTEREST.—On comple-
4 tion of the mining and reclamation authorized under
5 this chapter, any party that has entered into the
6 sole-source contract with the Secretary under sub-
7 section (b) shall have no remaining interest in the
8 covered land.

9 **SEC. 6244. CLOSURE.**

10 (a) IN GENERAL.—If the Secretary of the Army noti-
11 fies the Secretary that closure of the covered land is re-
12 quired because of a national emergency or for the purpose
13 of national defense or national security, the Secretary
14 shall—

15 (1) order the suspension of any activity author-
16 ized by this chapter on the covered land; and

17 (2) close the covered land until the Secretary of
18 the Army notifies the Secretary that the closure is
19 no longer necessary.

20 (b) LIABILITY.—Neither the Secretary nor the Sec-
21 retary of the Army shall be liable for damages from a clo-
22 sure of the covered land under subsection (a).



1 **CHAPTER 6—OFFSHORE OIL AND GAS**
2 **DEVELOPMENT**

3 **SEC. 6251. SHORT TITLE.**

4 This chapter may be cited as the “Offshore State Op-
5 tions Act of 2005”.

6 **SEC. 6252. POLICY.**

7 It is the policy of the United States that—

8 (1) Adjacent States are required by the cir-
9 cumstances to commit significant resources in sup-
10 port of exploration, development, and production ac-
11 tivities for mineral resources on the outer Conti-
12 nental Shelf, and it is fair and proper for a portion
13 of the receipts from such activities to be shared with
14 Adjacent States and their local coastal governments
15 in the form of impact sharing;

16 (2) the existing laws governing the leasing and
17 production of the mineral resources of the outer
18 Continental Shelf have reduced the production of
19 mineral resources, have preempted Adjacent States
20 from being sufficiently involved in the decisions re-
21 garding the allowance of mineral resource develop-
22 ment, and have been harmful to the national inter-
23 est;

24 (3) the national interest is served by granting
25 the Adjacent States more options related to whether



1 or not mineral leasing should occur in the outer
2 Continental Shelf within their Adjacent Zones;

3 (4) it is not reasonably foreseeable that explo-
4 ration of a leased tract located more than 25 miles
5 seaward of the coastline, development and produc-
6 tion of a natural gas discovery located more than 25
7 miles seaward of the coastline, or development and
8 production of an oil discovery located more than 50
9 miles seaward of the coastline will adversely affect
10 resources near the coastline;

11 (5) transportation of oil from a leased tract
12 might reasonably be foreseen, under limited cir-
13 cumstances, to have the potential to adversely affect
14 such resources if the oil is within 50 miles of the
15 coastline, but such potential to adversely affect such
16 resources is likely no greater, and probably less,
17 than the potential impacts from tanker transpor-
18 tation because tanker spills usually involve large re-
19 leases of oil over a brief period of time; and

20 (6) among other bodies of inland waters, the
21 Great Lakes, Long Island Sound, Delaware Bay,
22 Chesapeake Bay, Albemarle Sound, San Francisco
23 Bay, and Puget Sound are not part of the outer
24 Continental Shelf, and are not subject to leasing by
25 the Federal Government for the exploration, develop-



1 ment, and production of any mineral resources that
2 might lie beneath them.

3 **SEC. 6253. DEFINITIONS UNDER THE OUTER CONTINENTAL**
4 **SHELF LANDS ACT.**

5 Section 2 of the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1331) is amended—

7 (1) by amending paragraph (f) to read as fol-
8 lows:

9 “(f) The term ‘affected State’ means the Adjacent
10 State.”;

11 (2) by striking the semicolon at the end of each
12 of paragraphs (a) through (n) and inserting a pe-
13 riod;

14 (3) by striking “; and” at the end of paragraph
15 (p) and inserting a period; and

16 (4) by adding at the end the following:

17 “(r) The term ‘Adjacent State’ means, with respect
18 to any program, plan, lease sale, leased tract or other ac-
19 tivity, proposed, conducted, or approved pursuant to the
20 provisions of this Act, any State the laws of which are
21 declared, pursuant to section 4(a)(2), to be the law of the
22 United States for the portion of the outer Continental
23 Shelf on which such program, plan, lease sale, leased tract
24 or activity appertains or is, or is proposed to be, con-
25 ducted.



1 “(s) The term ‘bonus bids’ means all funds received
2 by the Secretary to issue an outer Continental Shelf min-
3 erals lease.

4 “(t) The term ‘royalties’ means all funds received by
5 the Secretary from production of oil or natural gas, or
6 the sale of production taken in-kind, from an outer Conti-
7 nental Shelf minerals lease.

8 “(u) The term ‘Adjacent Zone’ means, with respect
9 to any program, plan, lease sale, leased tract, or other ac-
10 tivity, proposed, conducted, or approved pursuant to the
11 provisions of this Act, the portion of the outer Continental
12 Shelf for which the laws of a particular Adjacent State
13 are declared, pursuant to section 4(a)(2), to be the law
14 of the United States.

15 “(v) The term ‘miles’ means statute miles.

16 “(w) The term ‘coastline’ has the same meaning as
17 the term ‘coast line’ as defined in section 2(c) of the Sub-
18 merged Lands Act (43 U.S.C. 1301(c)).

19 “(x) The term ‘producing State’ means an Adjacent
20 State having an Adjacent Zone containing leased tracts
21 from which OCS Receipts were derived.

22 “(y) The term ‘Neighboring State’ means a coastal
23 state having a common boundary at the coastline with the
24 Adjacent State.



1 “(z) The term ‘OCS Receipts’ means all bonus bids
2 and royalties.”.

3 **SEC. 6254. DETERMINATION OF ADJACENT ZONES AND**
4 **PLANNING AREAS.**

5 Section 4(a)(2)(A) of the Outer Continental Shelf
6 Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended in the
7 first sentence by striking “, and the President” and all
8 that follows through the end of the sentence and inserting
9 the following: “. The lines extending seaward and defining
10 each State’s Adjacent Zone, and each OCS Planning Area,
11 are as indicated on the maps for each outer Continental
12 Shelf region entitled ‘Alaska OCS Region State Adjacent
13 Zone and OCS Planning Areas’, ‘Pacific OCS Region
14 State Adjacent Zones and OCS Planning Areas’, ‘Gulf of
15 Mexico OCS Region State Adjacent Zones and OCS Plan-
16 ning Areas’, and ‘Atlantic OCS Region State Adjacent
17 Zones and OCS Planning Areas’, all of which are dated
18 September 2005 and on file in the Office of the Director,
19 Minerals Management Service.”.

20 **SEC. 6255. ADMINISTRATION OF LEASING.**

21 Section 5 of the Outer Continental Shelf Lands Act
22 (43 U.S.C. 1334) is amended by adding at the end the
23 following:

24 “(k) **VOLUNTARY PARTIAL RELINQUISHMENT OF A**
25 **LEASE.**—Any lessee of a producing lease may relinquish



1 to the Secretary any portion of a lease that the owner has
2 no interest in producing and that the Secretary finds is
3 geologically prospective. In return for any such relinquish-
4 ment, the Secretary shall provide to the owner a royalty
5 incentive in accordance with regulations promulgated by
6 the Secretary to carry out this subsection. The Secretary
7 shall publish final regulations implementing this sub-
8 section within 365 days after the date of the enactment
9 of the Offshore State Options Act of 2005.

10 “(1) NATURAL GAS LEASE REGULATIONS.—Not later
11 than October 1, 2006, the Secretary shall publish a final
12 regulation that shall—

13 “(1) establish procedures for entering into nat-
14 ural gas leases;

15 “(2) ensure that natural gas leases are only
16 available for tracts on the outer Continental Shelf
17 that are wholly within 125 miles of the coastline
18 within an area withdrawn from disposition by leas-
19 ing on the day after the date of enactment of the
20 Offshore State Options Act of 2005;

21 “(3) provide that natural gas leases shall con-
22 tain the same rights and obligations established for
23 oil and gas leases, except as otherwise provided in
24 the Offshore State Options Act of 2005;



1 “(4) provide that, in reviewing the adequacy of
2 bids for natural gas leases, the value of any crude
3 oil estimated to be contained within any tract shall
4 be excluded; and

5 “(5) provide that any Federal law that applies
6 to an oil and gas lease on the outer Continental
7 Shelf shall apply to a natural gas lease unless other-
8 wise clearly inapplicable.”.

9 **SEC. 6256. GRANT OF LEASES BY SECRETARY.**

10 Section 8 of the Outer Continental Shelf Lands Act
11 (43 U.S.C. 1337) is amended—

12 (1) in subsection (a)(1) by inserting after the
13 first sentence the following: “Further, the Secretary
14 may grant natural gas leases in a manner similar to
15 the granting of oil and gas leases and under the var-
16 ious bidding systems available for oil and gas
17 leases.”;

18 (2) by adding at the end of subsection (b) the
19 following: “The Secretary may issue more than one
20 lease for a given tract if each lease applies to a sepa-
21 rate and distinct range of vertical depths, horizontal
22 surface area, or a combination of the two. The Sec-
23 retary may issue regulations that the Secretary de-
24 termines are necessary to manage such leases con-
25 sistent with the purposes of this Act.”;



1 (3) in subsection (p)(2)(B)—

2 (A) by striking “27” and inserting “50”;

3 and

4 (B) by striking “15” and inserting “200”;

5 (4) by adding at the end the following:

6 “(q) NATURAL GAS LEASES.—

7 “(1) RIGHT TO PRODUCE NATURAL GAS.—A
8 lessee of a natural gas lease shall have the right to
9 produce the natural gas from a natural gas leased
10 tract if the Secretary estimates that the discovered
11 field has at least 40 percent of the economically re-
12 coverable Btu content of the field contained within
13 natural gas.

14 “(2) RIGHT TO PRODUCE CRUDE OIL.—A lessee
15 of a natural gas lease may produce crude oil from
16 the lease unless the Governor of the Adjacent State
17 objects to such production within 90 days after re-
18 ceipt of written notice from the lessee of intent to
19 produce crude oil from the lease. If the leased tract
20 is located within 50 miles of the nearest point on the
21 coastline of a Neighboring State, the Governor of
22 the Neighboring State shall also receive such notice
23 and have the right to object to such production with-
24 in 90 days after receipt of such notice.



1 “(3) ESTIMATES OF BTU CONTENT.—The Sec-
2 retary shall make estimates of the natural gas Btu
3 content of discovered fields on a natural gas lease
4 only after the completion of at least one exploration
5 well, the data from which has been tied to the re-
6 sults of a three-dimensional seismic survey of the
7 field. The Secretary may not require the lessee to
8 further delineate any discovered field prior to mak-
9 ing such estimates.

10 “(4) TRANSPORTATION OF CRUDE OIL.—If a
11 Governor, or Governors, do not object to production
12 of crude oil from a natural gas lease, the lessee shall
13 be permitted to transport the crude oil from the
14 leased tract through Adjacent State waters, and
15 Neighboring State waters if applicable, to facilities
16 onshore in the Adjacent State, and Neighboring
17 State if applicable, unless the lessee agreed to other
18 arrangements with the Governor, or Governors.

19 “(5) REPURCHASE OF CERTAIN NATURAL GAS
20 LEASES.—Upon request of the lessee and certifi-
21 cation by the Secretary of the Interior that a natural
22 gas lease contains all or part of a commercial nat-
23 ural gas discovery that is not allowed to be produced
24 because it does not meet the standard set in para-
25 graph (1), the Secretary of the Treasury shall repur-



1 chase the lease by issuance of a check or electronic
2 payment from OCS Receipts to the lessee in full
3 compensation for the repurchase.

4 “(6) AMOUNT OF COMPENSATION.—Repurchase
5 compensation for each lease repurchased under the
6 authority of this section shall be in the amount of
7 the lesser of the original bonus bid paid for the lease
8 or, if the lessee is not the original lessee, the com-
9 pensation paid by the current lessee to obtain its in-
10 terest in the lease. In addition, the lessee shall be
11 compensated for any expenses directly attributable
12 to the lease that the lessee incurs after acquisition
13 of its interest in the lease to be repurchased, includ-
14 ing rentals, seismic acquisition costs, drilling costs,
15 and other reasonable expenses on the lease, includ-
16 ing expenses incurred in the repurchase process, to
17 the extent that the lessee has not previously been
18 compensated by the United States for such expenses.
19 The lessee shall not be compensated for general
20 overhead expenses or employee salaries.

21 “(7) PRIORITY RIGHT TO OBTAIN FUTURE OIL
22 AND GAS LEASE.—The lessee, or a designee of the
23 lessee, of a repurchased natural gas leased tract
24 shall have the right to repurchase such tract as an
25 oil and gas lease, on a noncompetitive basis, by re-



1 paying the amount received by the lessee if the tract
2 is made available for lease under an oil and gas
3 lease within 30 years after the repurchase.

4 “(8) DEFINITION OF NATURAL GAS.—For pur-
5 poses of a natural gas lease, natural gas means nat-
6 ural gas and all substances produced in association
7 with gas, including, but not limited to, hydrocarbon
8 liquids (other than crude oil) that are obtained by
9 the condensation of hydrocarbon vapors and sepa-
10 rate out in liquid form from the produced gas
11 stream.

12 “(r) REMOVAL OF RESTRICTIONS ON JOINT BIDDING
13 IN CERTAIN AREAS OF THE OUTER CONTINENTAL
14 SHELF.—Restrictions on joint bidders shall no longer
15 apply to tracts located in the Alaska OCS Region. Such
16 restrictions shall not apply to tracts in other OCS regions
17 determined to be ‘frontier tracts’ or otherwise ‘high cost
18 tracts’ under final regulations that shall be published by
19 the Secretary by not later than 365 days after the date
20 of the enactment of the Offshore State Options Act of
21 2005.

22 “(s) CONVERSION OR REPURCHASE OF CERTAIN EX-
23 ISTING LEASES.—

24 “(1) AUTHORIZATION TO REPURCHASE CER-
25 TAIN OIL AND GAS LEASES; OPTION OF LESSEES TO



1 CONVERT CERTAIN OIL AND GAS LEASES TO NAT-
2 URAL GAS LEASES.—The Secretary shall establish a
3 reasonable administrative process through which the
4 Secretary may certify for repurchase undeveloped
5 leases, issued prior to January 1, 2006, within areas
6 not available by law for oil and gas leasing on and
7 after July 1, 2012. The lessee of such a lease shall
8 have the option, without compensation, of converting
9 its oil and gas lease that lies wholly within areas in
10 which natural gas leasing is not allowed, within 125
11 miles of the coastline, to a natural gas lease upon
12 written notice by the lessee of the Adjacent State
13 and the passage of 90 days without objection by the
14 Governor. The lessee of such an oil and gas lease
15 shall have the option, without compensation, of con-
16 verting its lease that lies wholly or partially within
17 areas in which natural gas leasing is allowed to a
18 natural gas lease without the necessity of consulting
19 with the Governor of the Adjacent State. The Sec-
20 retary shall establish a reasonable administrative
21 process through which a lessee may exercise its op-
22 tion to convert an oil and gas lease to a natural gas
23 lease.

24 “(2) REPURCHASE PROVISIONS.—



1 “(A) CANCELLATION OF LEASE.—As part
2 of the repurchase process, the Secretary may
3 cancel a lease authorized to be repurchased.

4 “(B) CONSENT OF LESSEES.—All lessees
5 holding an interest in a lease must consent to
6 the cancellation of their leasehold interests in
7 order for the lease to be repurchased.

8 “(C) WAIVER OF RIGHTS.—As a pre-
9 requisite to the repurchase of a lease, the les-
10 sees must waive any rights to bring any litiga-
11 tion against the United States related to the
12 lease.

13 “(D) PLUGGING AND ABANDONMENT.—
14 The plugging and abandonment requirements
15 for any wells located on any lease to be repur-
16 chased must be complied with by the lessees
17 prior to any repurchase.

18 “(E) COMPENSATION.—Repurchase com-
19 pensation for each lease repurchased under the
20 authority of this section shall be in the amount
21 of the lesser of the original bonus bid paid for
22 the lease or, if the lessee is not the original les-
23 see, the compensation paid by the current lessee
24 to obtain its interest in the lease. In addition,
25 the lessee shall be compensated for any ex-



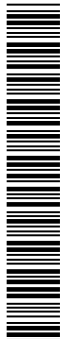
1 penses directly attributable to the lease that the
2 lessee incurs after acquisition of its interest in
3 the lease to be repurchased, including rentals,
4 seismic acquisition costs, drilling costs, and
5 other reasonable expenses on the lease, includ-
6 ing expenses incurred in the repurchase process,
7 to the extent that the lessee has not previously
8 been compensated by the United States for
9 such expenses. The lessee shall not be com-
10 pensated for general overhead expenses or em-
11 ployee salaries.

12 “(F) PAYMENT.—The Secretary of the
13 Treasury shall issue a check or electronic pay-
14 ment in full compensation leases certified for
15 repurchase by the Secretary of the Interior.”;

16 (5) by striking subsection (a)(3)(A) and redesi-
17 gnating the subsequent subparagraphs as subpara-
18 graphs (A) and (B), respectively;

19 (6) in subsection (a)(3)(A) (as so redesignated)
20 by striking “In the Western” and all that follows
21 through “30 minutes West longitude, the Secretary”
22 and inserting “The Secretary”; and

23 (7) effective October 1, 2010, in subsection
24 (g)—



1 (A) by striking all except paragraph (3);

2 and

3 (B) by striking the last sentence of para-

4 graph (3).

5 **SEC. 6257. DISPOSITION OF RECEIPTS.**

6 Section 9 of the Outer Continental Shelf Lands Act

7 (43 U.S.C. 1338) is amended—

8 (1) by inserting “(a) IN GENERAL.—” before
9 “All rentals”;

10 (2) in subsection (a) (as so designated) by in-
11 sserting “, if not paid as otherwise provided in this
12 title” after “receipts”; and

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

14 “(b) TREATMENT OF OCS RECEIPTS FROM TRACTS
15 COMPLETELY WITHIN 125 MILES OF THE COASTLINE.—

16 “(1) DEPOSIT.—The Secretary shall deposit
17 into a separate account in the Treasury of the
18 United States all OCS Receipts derived from any
19 leased tract located completely within 125 miles of
20 the coastline that is not covered by the receipts shar-
21 ing provisions of section 8(g).

22 “(2) SHARING BEGINNING OCTOBER 1, 2010.—
23 Beginning October 1, 2010, the Secretary shall
24 share 50 percent of OCS Receipts derived after Oc-
25 tober 1, 2010, from—



1 “(A) leases located on portions of the Gulf
2 of Mexico OCS Region within 125 miles of any
3 coastline that are available for leasing under
4 the 2002–2007 5-Year OCS Oil and Gas Leas-
5 ing Program;

6 “(B) leases in production prior to January
7 1, 2006, within 125 miles of any coastline lo-
8 cated on portions of the OCS that were not
9 available for leasing under the 2002–2007 5-
10 Year OCS Oil and Gas Leasing Program; and,

11 “(C) leases issued prior to January 1,
12 2006, located in the Alaska OCS Region within
13 125 miles of the coastline.

14 “(3) SHARING BEGINNING JANUARY 1, 2006,
15 ALL OTHER OCS LEASES.—Beginning January 1,
16 2006, the Secretary shall share 50 percent of OCS
17 Receipts derived from all leases located within 125
18 miles of any coastline not included within the provi-
19 sions of paragraph (2) or section 8(g).

20 “(4) ALLOCATIONS.—The Secretary shall allo-
21 cate the OCS Receipts deposited into the separate
22 account established by paragraph (1) as follows:

23 “(A) BONUS BIDS.—Deposits derived from
24 bonus bids from a leased tract, including inter-



1 est thereon, shall be allocated at the end of
2 each fiscal year as follows:

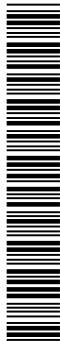
3 “(i) 35 percent to the Adjacent State.

4 “(ii) 10 percent among all producing
5 States, which shall be allocated to each
6 producing State based on the ratio that—

7 “(I) OCS Receipts derived from
8 all leased tracts on the Federal outer
9 Continental Shelf that are within 125
10 miles of any coastline, and are also
11 within 300 miles of the coastline of
12 the producing State for the fiscal
13 year; bears to

14 “(II) OCS Receipts derived from
15 all leased tracts on the Federal outer
16 Continental Shelf that are within 125
17 miles of any coastline of all producing
18 States for the fiscal year.

19 “(iii) 3 percent into the Treasury
20 which shall be allocated to the Federal En-
21 ergy Natural Resources Enhancement
22 Fund established in section 6264 of the
23 Offshore State Options Act of 2005.



1 “(iv) 2 percent into the fund estab-
2 lished by section 6274 of the Offshore
3 State Options Act of 2005.

4 “(B) ROYALTIES.—Deposits derived from
5 royalties from a leased tract, including interest
6 thereon, shall be allocated at the end of each
7 fiscal year as follows:

8 “(i) 35 percent to the Adjacent State
9 and any other producing State with a
10 leased tract within its Adjacent Zone with-
11 in 125 miles of its coastline that generated
12 royalties during the fiscal year, if the other
13 producing State has a coastline point with-
14 in 300 miles of any portion of the leased
15 tract, in which case the amount allocated
16 to each producing State for the leased
17 tract shall be as follows:

18 “(I) One-third to the Adjacent
19 State.

20 “(II) Two-thirds to be allocated
21 to each producing State, including the
22 Adjacent State, inversely proportional
23 to the distance between the nearest
24 point on the coastline of the pro-



1 ducing State and the geographic cen-
2 ter of the leased tract.

3 “(ii) 10 percent among all producing
4 States, which shall be allocated to each
5 producing State based on the ratio that—

6 “(I) OCS Receipts derived from
7 all leased tracts on the Federal outer
8 Continental Shelf that are within 125
9 miles of any coastline, and are also
10 within 300 miles of the coastline of
11 the producing State for the fiscal
12 year; bears to

13 “(II) OCS Receipts derived from
14 all leased tracts on the Federal outer
15 Continental Shelf that are within 125
16 miles of any coastline of all producing
17 States for the fiscal year.

18 “(iii) 3 percent into the Treasury
19 which shall be allocated to the Federal En-
20 ergy Natural Resources Enhancement
21 Fund established in section 6264 of the
22 Offshore State Options Act of 2005.

23 “(iv) 2 percent into the fund estab-
24 lished by section 6274 of the Offshore
25 State Options Act of 2005.



1 “(5) TRANSMISSION OF ALLOCATIONS.—

2 “(A) IN GENERAL.—Not later than 90
3 days after the end of each fiscal year, the Sec-
4 retary shall transmit—

5 “(i)(I) to each State two-thirds of
6 such State’s allocations under paragraph
7 (4)(A)(i) and (ii) and (4)(B)(i) and (ii) for
8 the immediate prior fiscal year; and

9 “(II) to coastal county-equivalent and
10 municipal political subdivisions of such
11 State a total of one-third of such State’s
12 allocations under paragraph (4)(A)(i) and
13 (ii) and (4)(B)(i) and (ii), together with all
14 accrued interest thereon;

15 “(ii) the remaining allocations under
16 paragraph (4), together with all accrued
17 interest thereon; and

18 “(iii) the remaining balance of such
19 OCS Receipts deposited for the prior fiscal
20 year, together with interest thereon, shall
21 be transmitted to the miscellaneous re-
22 ceipts account of the Treasury.

23 “(B) ALLOCATIONS TO COASTAL COUNTY-
24 EQUIVALENT POLITICAL SUBDIVISIONS.—The
25 Secretary shall make an initial allocation of the



1 OCS receipts to be shared under subparagraph
2 (A)(i)(II) as follows:

3 “(i) 25 percent shall be allocated
4 based on the ratio of such coastal county-
5 equivalent political subdivision’s population
6 to the coastal population of all coastal
7 county-equivalent political subdivisions in
8 the State.

9 “(ii) 25 percent shall be allocated
10 based on the ratio of such coastal county-
11 equivalent political subdivision’s coastline
12 miles to the coastline miles of all coastal
13 county-equivalent political subdivisions in
14 the State as calculated by the Secretary,
15 and in such calculations coastal county-
16 equivalent political subdivisions without a
17 coastline shall be considered to have 50
18 percent of the average coastline miles of
19 the coastal county-equivalent political sub-
20 divisions that do have coastlines.

21 “(iii) 25 percent shall be allocated to
22 all coastal county-equivalent political sub-
23 divisions having a coastline point within
24 300 miles of the leased tract for which
25 OCS Receipts are being shared based on a



1 formula that allocates the funds based on
2 such coastal county-equivalent political
3 subdivision's relative distance from the
4 leased tract.

5 “(iv) 25 percent shall be allocated to
6 all coastal county-equivalent political sub-
7 divisions having a coastline point within
8 300 miles of the leased tract for which
9 OCS Receipts are being shared based on
10 the relative level of outer Continental Shelf
11 oil and gas activities in a coastal political
12 subdivision compared to the level of outer
13 Continental Shelf activities in all coastal
14 political subdivisions in the State. The Sec-
15 retary shall define the term ‘outer Conti-
16 nental Shelf oil and gas activities’ to in-
17 clude, but not be limited to, construction of
18 vessels, drillships, and platforms involved
19 in exploration, production, and develop-
20 ment on the outer Continental Shelf; sup-
21 port and supply bases, ports, and related
22 activities; offices of geologists, geo-
23 physicists, engineers, and other profes-
24 sionals involved in support of exploration,
25 production, and development of oil and gas



1 on the outer Continental Shelf; pipelines
2 and other means of transporting oil and
3 gas production from the outer Continental
4 Shelf; and processing and refining of oil
5 and gas production from the outer Conti-
6 nental Shelf. For purposes of this subpara-
7 graph, if a coastal county-equivalent polit-
8 ical subdivision does not have a coastline,
9 its coastal point shall be the point on the
10 coastline closest to it.

11 “(C) ALLOCATIONS TO COASTAL MUNIC-
12 IPAL POLITICAL SUBDIVISIONS.—The initial al-
13 location to each coastal county-equivalent polit-
14 ical subdivision under subparagraph (B) shall
15 be further allocated to the coastal county-equiv-
16 alent political subdivision and any coastal mu-
17 nicipal political subdivisions located partially or
18 wholly within the boundaries of the coastal
19 county-equivalent political subdivision as fol-
20 lows:

21 “(i) One-third shall be allocated to the
22 coastal county-equivalent political subdivi-
23 sion.

24 “(ii) Two-thirds shall be allocated on
25 a per capita basis to the municipal political



1 subdivisions and the county-equivalent po-
2 litical subdivision, with the allocation to
3 the latter based upon its population not in-
4 cluded within the boundaries of a munic-
5 ipal political subdivision.

6 “(6) INVESTMENT OF DEPOSITS.—Amounts de-
7 posited under this section shall be invested by the
8 Secretary of the Treasury in securities backed by the
9 full faith and credit of the United States having ma-
10 turities suitable to the needs of the account and
11 yielding the highest reasonably available interest
12 rates as determined by the Secretary of the Treas-
13 ury.

14 “(7) USE OF FUNDS.—A recipient of funds allo-
15 cated under paragraph 4(A)(i) and (ii), and
16 (4)(B)(i) and (ii) may use the funds—

17 “(A) to reduce in-State college tuition at
18 public institutions of higher learning and other-
19 wise support public education;

20 “(B) to make transportation infrastructure
21 improvements;

22 “(C) to reduce taxes;

23 “(D) to promote and provide for—

24 “(i) coastal or environmental restora-
25 tion,



1 “(ii) fish, wildlife, and marine life
2 habitat enhancement,

3 “(iii) waterways maintenance, and

4 “(iv) shore protection;

5 “(E) to improve infrastructure associated
6 with energy production activities conducted on
7 the outer Continental Shelf; or

8 “(F) for any other purpose as determined
9 by State law.

10 “(8) NO ACCOUNTING REQUIRED.—No recipient
11 of funds under this subsection shall be required to
12 account to the Federal Government for the expendi-
13 ture of such funds, except as otherwise may be re-
14 quired by law. Further, funds allocated under this
15 subsection to States and political subdivisions may
16 be used as matching funds for other Federal pro-
17 grams.

18 “(9) EFFECT OF FUTURE LAWS.—Enactment
19 of any future Federal statute that has the effect, as
20 determined by the Secretary, of restricting any Fed-
21 eral agency from spending appropriated funds, or
22 otherwise preventing it from fulfilling its pre-existing
23 responsibilities as of the date of enactment of the
24 statute, unless such responsibilities have been reas-
25 signed to another Federal agency by the statute with



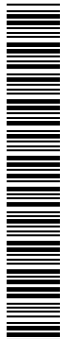
1 no prevention of performance, to issue any permit or
2 other approval impacting on the OCS oil and gas
3 leasing program, or any lease issued thereunder, or
4 to implement any provision of the Outer Continental
5 Shelf Lands Act shall automatically prohibit any
6 sharing of OCS Receipts directly with the States,
7 and their coastal political subdivisions, for the dura-
8 tion of the restriction. The Secretary shall make the
9 determination of the existence of such restricting ef-
10 fects within 30 days of a petition by any outer Con-
11 tinental Shelf lessee or producing State.

12 “(c) TREATMENT OF OCS RECEIPTS FROM TRACTS
13 PARTIALLY OR COMPLETELY BEYOND 125 MILES OF THE
14 COASTLINE.—

15 “(1) DEPOSIT.—The Secretary shall deposit
16 into a separate account in the Treasury of the
17 United States all OCS Receipts derived from any
18 leased tract located partially or completely beyond
19 125 miles of the coastline.

20 “(2) SHARING BEGINNING OCTOBER 1, 2010.—
21 Beginning October 1, 2010, the Secretary shall
22 share 50 percent of OCS Receipts derived after Oc-
23 tober 1, 2010, from—

24 “(A) leases located on portions of the Gulf
25 of Mexico OCS Region beyond 125 miles of any



1 coastline that are available for leasing under
2 the 2002–2007 5–Year OCS Oil and Gas Leas-
3 ing Program;

4 “(B) leases in production prior to January
5 1, 2006, beyond 125 miles of any coastline lo-
6 cated on portions of the OCS that were not
7 available for leasing under the 2002–2007 5-
8 Year OCS Oil and Gas Leasing Program; and

9 “(C) leases issued prior to January 1,
10 2006, located in the Alaska OCS Region beyond
11 125 miles of the coastline.

12 “(3) SHARING BEGINNING JANUARY 1, 2006—ALL
13 OTHER OCS LEASES.—Beginning January 1, 2006,
14 the Secretary shall share 50 percent of OCS Re-
15 cepts derived from all leases located beyond 125
16 miles of any coastline not included within the provi-
17 sions of paragraph (2).

18 “(4) ALLOCATIONS.—The Secretary shall allo-
19 cate the OCS Receipts deposited into the separate
20 account established by paragraph (1) as follows:

21 “(A) BONUS BIDS.—Deposits derived from
22 bonus bids from a leased tract, including inter-
23 est thereon, shall be allocated at the end of
24 each fiscal year as follows:

25 “(i) 35 percent to the Adjacent State.



1 “(ii) 10 percent among all producing
2 States, which shall be allocated to each
3 producing State based on the ratio that—

4 “(I) OCS Receipts derived from
5 all leased tracts on the Federal outer
6 Continental Shelf that are beyond 125
7 miles of any coastline, and are also
8 within 300 miles of the coastline of
9 the producing State for the fiscal
10 year; bears to

11 “(II) OCS Receipts derived from
12 all leased tracts on the Federal outer
13 Continental Shelf that are beyond 125
14 miles of any coastline of all producing
15 States for the fiscal year.

16 “(iii) 3 percent into the Treasury
17 which shall be allocated to the Federal En-
18 ergy Natural Resources Enhancement
19 Fund established in section 6264 of the
20 Offshore State Options Act of 2005.

21 “(iv) 2 percent into the fund estab-
22 lished by section 6274 of the Offshore
23 State Options Act of 2005.

24 “(B) ROYALTIES.—Deposits derived from
25 royalties from a leased tract, including interest



1 thereon, shall be allocated at the end of each
2 fiscal year as follows:

3 “(i) 35 percent to the Adjacent State
4 and any other producing State with a
5 leased tract within its Adjacent Zone be-
6 yond 125 miles of its coastline that gen-
7 erated royalties during the fiscal year, if
8 the other producing State has a coastline
9 point within 300 miles of any portion of
10 the leased tract, in which case the amount
11 allocated to each producing State for the
12 leased tract shall be as follows:

13 “(I) One-third to the Adjacent
14 State.

15 “(II) Two-thirds to be allocated
16 to each producing State, including the
17 Adjacent State, inversely proportional
18 to the distance between the nearest
19 point on the coastline of the pro-
20 ducing State and the geographic cen-
21 ter of the leased tract.

22 “(ii) 10 percent among all producing
23 States, which shall be allocated to each
24 producing State based on the ratio that—



1 “(I) OCS Receipts derived from
2 all leased tracts on the Federal outer
3 Continental Shelf that are beyond 125
4 miles of any coastline, and are also
5 within 300 miles of the coastline of
6 the producing State for the fiscal
7 year; bears to

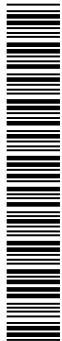
8 “(II) OCS Receipts derived from
9 all leased tracts on the Federal outer
10 Continental Shelf that are beyond 125
11 miles of any coastline of all producing
12 States for the fiscal year.

13 “(iii) 3 percent into the Treasury
14 which shall be allocated to the Federal En-
15 ergy Natural Resources Enhancement
16 Fund established in section 6264 of the
17 Offshore State Options Act of 2005.

18 “(iv) 2 percent into the fund estab-
19 lished by section 6274 of the Offshore
20 State Options Act of 2005.

21 “(5) TRANSMISSION OF ALLOCATIONS.—

22 “(A) IN GENERAL.—Not later than 90
23 days after the end of each fiscal year, the Sec-
24 retary shall transmit—



1 “(i) to each State two-thirds of such
2 State’s allocations under paragraph
3 (4)(A)(i) and (ii) and (4)(B)(i) and (ii) for
4 the immediate prior fiscal year, and (b) to
5 coastal county-equivalent and municipal
6 political subdivisions of such State a total
7 of one-third of such State’s allocations
8 under paragraph (4)(A)(i) and (ii) and
9 (4)(B)(i) and (ii), together with all accrued
10 interest thereon;

11 “(ii) the remaining allocations under
12 paragraph (4), together with all accrued
13 interest thereon; and

14 “(iii) the remaining balance of such
15 OCS Receipts deposited for the prior fiscal
16 year, together with interest thereon, shall
17 be transmitted to the miscellaneous re-
18 ceipts account of the Treasury.

19 “(B) ALLOCATIONS TO COASTAL COUNTY-
20 EQUIVALENT POLITICAL SUBDIVISIONS.—The
21 Secretary shall make an initial allocation of the
22 OCS Receipts to be shared under part (b) of
23 clause (i) of subparagraph (A) as follows:

24 “(i) 25 percent shall be allocated
25 based on the ratio of such coastal county-



1 equivalent political subdivision's population
2 to the coastal population of all coastal
3 county-equivalent political subdivisions in
4 the State.

5 “(ii) 25 percent shall be allocated
6 based on the ratio of such coastal county-
7 equivalent political subdivision's coastline
8 miles to the coastline miles of all coastal
9 county-equivalent political subdivisions in
10 the State as calculated by the Secretary,
11 and in such calculations coastal county-
12 equivalent political subdivisions without a
13 coastline shall be considered to have 50
14 percent of the average coastline miles of
15 the coastal county-equivalent political sub-
16 divisions that do have coastlines.

17 “(iii) 25 percent shall be allocated to
18 all coastal county-equivalent political sub-
19 divisions having a coastline point within
20 300 miles of the leased tract for which
21 OCS Receipts are being shared based on a
22 formula that allocates the funds based on
23 such coastal county-equivalent political
24 subdivision's relative distance from the
25 leased tract.



1 “(iv) 25 percent shall be allocated to
2 all coastal county-equivalent political sub-
3 divisions having a coastline point within
4 300 miles of the leased tract for which
5 OCS Receipts are being shared based on
6 the relative level of outer Continental Shelf
7 oil and gas activities in a coastal political
8 subdivision compared to the level of outer
9 Continental Shelf activities in all coastal
10 political subdivisions in the State. The Sec-
11 retary shall define the term ‘outer Conti-
12 nental Shelf oil and gas activities’ to in-
13 clude, but not be limited to, construction of
14 vessels, drillships, and platforms involved
15 in exploration, production, and develop-
16 ment on the outer Continental Shelf; sup-
17 port and supply bases, ports, and related
18 activities; offices of geologists, geo-
19 physicists, engineers, and other profes-
20 sionals involved in support of exploration,
21 production, and development of oil and gas
22 on the outer Continental Shelf; pipelines
23 and other means of transporting oil and
24 gas production from the outer Continental
25 Shelf; and processing and refining of oil



1 and gas production from the outer Conti-
2 nental Shelf. For purposes of this subpara-
3 graph, if a coastal county-equivalent polit-
4 ical subdivision does not have a coastline,
5 its coastal point shall be the point on the
6 coastline closest to it.

7 “(C) ALLOCATIONS TO COASTAL MUNIC-
8 IPAL POLITICAL SUBDIVISIONS.—The initial al-
9 location to each coastal county-equivalent polit-
10 ical subdivision under subparagraph (B) shall
11 be further allocated to the coastal county-equiv-
12 alent political subdivision and any coastal mu-
13 nicipal political subdivisions located partially or
14 wholly within the boundaries of the coastal
15 county-equivalent political subdivision as fol-
16 lows:

17 “(i) One-third shall be allocated to the
18 coastal county-equivalent political subdivi-
19 sion.

20 “(ii) Two-thirds shall be allocated on
21 a per capita basis to the municipal political
22 subdivisions and the county-equivalent po-
23 litical subdivision, with the allocation to
24 the latter based upon its population not in-



1 cluded within the boundaries of a munic-
2 ipal political subdivision.

3 “(6) INVESTMENT OF DEPOSITS.—Amounts de-
4 posited under this section shall be invested by the
5 Secretary of the Treasury in securities backed by the
6 full faith and credit of the United States having ma-
7 turities suitable to the needs of the account and
8 yielding the highest reasonably available interest
9 rates as determined by the Secretary of the Treas-
10 ury.

11 “(7) USE OF FUNDS.—A recipient of funds allo-
12 cated under paragraph 4(A)(i) and (ii), and
13 (4)(B)(i) and (ii) may use the funds—

14 “(A) to reduce in-State college tuition at
15 public institutions of higher learning and other-
16 wise support public education;

17 “(B) to make transportation infrastructure
18 improvements;

19 “(C) to reduce taxes;

20 “(D) to promote and provide for—

21 “(i) coastal or environmental restora-
22 tion;

23 “(ii) fish, wildlife, and marine life
24 habitat enhancement;

25 “(iii) waterways maintenance; and



1 “(iv) shore protection;

2 “(E) to improve infrastructure associated
3 with energy production activities conducted on
4 the outer Continental Shelf; or

5 “(F) for any other purpose as determined
6 by State law.

7 “(8) NO ACCOUNTING REQUIRED.—No recipient
8 of funds under this subsection shall be required to
9 account to the Federal Government for the expendi-
10 ture of such funds, except as otherwise may be re-
11 quired by law. Further, funds allocated under this
12 subsection to States and political subdivisions may
13 be used as matching funds for other Federal pro-
14 grams.

15 “(9) EFFECT OF FUTURE LAWS.—Enactment
16 of any future Federal statute that has the effect, as
17 determined by the Secretary, of restricting any Fed-
18 eral agency from spending appropriated funds, or
19 otherwise preventing it from fulfilling its pre-existing
20 responsibilities as of the date of enactment of the
21 statute, unless such responsibilities have been reas-
22 signed to another Federal agency by the statute with
23 no prevention of performance, to issue any permit or
24 other approval impacting on the OCS oil and gas
25 leasing program, or any lease issued thereunder, or



1 to implement any provision of the Outer Continental
2 Shelf Lands Act shall automatically prohibit any
3 sharing of OCS Receipts directly with the States,
4 and their coastal political subdivisions, for the dura-
5 tion of the restriction. The Secretary shall make the
6 determination of the existence of such restricting ef-
7 fects within 30 days of a petition by any outer Con-
8 tinental Shelf lessee or producing State.

9 “(d) DEFINITIONS.—In this section—

10 “(1) COASTAL COUNTY-EQUIVALENT POLITICAL
11 SUBDIVISION.—The term ‘coastal county-equivalent
12 political subdivision’ means a political jurisdiction
13 immediately below the level of State government, in-
14 cluding a county, parish, borough in Alaska, inde-
15 pendent municipality not part of a county, parish, or
16 borough in Alaska, or other equivalent subdivision of
17 a coastal State, which lies within the coastal zone.

18 “(2) COASTAL MUNICIPAL POLITICAL SUBDIVI-
19 SION.—The term ‘coastal municipal political subdivi-
20 sion’ means a municipality located within and part
21 of a county, parish, borough in Alaska, or other
22 equivalent subdivision of a State, all or part of which
23 coastal municipal political subdivision lies within the
24 coastal zone.



1 “(3) COASTAL POPULATION.—The term ‘coastal
2 population’ means the population of all coastal coun-
3 ty-equivalent political subdivisions, as determined by
4 the most recent official data of the Census Bureau.

5 “(4) COASTAL ZONE.—The term ‘coastal zone’
6 means that portion of a coastal State, including the
7 entire territory of any coastal county-equivalent po-
8 litical subdivision at least a part of which lies, within
9 75 miles landward from the coastline.”.

10 **SEC. 6258. REVIEW OF OUTER CONTINENTAL SHELF EXPLO-**
11 **RATION PLANS.**

12 Subsections (c) and (d) of section 11 of the Outer
13 Continental Shelf Lands Act (43 U.S.C. 1340) are amend-
14 ed to read as follows:

15 “(c) PLAN REVIEW; PLAN PROVISIONS.—

16 “(1) Except as otherwise provided in this Act,
17 prior to commencing exploration pursuant to any oil
18 and gas lease issued or maintained under this Act,
19 the holder thereof shall submit an exploration plan
20 (hereinafter in this section referred to as a ‘plan’) to
21 the Secretary for review which shall include all infor-
22 mation and documentation required under para-
23 graphs (2) and (3). The Secretary shall review the
24 plan for completeness within 10 days of submission.
25 If the Secretary finds that the plan is not complete,



1 the Secretary shall notify the lessee with a detailed
2 explanation and require such modifications of such
3 plan as are necessary to achieve completeness. The
4 Secretary shall have 10 days to review a modified
5 plan for completeness. Such plan may apply to more
6 than one lease held by a lessee in any one region of
7 the outer Continental Shelf, or by a group of lessees
8 acting under a unitization, pooling, or drilling agree-
9 ment, and the lessee shall certify that such plan is
10 consistent with the terms of the lease and is con-
11 sistent with all statutory and regulatory require-
12 ments applicable to the lease. The Secretary shall
13 have 30 days from the date the plan is deemed com-
14 plete to conduct a review of the plan. If the Sec-
15 retary finds the plan is not consistent with the lease
16 and all statutory and regulatory requirements appli-
17 cable to the lease, the Secretary shall notify the les-
18 see with a detailed explanation of such modifications
19 of such plan as are necessary to achieve compliance.
20 The Secretary shall have 30 days to review any
21 modified plan submitted by the lessee. The lessee
22 shall not take any action under the exploration plan
23 within the 30-day review period, or thereafter until
24 the plan has been modified to achieve compliance as
25 so notified.



1 “(2) An exploration plan submitted under this
2 subsection shall include, in the degree of detail
3 which the Secretary may by regulation require—

4 “(A) a schedule of anticipated exploration
5 activities to be undertaken;

6 “(B) a description of equipment to be used
7 for such activities;

8 “(C) the general location of each well to be
9 drilled; and

10 “(D) such other information deemed perti-
11 nent by the Secretary.

12 “(3) The Secretary may, by regulation, require
13 that such plan be accompanied by a general state-
14 ment of development and production intentions
15 which shall be for planning purposes only and which
16 shall not be binding on any party.

17 “(d) PLAN REVISIONS; CONDUCT OF EXPLORATION
18 ACTIVITIES.—

19 “(1) If a significant revision of an exploration
20 plan under this subsection is submitted to the Sec-
21 retary, the process to be used for the review of such
22 revision shall be the same as set forth in subsection
23 (c) of this section.

24 “(2) All exploration activities pursuant to any
25 lease shall be conducted in accordance with an explo-



1 ration plan or a revised plan which has been sub-
2 mitted to and reviewed by the Secretary.”.

3 **SEC. 6259. RESERVATION OF LANDS AND RIGHTS.**

4 Section 12 of the Outer Continental Shelf Lands Act
5 (43 U.S.C. 1341) is amended—

6 (1) in subsection (a) by adding at the end the
7 following: “The President may partially or com-
8 pletely revise or revoke any prior withdrawal. With-
9 drawals may be for a term not to exceed 10 years.
10 To the maximum extent practicable, as determined
11 by the Secretary, geologically prospective areas of
12 the outer Continental Shelf shall not be withdrawn
13 from leasing.”;

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

15 “(g) OPTION TO PETITION FOR LEASING WITHIN
16 CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.—

17 “(1) PROHIBITION AGAINST LEASING.—Except
18 as otherwise provided in this subsection, prior to
19 June 30, 2012, the Secretary shall not offer for leas-
20 ing any area withdrawn from disposition by leasing
21 in the Atlantic OCS Region or the Pacific OCS Re-
22 gion, or the Gulf of Mexico OCS Region Eastern
23 Planning Area, as depicted on the map referred to
24 within this paragraph, under the ‘Memorandum on
25 Withdrawal of Certain Areas of the United States



1 Outer Continental Shelf from Leasing Disposition’,
2 34 Weekly Comp. Pres. Doc. 1111, dated June 12,
3 1998, or any area not withdrawn under that Memo-
4 randum that is included within the Gulf of Mexico
5 OCS Region Eastern Planning Area as indicated on
6 the map entitled ‘Gulf of Mexico OCS Region State
7 Adjacent Zones and OCS Planning Areas’ or within
8 the Florida Straits Planning Area as indicated on
9 the map entitled ‘Atlantic OCS Region State Adja-
10 cent Zones and OCS Planning Areas’, both of which
11 are dated September 2005 and on file in the Office
12 of the Director, Minerals Management Service.

13 “(2) REVOCATION OF WITHDRAWAL.—The pro-
14 visions of the ‘Memorandum on Withdrawal of Cer-
15 tain Areas of the United States Outer Continental
16 Shelf from Leasing Disposition’, 34 Weekly Comp.
17 Pres. Doc. 1111, dated June 12, 1998, are hereby
18 revoked and are no longer in effect regarding any
19 areas included within the Gulf of Mexico OCS Re-
20 gion Central Planning Area as indicated on the map
21 entitled ‘Gulf of Mexico OCS Region State Adjacent
22 Zones and OCS Planning Areas’ dated September
23 2005 and on file in the Office of the Director, Min-
24 erals Management Service. The 2002–2007 5-Year
25 Outer Continental Shelf Oil and Gas Leasing Pro-



1 gram is hereby amended to include the areas added
2 to the Central Gulf of Mexico OCS Planning Area
3 by this Act to the extent that such areas were in-
4 cluded within the original boundaries of proposed
5 Lease Sale 181. Such additional areas shall be in-
6 cluded within the first Central Gulf of Mexico Plan-
7 ning Area lease sale to be held more than 90 days
8 after the enactment of this paragraph, and annually
9 thereafter. The Final Environmental Impact State-
10 ment prepared for this area for Lease Sale 181 shall
11 be deemed sufficient for all purposes for each lease
12 sale in which such area is offered for lease during
13 the existing 5-Year Leasing Program without need
14 for supplementation.

15 “(3) RESOURCE ASSESSMENTS.—

16 “(A) IN GENERAL.—Beginning on the date
17 of enactment of the Offshore State Options Act
18 of 2005, the Governor, or either house of the
19 legislature, of a State whose Adjacent Zone
20 contains an area included within the provisions
21 of paragraph (1) may submit to the Secretary
22 a petition requesting an assessment of the oil
23 and natural gas resources of the State’s Adja-
24 cent Zone. The assessment shall include a pro-
25 jection of receipts to the local, State, and Fed-



1 eral governments from the leasing of such re-
2 sources.

3 “(B) ACTION BY SECRETARY.—Not later
4 than 90 days after receipt of a petition under
5 subparagraph (A), the Secretary shall provide
6 the resource assessment to the State. As part of
7 the conducting of such an assessment, the Sec-
8 retary shall not contract for the conduct of a
9 seismic survey of the State’s Adjacent Zone.

10 “(4) PETITION FOR LEASING.—

11 “(A) IN GENERAL.—After receipt of a re-
12 source assessment under paragraph (3)(B), the
13 Governor of the State, upon concurrence of its
14 legislature, may submit to the Secretary a peti-
15 tion requesting that the Secretary make avail-
16 able any area that is within the State’s Adja-
17 cent Zone included within the provisions of
18 paragraph (1) and that (i) is greater than 25
19 miles from any point on the coastline of a
20 Neighboring State for the conduct of offshore
21 leasing, pre-leasing, and related activities with
22 respect to natural gas leasing; or (ii) is greater
23 than 50 miles from any point on the coastline
24 of a Neighboring State for the conduct of off-
25 shore leasing, pre-leasing, and related activities



1 with respect to oil and gas leasing. The Adja-
2 cent State may also petition for leasing any
3 other area within its Adjacent Zone if leasing is
4 allowed in the similar area of the Adjacent
5 Zone of the applicable Neighboring State, or if
6 not allowed, if the Neighboring State, acting
7 through its Governor, expresses its concurrence
8 with the petition. The Secretary shall only con-
9 sider such a petition upon making a finding
10 that leasing is allowed in the similar area of the
11 Adjacent Zone of the applicable Neighboring
12 State or upon receipt of the concurrence of the
13 Neighboring State. The date of receipt by the
14 Secretary of such concurrence by the Neigh-
15 boring State shall constitute the date of receipt
16 of the petition for that area for which the con-
17 currence applies. A petition for leasing any part
18 of the Alabama Adjacent Zone that is a part of
19 the Gulf of Mexico Eastern Planning Area, as
20 indicated on the map entitled 'Gulf of Mexico
21 OCS Region State Adjacent Zones and OCS
22 Planning Areas' which is dated September 2005
23 and on file in the Office of the Director, Min-
24 erals Management Service, shall require the
25 concurrence of both Alabama and Florida.



1 “(B) LIMITATIONS ON LEASING.—In its
2 petition, a State that contains areas within its
3 Adjacent Zone that are currently leased may
4 condition new leasing for tracts within 25 miles
5 of the coastline by—

6 “(i) requiring a net reduction in the
7 number of production platforms;

8 “(ii) requiring a net increase in the
9 average distance of production platforms
10 from the coastline;

11 “(iii) limiting permanent surface occu-
12 pancy on new leases to areas that are more
13 than 10 miles from the coastline;

14 “(iv) limiting some tracts to being
15 produced from shore or from platforms lo-
16 cated on other tracts; or

17 “(v) other conditions that the Adja-
18 cent State may deem appropriate as long
19 as the Secretary does not determine that
20 production is made economically or tech-
21 nically impracticable or otherwise impos-
22 sible.

23 “(C) ACTION BY SECRETARY.—Not later
24 than 90 days after receipt of a petition under
25 subparagraph (A), the Secretary shall approve



1 the petition, unless the Secretary determines
2 that leasing the area would probably cause seri-
3 ous harm or damage to the marine resources of
4 the State's Adjacent Zone. Prior to approving
5 the petition, the Secretary shall complete an en-
6 vironmental assessment that documents the an-
7 ticipated environmental effects of leasing in the
8 area included within the scope of the petition.

9 “(D) FAILURE TO ACT.—If the Secretary
10 fails to approve or deny a petition in accordance
11 with subparagraph (C) the petition shall be con-
12 sidered to be approved 90 days after receipt of
13 the petition.

14 “(E) AMENDMENT OF THE 5-YEAR LEAS-
15 ING PROGRAM.—Notwithstanding section 18,
16 within 180 days of the approval of a petition
17 under subparagraph (C) or (D), the Secretary
18 shall amend the current 5-Year Outer Conti-
19 nental Shelf Oil and Gas Leasing Program to
20 include a lease sale or sales for the entire areas
21 covered by the approved petition, unless there
22 are, from the date of approval, fewer than 18
23 months remaining in the current 5-Year Leas-
24 ing Program in which case the Secretary shall
25 include the areas covered by the approved peti-



1 tion within lease sales under the next 5-Year
2 Leasing Program. For purposes of amending
3 the 5-Year Program in accordance with this
4 section, further consultations with States shall
5 not be required. The environmental assessment
6 performed under the provisions of the National
7 Environmental Policy Act of 1969 to assess the
8 effects of approving the petition shall be suffi-
9 cient to amend the 5-Year Leasing Program.

10 “(h) OPTION TO PETITION FOR EXTENSION OF
11 WITHDRAWAL FROM LEASING WITHIN CERTAIN AREAS
12 OF THE OUTER CONTINENTAL SHELF.—

13 “(1) RESOURCE ASSESSMENTS.—

14 “(A) IN GENERAL.—As a prerequisite part
15 of the process to possibly petition for the exten-
16 sion of the withdrawal from leasing of an area
17 of the outer Continental Shelf, the Governor, or
18 either house of the legislature, of a State whose
19 Adjacent Zone contains an area that is subject
20 to subsection (g)(1) may submit to the Sec-
21 retary a petition requesting an assessment of
22 the energy resources of the State’s Adjacent
23 Zone. The assessment shall include a projection
24 of receipts to the local, State, and Federal gov-
25 ernments from the leasing of such resources.



1 “(B) ACTION BY SECRETARY.—Not later
2 than 90 days after receipt of a petition under
3 subparagraph (A), the Secretary shall provide
4 the resource assessment to the State. As part of
5 the conducting of such an assessment, the Sec-
6 retary shall not contract for the conduct of a
7 seismic survey of the State’s Adjacent Zone.

8 “(2) PETITION FOR EXTENSION OF WITH-
9 DRAWAL FROM LEASING.—

10 “(A) IN GENERAL.—After receipt of a re-
11 source assessment under paragraph (1)(B), the
12 Governor of the State, upon the concurrence of
13 its legislature, may submit to the Secretary pe-
14 titions requesting that the Secretary extend for
15 a period of time of up to 5 years for each peti-
16 tion the withdrawal from leasing for all or part
17 of any area within the State’s Adjacent Zone
18 within 125 miles of the coastline that is subject
19 to subsection (g)(1). A State may petition mul-
20 tiple times for any particular area but not more
21 than once per calendar year for any particular
22 area. A State must submit separate petitions,
23 with separate votes by its legislature, for areas
24 within 50 miles of the coastline, areas more
25 than 50 miles but not exceeding 100 miles from



1 the coastline, and areas exceeding 100 miles
2 but not exceeding 125 miles from the coastline.
3 The Secretary shall not grant a petition from a
4 State that extends the remaining period of a
5 withdrawal of an area from leasing for a total
6 of more than 10 years. A petition of the State
7 may apply to either oil and gas leasing or nat-
8 ural gas leasing, or both, and may request some
9 areas to be withdrawn from all leasing and
10 some areas only withdrawn from one type of
11 leasing. A petition for extending the withdrawal
12 from leasing of any part of the Alabama Adja-
13 cent Zone that is a part of the Gulf of Mexico
14 OCS Region Eastern Planning Area, as indi-
15 cated on the map entitled ‘Gulf of Mexico OCS
16 Region State Adjacent Zones and OCS Plan-
17 ning Areas’ which is dated September 2005 and
18 on file in the Office of the Director, Minerals
19 Management Service, may be made by either
20 Alabama or Florida.

21 “(B) ACTION BY SECRETARY.—Not later
22 than 90 days after receipt of a petition under
23 subparagraph (A), the Secretary shall approve
24 the petition, unless the Secretary determines
25 that extending the withdrawal from leasing



1 would probably cause serious harm or damage
2 to the marine resources of the State's Adjacent
3 Zone. The Secretary shall perform an environ-
4 mental assessment under the provisions of the
5 National Environmental Policy Act of 1969 to
6 assess the effects of approving the petition.

7 “(C) FAILURE TO ACT.—If the Secretary
8 fails to approve or deny a petition in accordance
9 with subparagraph (B) the petition shall be
10 considered to be approved 90 days after receipt
11 of the petition.”.

12 **SEC. 6260. OUTER CONTINENTAL SHELF LEASING PRO-**
13 **GRAM.**

14 Section 18 of the Outer Continental Shelf Lands Act
15 (43 U.S.C. 1344) is amended—

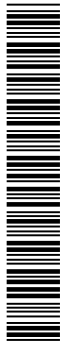
16 (1) in subsection (a) by adding at the end of
17 paragraph (3) the following: “The Secretary shall, in
18 each 5-year program, include lease sales that when
19 viewed as a whole propose to offer for oil and gas
20 or natural gas leasing at least 75 percent of the
21 available unleased acreage within each OCS Plan-
22 ning Area. Available unleased acreage is that portion
23 of the outer Continental Shelf that is not under
24 lease at the time of the proposed lease sale, and has



1 not otherwise been made unavailable for leasing by
2 law.”;

3 (2) in subsection (c) by amending paragraphs
4 (1) and (2) to read as follows:

5 “(1) During the preparation of any proposed
6 leasing program under this section, the Secretary
7 shall consider and analyze leasing throughout the
8 entire Outer Continental Shelf without regard to any
9 other law affecting such leasing. During this prepara-
10 tion the Secretary shall invite and consider sugges-
11 tions from any interested Federal agency, including
12 the Attorney General, in consultation with the Fed-
13 eral Trade Commission, and from the Governor of
14 any coastal State. The Secretary may also invite or
15 consider any suggestions from the executive of any
16 local government in a coastal State that have been
17 previously submitted to the Governor of such State,
18 and from any other person. Further, the Secretary
19 shall consult with the Secretary of Defense regard-
20 ing military operational needs in the outer Conti-
21 nental Shelf. The Secretary shall work with the Sec-
22 retary of Defense to resolve any conflicts that might
23 arise regarding offering any area of the outer Conti-
24 nental Shelf for oil and gas or natural gas leasing.
25 If the Secretaries are not able to resolve all such



1 conflicts, any unresolved issues shall be elevated to
2 the President for resolution.

3 “(2) After the consideration and analysis re-
4 quired by paragraph (1), including the consideration
5 of the suggestions received from any interested Fed-
6 eral agency, the Federal Trade Commission, the
7 Governor of any coastal State, any local government
8 of a coastal State, and any other person, the Sec-
9 retary shall publish in the Federal Register a pro-
10 posed leasing program accompanied by a draft envi-
11 ronmental impact statement prepared pursuant to
12 the National Environmental Policy Act of 1969.
13 After the publishing of the proposed leasing program
14 and during the comment period provided for on the
15 draft environmental impact statement, the Secretary
16 shall submit a copy of the proposed program to the
17 Governor of each affected State for review and com-
18 ment. The Governor may solicit comments from
19 those executives of local governments in the Gov-
20 ernor’s State that the Governor, in the discretion of
21 the Governor, determines will be affected by the pro-
22 posed program. If any comment by such Governor is
23 received by the Secretary at least 15 days prior to
24 submission to the Congress pursuant to paragraph
25 (3) and includes a request for any modification of



1 such proposed program, the Secretary shall reply in
2 writing, granting or denying such request in whole
3 or in part, or granting such request in such modified
4 form as the Secretary considers appropriate, and
5 stating the Secretary's reasons therefor. All such
6 correspondence between the Secretary and the Gov-
7 ernor of any affected State, together with any addi-
8 tional information and data relating thereto, shall
9 accompany such proposed program when it is sub-
10 mitted to the Congress.”; and

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

12 “(i) PROJECTION OF STATE AND LOCAL GOVERN-
13 MENT SHARES OF OCS RECEIPTS.—Concurrent with the
14 publication of the scoping notice at the beginning of the
15 development of each 5-year Outer Continental Shelf oil
16 and gas leasing program, or as soon thereafter as possible,
17 the Secretary shall provide to each coastal State, and
18 coastal political subdivisions thereof, a best-efforts projec-
19 tion of the OCS Receipts that the Secretary expects will
20 be shared with each coastal State, and its coastal political
21 subdivisions, using the assumption that the unleased
22 tracts within the State's Adjacent Zone are fully made
23 available for leasing, including long-term projected OCS
24 Receipts. In addition, the Secretary shall include a macro-
25 economic estimate of the impact of such leasing on the



1 national economy and each State's economy, including in-
2 vestment, jobs, revenues, personal income, and other cat-
3 egories.”.

4 **SEC. 6261. COORDINATION WITH ADJACENT STATES.**

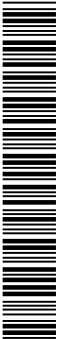
5 Section 19 of the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1345) is amended—

7 (1) in subsection (a) in the first sentence by in-
8 serting “, for any tract located within the Adjacent
9 State's Adjacent Zone,” after “government”; and

10 (2) by adding the following:

11 “(f)(1) No Federal agency may permit or otherwise
12 approve, with the concurrence of the Adjacent State, the
13 construction of a crude oil or petroleum products (or both)
14 pipeline within the part of the Adjacent State's Adjacent
15 Zone that is not available by law for oil and gas or natural
16 gas leasing, except that such a pipeline may be approved
17 to pass through such Adjacent Zone if at least 50 percent
18 of the production projected to be carried by the pipeline
19 within its first 10 years of operation is from areas of the
20 Adjacent States Adjacent Zone.

21 “(2) No State may prohibit the construction of a nat-
22 ural gas pipeline within its Adjacent Zone or its State wa-
23 ters. However, an Adjacent State may prevent a proposed
24 natural gas pipeline landing location if it proposes two al-
25 ternate landing locations in the Adjacent State, acceptable



1 to the Adjacent State, located within 25 miles on either
2 side of the proposed landing location.”.

3 **SEC. 6262. ENVIRONMENTAL STUDIES.**

4 Section 20(d) of the Outer Continental Shelf Lands
5 Act (43 U.S.C. 1346) is amended—

6 (1) by inserting “(1)” after “(d)”; and

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

8 “(2) For all programs, lease sales, leases, and actions
9 under this Act, the following shall apply regarding the ap-
10 plication of the National Environmental Policy Act of
11 1969:

12 “(A) Granting or directing lease suspensions
13 and the conduct of all preliminary activities on outer
14 Continental Shelf tracts, including seismic activities,
15 are categorically excluded from the need to prepare
16 either an environmental assessment or an environ-
17 mental impact statement, and it shall not be re-
18 quired to document why no exceptions to the cat-
19 egorical exclusion apply for activities conducted
20 under the authority of this Act.

21 “(B) The environmental impact statement de-
22 veloped in support of each 5-year oil and gas leasing
23 program provides the environmental analysis for all
24 lease sales to be conducted under the program and



1 such sales shall not be subject to further environ-
2 mental analysis.

3 “(C) Exploration plans shall not be subject to
4 any requirement to prepare an environmental impact
5 statement, and the Secretary may find that explo-
6 ration plans are eligible for categorical exclusion due
7 to the impacts already being considered within an
8 environmental impact statement or due to mitigation
9 measures included within the plan.

10 “(D) Within each OCS Planning Area, after the
11 preparation of the first development and production
12 plan environmental impact statement for a leased
13 tract within the Area, future development and pro-
14 duction plans for leased tracts within the Area shall
15 only require the preparation of an environmental as-
16 sessment unless the most recent development and
17 production plan environmental impact statement
18 within the Area was finalized more than 10 years
19 prior to the date of the approval of the plan, in
20 which case an environmental impact statement shall
21 be required.”.

22 **SEC. 6263. REVIEW OF OUTER CONTINENTAL SHELF DEVEL-**
23 **OPMENT AND PRODUCTION PLANS.**

24 Section 25 of the Outer Continental Shelf Lands Act
25 (43 U.S.C. 1351(a)) is amended to read as follows:



1 **“SEC. 25. REVIEW OF OUTER CONTINENTAL SHELF DEVELOP-**
2 **MENT AND PRODUCTION PLANS.**

3 “(a) DEVELOPMENT AND PRODUCTION PLANS; SUB-
4 MISSION TO SECRETARY; STATEMENT OF FACILITIES AND
5 OPERATION; SUBMISSION TO GOVERNORS OF AFFECTED
6 STATES AND LOCAL GOVERNMENTS.—

7 “(1) Prior to development and production pur-
8 suant to an oil and gas lease issued on or after Sep-
9 tember 18, 1978, for any area of the outer Conti-
10 nental Shelf, or issued or maintained prior to Sep-
11 tember 18, 1978, for any area of the outer Conti-
12 nental Shelf, with respect to which no oil or gas has
13 been discovered in paying quantities prior to Sep-
14 tember 18, 1978, the lessee shall submit a develop-
15 ment and production plan (hereinafter in this sec-
16 tion referred to as a ‘plan’) to the Secretary for re-
17 view.

18 “(2) A plan shall be accompanied by a state-
19 ment describing all facilities and operations, other
20 than those on the outer Continental Shelf, proposed
21 by the lessee and known by the lessee (whether or
22 not owned or operated by such lessee) that will be
23 constructed or utilized in the development and pro-
24 duction of oil or gas from the lease area, including
25 the location and site of such facilities and oper-
26 ations, the land, labor, material, and energy require-



1 ments associated with such facilities and operations,
2 and all environmental and safety safeguards to be
3 implemented.

4 “(3) Except for any privileged or proprietary
5 information (as such term is defined in regulations
6 issued by the Secretary), the Secretary, within 30
7 days after receipt of a plan and statement, shall—

8 “(A) submit such plan and statement to
9 the Governor of any affected State, and upon
10 request to the executive of any affected local
11 government; and

12 “(B) make such plan and statement avail-
13 able to any appropriate interstate regional enti-
14 ty and the public.

15 “(b) DEVELOPMENT AND PRODUCTION ACTIVITIES
16 IN ACCORDANCE WITH PLAN AS LEASE REQUIREMENT.—

17 After enactment of the Offshore State Options Act of
18 2005, no oil and gas lease may be issued pursuant to this
19 Act in any region of the outer Continental Shelf, unless
20 such lease requires that development and production ac-
21 tivities be carried out in accordance with a plan that com-
22 plies with the requirements of this section.

23 “(c) SCOPE AND CONTENTS OF PLAN.—A plan may
24 apply to more than one oil and gas lease, and shall set



1 forth, in the degree of detail established by regulations
2 issued by the Secretary—

3 “(1) the general work to be performed;

4 “(2) a description of all facilities and operations
5 located on the outer Continental Shelf that are pro-
6 posed by the lessee or known by the lessee (whether
7 or not owned or operated by such lessee) to be di-
8 rectly related to the proposed development, including
9 the location and size of such facilities and oper-
10 ations, and the land, labor, material, and energy re-
11 quirements associated with such facilities and oper-
12 ations;

13 “(3) the environmental safeguards to be imple-
14 mented on the outer Continental Shelf and how such
15 safeguards are to be implemented;

16 “(4) all safety standards to be met and how
17 such standards are to be met;

18 “(5) an expected rate of development and pro-
19 duction and a time schedule for performance; and

20 “(6) such other relevant information as the Sec-
21 retary may by regulation require.

22 “(d) COMPLETENESS REVIEW OF THE PLAN.—

23 “(1) Prior to commencing any activity under a
24 development and production plan pursuant to any oil
25 and gas lease issued or maintained under this Act,

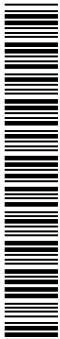


1 the lessee shall certify that the plan is consistent
2 with the terms of the lease and that it is consistent
3 with all statutory and regulatory requirements appli-
4 cable to the lease. The plan shall include all required
5 information and documentation required under sub-
6 section (c).

7 “(2) The Secretary shall review the plan for
8 completeness within 30 days of submission. If the
9 Secretary finds that the plan is not complete, the
10 Secretary shall notify the lessee with a detailed ex-
11 planation of such modifications of such plan as are
12 necessary to achieve completeness. The Secretary
13 shall have 30 days to review a modified plan for
14 completeness.

15 “(e) REVIEW FOR CONSISTENCY OF THE PLAN.—

16 “(1) After a determination that a plan is com-
17 plete, the Secretary shall have 120 days to conduct
18 a review of the plan, to ensure that it is consistent
19 with the terms of the lease, and that it is consistent
20 with all statutory and regulatory requirements appli-
21 cable to the lease. If the Secretary finds that the
22 plan is not consistent, the Secretary shall notify the
23 lessee with a detailed explanation of such modifica-
24 tions of such plan as are necessary to achieve con-
25 sistency.



1 “(2) The Secretary shall have 120 days to re-
2 view a modified plan.

3 “(3) The lessee shall not conduct any activities
4 under the plan during any 120-day review period, or
5 thereafter until the plan has been modified to
6 achieve compliance as so notified.

7 “(4) After review by the Secretary provided for
8 by this section, a lessee may operate pursuant to the
9 plan without further review or approval by the Sec-
10 retary.

11 “(f) REVIEW OF REVISION OF THE APPROVED
12 PLAN.—The lessee may submit to the Secretary any revi-
13 sion of a plan if the lessee determines that such revision
14 will lead to greater recovery of oil and natural gas, im-
15 prove the efficiency, safety, and environmental protection
16 of the recovery operation, is the only means available to
17 avoid substantial economic hardship to the lessee, or is
18 otherwise not inconsistent with the provisions of this Act,
19 to the extent such revision is consistent with protection
20 of the human, marine, and coastal environments. The
21 process to be used for the review of any such revision shall
22 be the same as that set forth in subsections (d) and (e).

23 “(g) CANCELLATION OF LEASE ON FAILURE TO SUB-
24 MIT PLAN OR COMPLY WITH A PLAN.—Whenever the
25 owner of any lease fails to submit a plan in accordance



1 with regulations issued under this section, or fails to com-
2 ply with a plan, the lease may be canceled in accordance
3 with section 5(c) and (d). Termination of a lease because
4 of failure to comply with a plan, including required modi-
5 fications or revisions, shall not entitle a lessee to any com-
6 pensation.

7 “(h) PRODUCTION AND TRANSPORTATION OF NAT-
8 URAL GAS; SUBMISSION OF PLAN TO FEDERAL ENERGY
9 REGULATORY COMMISSION; IMPACT STATEMENT.—If any
10 development and production plan submitted to the Sec-
11 retary pursuant to this section provides for the production
12 and transportation of natural gas, the lessee shall contem-
13 poraneously submit to the Federal Energy Regulatory
14 Commission that portion of such plan that relates to the
15 facilities for transportation of natural gas. The Secretary
16 and the Federal Energy Regulatory Commission shall
17 agree as to which of them shall prepare an environmental
18 impact statement pursuant to the National Environmental
19 Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable
20 to such portion of such plan, or conduct studies as to the
21 effect on the environment of implementing it. Thereafter,
22 the findings and recommendations by the agency pre-
23 paring such environmental impact statement or con-
24 ducting such studies pursuant to such agreement shall be
25 adopted by the other agency, and such other agency shall



1 not independently prepare another environmental impact
2 statement or duplicate such studies with respect to such
3 portion of such plan, but the Federal Energy Regulatory
4 Commission, in connection with its review of an applica-
5 tion for a certificate of public convenience and necessity
6 applicable to such transportation facilities pursuant to sec-
7 tion 7 of the Natural Gas Act (15 U.S.C. 717f), may pre-
8 pare such environmental studies or statement relevant to
9 certification of such transportation facilities as have not
10 been covered by an environmental impact statement or
11 studies prepared by the Secretary. The Secretary, in con-
12 sultation with the Federal Energy Regulatory Commis-
13 sion, shall promulgate rules to implement this subsection,
14 but the Federal Energy Regulatory Commission shall re-
15 tain sole authority with respect to rules and procedures
16 applicable to the filing of any application with the Com-
17 mission and to all aspects of the Commission's review of,
18 and action on, any such application.”.

19 **SEC. 6264. FEDERAL ENERGY NATURAL RESOURCES EN-**
20 **HANCEMENT FUND ACT OF 2005.**

21 (a) **SHORT TITLE.**—This section may be cited as the
22 “Federal Energy Natural Resources Enhancement Fund
23 Act of 2005”.

24 (b) **FINDINGS.**—The Congress finds the following:

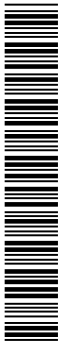


1 (1) Energy and minerals exploration, develop-
2 ment, and production on Federal onshore and off-
3 shore lands, including bio-based fuel, natural gas,
4 minerals, oil, geothermal, and power from wind,
5 waves, currents, and thermal energy, involves signifi-
6 cant outlays of funds by Federal and State wildlife,
7 fish, and natural resource management agencies for
8 environmental studies, planning, development, moni-
9 toring, and management of wildlife, fish, and other
10 natural resources.

11 (2) State wildlife, fish, and natural resource
12 management agencies are funded primarily through
13 permit and license fees paid to the States by the
14 general public to hunt and fish, and through Federal
15 excise taxes on equipment used for these activities.

16 (3) Funds generated from consumptive and rec-
17 reational uses of wildlife, fish, and other natural re-
18 sources currently are inadequate to address the nat-
19 ural resources related to energy and minerals devel-
20 opment on Federal onshore and offshore lands.

21 (4) Funds available to Federal agencies respon-
22 sible for managing Federal onshore and offshore
23 lands and Federal-trust wildlife and fish species and
24 their habitats are inadequate to address the natural



1 resources related to energy and minerals develop-
2 ment on Federal onshore and offshore lands.

3 (5) Receipts derived from sales, bonus bids, and
4 royalties under the mineral leasing laws of the
5 United States are paid to the Treasury through the
6 Minerals Management Service of the Department of
7 the Interior.

8 (6) None of the receipts derived from sales,
9 bonus bids, and royalties under the minerals leasing
10 laws of the United States are paid to the Federal or
11 State agencies to examine, monitor, and manage
12 wildlife, fish, and other natural resources related to
13 natural gas, oil, and mineral exploration and devel-
14 opment.

15 (c) PURPOSES.—It is the purpose of this section to—

16 (1) establish a fund for the monitoring and
17 management of wildlife and fish, and their habitats,
18 and other natural resources related to energy and
19 minerals development on Federal onshore and off-
20 shore lands;

21 (2) make available receipts derived from sales,
22 bonus bids, and royalties from onshore and offshore
23 bio-based fuel, gas, mineral, oil, wind, and any addi-
24 tional form of energy exploration and development



1 under the laws of the United States for the purposes
2 of such fund;

3 (3) distribute funds from such fund each fiscal
4 year to the Secretary of the Interior and the States;
5 and

6 (4) use the distributed funds to secure the nec-
7 essary trained workforce or contractual services to
8 conduct environmental studies, planning, develop-
9 ment, monitoring, and post-development manage-
10 ment of wildlife and fish and their habitats and
11 other natural resources that may be related to bio-
12 based fuel, gas, mineral, oil, wind, or other energy
13 exploration and development and associated activi-
14 ties on Federal onshore and offshore lands, includ-
15 ing, but not limited to—

16 (A) pertinent research, surveys, and envi-
17 ronmental analyses conducted to identify any
18 impacts on wildlife, fish, and other natural re-
19 sources from energy and mineral exploration,
20 development, production, and transportation or
21 transmission;

22 (B) projects to maintain, improve, or en-
23 hance wildlife and fish populations and their
24 habitats or other natural resources, including



1 activities under the Endangered Species Act of
2 1973; and

3 (C) research, surveys, environmental anal-
4 yses, and projects that assist in managing, in-
5 cluding mitigating either onsite or offsite, or
6 both, the impacts of energy and mineral activi-
7 ties on wildlife, fish, and other natural re-
8 sources.

9 (d) DEFINITIONS.—In this section:

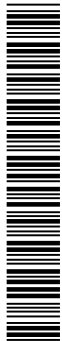
10 (1) ENHANCEMENT FUND.—The term “En-
11 hancement Fund” means the Federal Energy Nat-
12 ural Resources Enhancement Fund established by
13 subsection (e).

14 (2) STATE.—The term “State” means the State
15 government agency primarily responsible for fish
16 and wildlife trust resources within a State.

17 (e) ESTABLISHMENT AND USE OF FEDERAL ENERGY
18 NATURAL RESOURCES ENHANCEMENT FUND.—

19 (1) ENHANCEMENT FUND.—There is estab-
20 lished in the Treasury a separate account to be
21 known as the “Federal Energy Natural Resources
22 Enhancement Fund”.

23 (2) FUNDING.—Beginning with fiscal year
24 2006, the Secretary of the Treasury shall deposit in
25 the Enhancement Fund—



1 (A) such sums as are provided by the pro-
2 visions of section 9(b)(4)(A)(iii) and section
3 9(b)(4)(B)(iii) of the Outer Continental Shelf
4 Lands Act (43 U.S.C. 1338(b)(4)(A)(iii) and
5 (b)(4)(B)(iii)) and the provisions of section
6 9(c)(4)(A)(iii) and section 9(c)(4)(B)(iii) of the
7 Outer Continental Shelf Lands Act (43 U.S.C.
8 1338(c)(4)(A)(iii) and (c)(4)(B)(iii));

9 (B) 3 percent of all sums paid into the
10 Treasury under section 35 of the Mineral Leas-
11 ing Act (30 U.S.C. 191); and

12 (C) 3 percent of all sums paid into the
13 Treasury from other revenues derived from
14 bonus bids and royalties from other mineral
15 leasing on public lands.

16 (3) INVESTMENTS.—The Secretary of the
17 Treasury shall invest the amounts deposited under
18 paragraph (2) and all accrued interest on the
19 amounts deposited under paragraph (2) only in in-
20 terest bearing obligations of the United States or in
21 obligations guaranteed as to both principal and in-
22 terest by the United States.

23 (4) PAYMENT TO SECRETARY OF THE INTE-
24 RIOR.—



1 (A) IN GENERAL.—Beginning with fiscal
2 year 2007, and in each fiscal year thereafter,
3 one-third of amounts deposited into the En-
4 hancement Fund, together with the interest
5 thereon, shall be available, without fiscal year
6 limitations, to the Secretary of the Interior for
7 use for the purposes described in (c)(4).

8 (B) WITHDRAWALS AND TRANSFER OF
9 FUNDS.—The Secretary of the Treasury shall
10 withdraw such amounts from the Enhancement
11 Fund as the Secretary of the Interior may re-
12 quest, subject to the limitation in (A), and
13 transfer such amounts to the Secretary of the
14 Interior to be used, at the discretion of the Sec-
15 retary of the Interior, by the Minerals Manage-
16 ment Service, the Bureau of Land Manage-
17 ment, and the United States Fish and Wildlife
18 Service for use for the purposes described in
19 subsection (c)(4). For restriction on use of
20 funds for purchase of interests in land, see sub-
21 section (f).

22 (5) PAYMENT TO STATES.—

23 (A) IN GENERAL.—Beginning with fiscal
24 year 2007, and in each fiscal year thereafter,
25 two-thirds of amounts deposited into the En-



1 hancement Fund, together with the interest
2 thereon, shall be available, without fiscal year
3 limitations, to the States for use for the pur-
4 poses described in (c)(4).

5 (B) WITHDRAWALS AND TRANSFER OF
6 FUNDS.—Within the first 90 days of each fiscal
7 year, the Secretary of the Treasury shall with-
8 draw amounts from the Enhancement Fund
9 and transfer such amounts to the States based
10 on the proportion of all receipts that were col-
11 lected the previous fiscal year from Federal
12 leases within the boundaries of each State and
13 each State’s outer Continental Shelf Adjacent
14 Zone as determined in accordance with section
15 4(a) of the Outer Continental Shelf Lands Act
16 (43 U.S.C. 1333(a)), as amended by this Act.

17 (C) USE OF PAYMENTS BY STATE.—Each
18 State shall use the payments made under sub-
19 paragraph (B) only for carrying out projects
20 and programs for the purposes described in
21 (c)(4).

22 (D) ENCOURAGE USE OF PRIVATE FUNDS
23 BY STATE.—Each State shall use the payments
24 made under subparagraph (B) to leverage pri-



1 vate funds for carrying out projects for the pur-
2 poses described in (c)(4).

3 (f) LIMITATION ON USE.—Amounts available under
4 this section may not be used for the purchase of any inter-
5 est in land.

6 (g) REPORTS TO CONGRESS.—

7 (1) IN GENERAL.—Beginning in fiscal year
8 2008 and continuing for each fiscal year thereafter,
9 the Secretary of the Interior and each State receiv-
10 ing funds from the Enhancement Fund shall submit
11 a report to the Committee on Energy and Natural
12 Resources of the Senate and the Committee on Re-
13 sources of the House of Representatives.

14 (2) REQUIRED INFORMATION.—Reports sub-
15 mitted to the Congress by the Secretary of the Inte-
16 rior and States under this subsection shall include
17 the following information regarding expenditures
18 during the previous fiscal year:

19 (A) A summary of pertinent scientific re-
20 search and surveys conducted to identify im-
21 pacts on wildlife, fish, and other natural re-
22 sources from energy and mineral developments.

23 (B) A summary of projects planned and
24 completed to maintain, improve or enhance



1 wildlife and fish populations and their habitats
2 or other natural resources.

3 (C) A list of additional actions that assist,
4 or would assist, in managing, including miti-
5 gating either onsite or offsite, or both, the im-
6 pacts of energy and mineral development on
7 wildlife, fish, and other natural resources.

8 (D) A summary of private (non-Federal)
9 funds used to plan, conduct, and complete the
10 plans and programs identified in paragraphs
11 (2)(A) and (2)(B).

12 **SEC. 6265. TERMINATION OF EFFECT OF LAWS PROHIB-**
13 **ITING THE SPENDING OF APPROPRIATED**
14 **FUNDS FOR CERTAIN PURPOSES.**

15 All provisions of existing Federal law prohibiting the
16 spending of appropriated funds to conduct oil and natural
17 gas leasing and preleasing activities for any area of the
18 outer Continental Shelf shall have no force or effect.

19 **SEC. 6266. OUTER CONTINENTAL SHELF INCOMPATIBLE**
20 **USE.**

21 (a) IN GENERAL .—No Federal agency may permit
22 construction or operation (or both) of any facility, or des-
23 ignate or maintain a restricted transportation corridor or
24 operating area on the Federal outer Continental Shelf or
25 in the coastal zone, that will be incompatible with, as de-



1 terminated by the Secretary of the Interior, oil and gas or
2 natural gas leasing and substantially full exploration and
3 production of tracts that are geologically prospective for
4 oil or natural gas (or both), unless the facility, transpor-
5 tation corridor, or operating area, respectively, is to be lo-
6 cated in an area of the outer Continental Shelf that is
7 unavailable for oil and gas or natural gas leasing by oper-
8 ation of law.

9 (b) EXCEPTIONS.—The President may grant an ex-
10 ception to subsection (a) after a finding that such excep-
11 tion is required in the national interest.

12 **SEC. 6267. REPURCHASE OF CERTAIN LEASES.**

13 (a) AUTHORITY TO REPURCHASE AND CANCEL CER-
14 TAIN LEASES.—The Secretary of the Interior shall repur-
15 chase and cancel any Federal oil and gas, geothermal,
16 coal, oil shale, tar sands, or other mineral lease, whether
17 onshore or offshore, if the Secretary finds that such lease
18 qualifies for repurchase and cancellation under the regula-
19 tions authorized by this section.

20 (b) REGULATIONS.—Not later than 365 days after
21 the date of the enactment of this Act, the Secretary shall
22 publish a final regulation stating the conditions under
23 which a lease referred to in subsection (a) would qualify
24 for repurchase and cancellation, and the process to be fol-



1 lowed regarding repurchase and cancellation. Such regula-
2 tion shall include, but not be limited to, the following:

3 (1) The Secretary shall repurchase and cancel
4 a lease after written request by the lessee upon a
5 finding by the Secretary that—

6 (A) a request by the lessee for a required
7 permit or other approval complied with applica-
8 ble law, except the Coastal Zone Management
9 Act of 1972 (16 U.S.C. 1451 et seq.), and
10 terms of the lease and such permit or other ap-
11 proval was denied;

12 (B) a Federal agency failed to act on a re-
13 quest by the lessee for a required permit, other
14 approval, or administrative appeal within a reg-
15 ulatory or statutory time-frame associated with
16 the requested action, whether advisory or man-
17 datory, or if none, within 180 days; or

18 (C) a Federal agency attached a condition
19 of approval, without agreement by the lessee, to
20 a required permit or other approval if such con-
21 dition of approval was not mandated by Federal
22 statute or regulation in effect on the date of
23 lease issuance, or was not specifically allowed
24 under the terms of the lease.



1 (2) A lessee shall not be required to exhaust ad-
2 ministrative remedies regarding a permit request,
3 administrative appeal, or other required request for
4 approval for the purposes of this section.

5 (3) The Secretary shall make a final agency de-
6 cision on a request by a lessee under this section
7 within 180 days of request.

8 (4) Compensation to a lessee to repurchase and
9 cancel a lease under this section shall be the amount
10 that a lessee would receive in a restitution case for
11 a material breach of contract.

12 (5) Compensation shall be in the form of a
13 check or electronic transfer from the Department of
14 the Treasury from funds deposited into miscella-
15 neous receipts under the authority of the same Act
16 that authorized the issuance of the lease being re-
17 purchased.

18 (6) Failure of the Secretary to make a final
19 agency decision on a request by a lessee under this
20 section within 180 days of request shall result in a
21 10 percent increase in the compensation due to the
22 lessee if the lease is ultimately repurchased.

23 (c) NO PREJUDICE.—This section shall not be inter-
24 preted to prejudice any other rights that the lessee would
25 have in the absence of this section.



1 **SEC. 6268. OFFSITE ENVIRONMENTAL MITIGATION.**

2 Notwithstanding any other provision of law, any per-
3 son conducting activities under the Mineral Leasing Act
4 (30 U.S.C. 181 et seq.), the Geothermal Steam Act (30
5 U.S.C. 1001 et seq.), the Mineral Leasing Act for Ac-
6 quired Lands (30 U.S.C. 351 et seq.), the Weeks Act (16
7 U.S.C. 552 et seq.), the General Mining Act of 1872 (30
8 U.S.C. 22 et seq.), the Materials Act of 1947 (30 U.S.C.
9 601 et seq.), or the Outer Continental Shelf Lands Act
10 (43 U.S.C. 1331 et seq.), may in satisfying any mitigation
11 requirements associated with such activities propose miti-
12 gation measures on a site away from the area impacted
13 and the Secretary of the Interior shall accept these pro-
14 posed measures if the Secretary finds that they generally
15 achieve the purposes for which mitigation measures apper-
16 tained.

17 **SEC. 6269. AMENDMENTS TO THE MINERAL LEASING ACT.**

18 Section 17(g) of the Mineral Leasing Act (30 U.S.C.
19 226(g)) is amended to read as follows:

20 “(g) REGULATION OF SURFACE-DISTURBING ACTIVI-
21 TIES.—

22 “(1) REGULATION OF SURFACE-DISTURBING
23 ACTIVITIES.—The Secretary of the Interior, or for
24 National Forest lands, the Secretary of Agriculture,
25 shall regulate all surface-disturbing activities con-
26 ducted pursuant to any lease issued under this Act,



1 and shall determine reclamation and other actions as
2 required in the interest of conservation of surface re-
3 sources.

4 “(2) SUBMISSION OF EXPLORATION PLAN; COM-
5 PLETION REVIEW; COMPLIANCE REVIEW.—

6 “(A) Prior to beginning oil and gas explo-
7 ration activities, a lessee shall submit an explo-
8 ration plan to the Secretary of the Interior for
9 review.

10 “(B) The Secretary shall review the plan
11 for completeness within 10 days of submission.

12 “(C) In the event the exploration plan is
13 determined to be incomplete, the Secretary shall
14 notify the lessee in writing and specify the
15 items or information needed to complete the ex-
16 ploration plan.

17 “(D) The Secretary shall have 10 days to
18 review any modified exploration plan submitted
19 by the lessee.

20 “(E) To be deemed complete, an explo-
21 ration plan shall include, in the degree of detail
22 to be determined by the Secretary by rule or
23 regulation—

24 “(i) a drilling plan containing a de-
25 scription of the drilling program;



1 “(ii) the surface and projected com-
2 pletion zone location;

3 “(iii) pertinent geologic data;

4 “(iv) expected hazards, and proposed
5 mitigation measures to address such haz-
6 ards;

7 “(v) a schedule of anticipated explo-
8 ration activities to be undertaken;

9 “(vi) a description of equipment to be
10 used for such activities;

11 “(vii) a certification from the lessee
12 stating that the exploration plan complies
13 with all lease, regulatory and statutory re-
14 quirements;

15 “(viii) evidence that the lessee has se-
16 cured an adequate bond, surety, or other
17 financial arrangement prior to commence-
18 ment of any surface disturbing activity;

19 “(ix) a plan that details the complete
20 and timely reclamation of the lease tract;
21 and

22 “(x) such other relevant information
23 as the Secretary may by regulation require.

24 “(F) Upon a determination that the explo-
25 ration plan is complete, the Secretary shall have



1 30 days from the date the plan is deemed com-
2 plete to conduct a review of the plan.

3 “(G) If the Secretary finds the exploration
4 plan is not consistent with all statutory and
5 regulatory requirements applicable to the lease,
6 the Secretary shall notify the lessee with a de-
7 tailed explanation of such modifications of the
8 exploration plan as are necessary to achieve
9 compliance.

10 “(H) The lessee shall no take any action
11 under the exploration plan within a 30 day re-
12 view period, or thereafter until the plan has
13 been modified to achieve compliance as so noti-
14 fied.

15 “(I) After review by the Secretary provided
16 by this subsection, a lessee may operate pursu-
17 ant to the plan without further review or ap-
18 proval by the Secretary.

19 “(2) PLAN REVISIONS; CONDUCT OF EXPLO-
20 RATION ACTIVITIES.—

21 “(A) If a significant revision of an explo-
22 ration plan under this subsection is submitted
23 to the Secretary, the process to be used for the
24 review of such revision shall be the same as set
25 forth in paragraph (1) of this subsection.



1 “(B) All exploration activities pursuant to
2 any lease shall be conducted in accordance with
3 an exploration plan that has been submitted to
4 and reviewed by the Secretary or a revision of
5 such plan.

6 “(3) SUBMISSION OF DEVELOPMENT AND PRO-
7 DUCTION PLAN; COMPLETENESS REVIEW; COMPLI-
8 ANCE REVIEW.—

9 “(A) Prior to beginning oil and gas devel-
10 opment and production activities, a lessee shall
11 submit a development and exploration plan to
12 the Secretary of the Interior. Upon submission,
13 such plans shall be subject to a review for com-
14 pleteness.

15 “(B) The Secretary shall review the plan
16 for completeness within 30 days of submission.

17 “(C) In the event a development and pro-
18 duction plan is determined to be incomplete, the
19 Secretary shall notify the lessee in writing and
20 specify the items or information needed to com-
21 plete the plan.

22 “(D) The Secretary shall have 30 days to
23 review for completeness any modified develop-
24 ment and production plan submitted by the les-
25 see.



1 “(E) To be deemed complete, a develop-
2 ment and production plan shall include, in the
3 degree of detail to be determined by the Sec-
4 retary by rule or regulation—

5 “(i) a drilling plan containing a de-
6 scription of the drilling program;

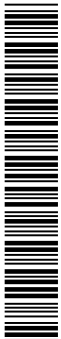
7 “(ii) the surface and projected com-
8 pletion zone location;

9 “(iii) pertinent geologic data;

10 “(iv) expected hazards, and proposed
11 mitigation measures to address such haz-
12 ards;

13 “(v) a statement describing all facili-
14 ties and operations proposed by the lessee
15 and known by the lessee (whether or not
16 owned or operated by such lessee) that
17 shall be constructed or utilized in the de-
18 velopment and production of oil or gas
19 from the leases areas, including the loca-
20 tion and site of such facilities and oper-
21 ations, the land, labor, material, and en-
22 ergy requirements associated with such fa-
23 cilities and operations;

24 “(vi) the general work to be per-
25 formed;



1 “(vii) the environmental safeguards to
2 be implemented in connection with the de-
3 velopment and production and how such
4 safeguards are to be implemented;

5 “(viii) all safety standards to be met
6 and how such standards are to be met;

7 “(ix) an expected rate of development
8 and production and a time schedule for
9 performance;

10 “(x) a certification from the lessee
11 stating that the development and produc-
12 tion plan complies with all lease, regu-
13 latory, and statutory requirements;

14 “(xi) evidence that the lessee has se-
15 cured an adequate bond, surety, or other
16 financial arrangement prior to commence-
17 ment of any surface disturbing activity;

18 “(xii) a plan that details the complete
19 and timely reclamation of the lease tract;
20 and

21 “(xiii) such other relevant information
22 as the Secretary may by regulation require.

23 “(F) Upon a determination that the devel-
24 opment and production plan is complete, the
25 Secretary shall have 120 days from the date the



1 plan is deemed complete to conduct a review of
2 the plan.

3 “(G) If the Secretary finds the develop-
4 ment and production plan is not consistent with
5 all statutory and regulatory requirements appli-
6 cable to the lease, the Secretary shall notify the
7 lessee with a detailed explanation of such modi-
8 fications of the development and production
9 plan as are necessary to achieve compliance.

10 “(H) The lessee shall not take any action
11 under the exploration plan within a 120 day re-
12 view period, or thereafter until the plan has
13 been modified to achieve compliance as so noti-
14 fied.

15 “(4) PLAN REVISIONS; CONDUCT OF DEVELOP-
16 MENT AND PRODUCTION ACTIVITIES.—

17 “(A) If a significant revision of a develop-
18 ment and production plan under this subsection
19 is submitted to the Secretary, the process to be
20 used for the review of such revision shall be the
21 same as set forth in paragraph (3) of this sub-
22 section.

23 “(B) All development and production ac-
24 tivities pursuant to any lease shall be conducted
25 in accordance with an exploration plan that has



1 been submitted to and reviewed by the Sec-
2 retary or a revision of such plan.

3 “(5) CANCELLATION OF LEASE ON FAILURE TO
4 SUBMIT PLAN OR COMPLY WITH APPROVED PLAN.—
5 Whenever the owner of any lease fails to submit a
6 plan in accordance with regulations issued under
7 this section, or fails to comply with a plan, the lease
8 may be canceled in accordance with section 31. Ter-
9 mination of a lease because of failure to comply with
10 a plan, including required modifications or revisions,
11 shall not entitle a lessee to any compensation.”.

12 **SEC. 6270. CREATION OF THE MINERAL LEASING OPER-**
13 **ATIONS FUND.**

14 There is established in the Treasury a separate ac-
15 count to be known as the “Mineral Leasing Operations
16 Fund”. Notwithstanding any provisions of the Mineral
17 Leasing Act (30 U.S.C. 181 et seq.), the Geothermal
18 Steam Act (30 U.S.C. 1001 et seq.), the Mineral Leasing
19 Act for Acquired Lands (30 U.S.C. 351 et seq.), the
20 Weeks Act (16 U.S.C. 552 et seq.), the General Mining
21 Act of 1872 (30 U.S.C. 22 et seq.), the Materials Act of
22 1947 (30 U.S.C. 601 et seq.), the Federal Oil and Gas
23 Royalty Management Act of 1982 (30 U.S.C. 1701 et
24 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
25 1331 et seq.), or any other law, all monies, except for



1 bonus bids and royalties, derived from the leasing of min-
2 erals on Federal lands or waters, but not including Indian
3 lands, shall be deposited into the Fund and be available
4 to the Secretary of the Interior for expenditure, without
5 further appropriation and without fiscal year limitation,
6 to cover expenses associated with mineral leasing, includ-
7 ing but not limited to the development of leasing pro-
8 grams, resource management plans, resource assessments,
9 environmental studies, and operational activities.

10 **SEC. 6271. MINERALS MANAGEMENT SERVICE.**

11 The bureau known as the “Minerals Management
12 Service” in the Department of the Interior shall be known
13 as the “National Offshore Energy and Royalty Service”.
14 The Director of such shall be assisted by only one deputy
15 director, who shall be a non-career employee within the
16 Senior Executive Service.

17 **SEC. 6272. AUTHORITY TO USE DECOMMISSIONED OFF-**
18 **SHORE OIL AND GAS PLATFORMS AND**
19 **OTHER FACILITIES FOR MARICULTURE, ARTI-**
20 **FICIAL REEF, SCIENTIFIC RESEARCH, OR**
21 **OTHER USES.**

22 (a) SHORT TITLE.—This section may be cited as the
23 “Rigs to Reefs Act of 2005”.



1 (b) IN GENERAL.—The Outer Continental Shelf
2 Lands Act (43 U.S.C. 1301 et seq.) is amended by insert-
3 ing after section 9 the following:

4 **“SEC. 10. USE OF DECOMMISSIONED OFFSHORE OIL AND**
5 **GAS PLATFORMS AND OTHER FACILITIES**
6 **FOR MARICULTURE, ARTIFICIAL REEF, SCI-**
7 **ENTIFIC RESEARCH, OR OTHER USES.**

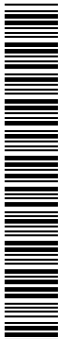
8 “(a) IN GENERAL.—The Secretary shall issue regula-
9 tions under which the Secretary may authorize use of an
10 offshore oil and gas platform or other facility that is de-
11 commissioned from service for oil and gas purposes for
12 culture of marine organisms, an artificial reef, scientific
13 research, or any other use authorized under section 8(p).

14 “(b) TRANSFER REQUIREMENTS.—The Secretary
15 shall not allow the transfer of a decommissioned offshore
16 oil and gas platform or other facility to another person
17 unless the Secretary is satisfied that the transferee is suf-
18 ficiently bonded, endowed, or otherwise financially able to
19 fulfill its obligations, including but not limited to—

20 “(1) ongoing maintenance of the platform or
21 other facility;

22 “(2) any liability obligations that might arise;

23 “(3) removal of the platform or other facility if
24 determined necessary by the Secretary; and



1 “(4) any other requirements and obligations
2 that the Secretary may deem appropriate by regula-
3 tion.

4 “(c) PLUGGING AND ABANDONMENT.—The Sec-
5 retary shall ensure that obligations of a lessee regarding
6 the plugging and abandonment of wells are unaffected by
7 implementation of this section.

8 “(d) POTENTIAL TO PETITION TO OPT-OUT OF REG-
9 ULATIONS.—An Adjacent State acting through a resolu-
10 tion of its legislature, with concurrence of its Governor,
11 may petition to opt-out of the application of regulations
12 promulgated under this section to platforms and other fa-
13 cilities located in the area of its Adjacent Zone within 25
14 miles of the coastline. The Secretary is authorized to ex-
15 cept such area from the application of such regulations,
16 and shall approve such petition, unless the Secretary finds
17 that approving the petition would probably cause serious
18 harm or damage to the marine resources of the State’s
19 Adjacent Zone. Prior to acting on the petition, the Sec-
20 retary shall complete an environmental assessment that
21 documents the anticipated environmental effects of ap-
22 proving the petition.

23 “(e) LIMITATION ON LIABILITY.—A person that had
24 used an offshore oil and gas platform or other facility for
25 oil and gas purposes and that no longer has any ownership



1 or control of the platform or other facility shall not be
2 liable under Federal law for any costs or damages arising
3 from such platform or other facility after the date the plat-
4 form or other facility is used for any purpose under sub-
5 section (a), unless such costs or damages arise from—

6 “(1) use of the platform or other facility by the
7 person for development or production of oil or gas;
8 or

9 “(2) another act or omission of the person.

10 “(f) OTHER LEASING AND USE NOT AFFECTED.—
11 This section, and the use of any offshore oil and gas plat-
12 form or other facility for any purpose under subsection
13 (a), shall not affect—

14 “(1) the authority of the Secretary to lease any
15 area under this Act; or

16 “(2) any activity otherwise authorized under
17 this Act”.

18 (c) DEADLINE FOR REGULATIONS.—The Secretary of
19 the Interior shall issue regulations under subsection (b)
20 by not later than 180 days after the date of the enactment
21 of this Act.

22 (d) STUDY AND REPORT ON EFFECTS OF REMOVAL
23 OF PLATFORMS.—Not later than one year after the date
24 of enactment of this Act, the Secretary of the Interior,
25 in consultation with other Federal agencies as the Sec-



1 retary deems advisable, shall study and report to the Con-
2 gress regarding how the removal of offshore oil and gas
3 platforms and other facilities from the outer Continental
4 Shelf would affect existing fish stocks and coral popu-
5 lations.

6 **SEC. 6273. REVISIONS TO COMPREHENSIVE INVENTORY OF**
7 **OCS OIL AND NATURAL GAS RESOURCES.**

8 Section 357 of the Energy Policy Act of 2005 (Public
9 Law 109–190) is amended—

10 (1) in subsection (a)(2) by striking “, but in-
11 cluding 3–D seismic technology” and inserting “or
12 contracting for 3–D seismic surveys,”;

13 (2) in subsection (a)(5) by striking “moratoria”
14 and inserting “withdrawals”; and

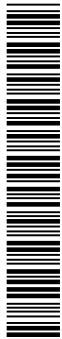
15 (3) in subsection (b) by striking “6” and insert-
16 ing “18”.

17 **SEC. 6274. MINING AND PETROLEUM SCHOOLS.**

18 (a) ESTABLISHMENT AND USE OF FEDERAL ENERGY
19 AND MINERAL RESOURCES PROFESSIONAL DEVELOP-
20 MENT FUND.—

21 (1) PROFESSIONAL DEVELOPMENT FUND.—

22 There is established in the Treasury a separate ac-
23 count to be known as the “Federal Energy And
24 Mineral Resources Professional Development Fund”



1 (in this section referred to as the “Professional De-
2 velopment Fund”).

3 (2) FUNDING.—Beginning with fiscal year
4 2006, the Secretary of the Treasury shall deposit in
5 the Professional Development Fund—

6 (A) such sums as are provided by the pro-
7 visions of subparagraphs (A)(iv) and (B)(iv) of
8 section 9(b)(4) of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1338(b)(4)(A)(iv) and
10 (b)(4)(B)(iv)), and subparagraphs (A)(iv) and
11 (B)(iv) of section 9(c)(4) of the Outer Conti-
12 nental Shelf Lands Act (43 U.S.C.
13 1338(c)(4)(A)(iv) and (c)(4)(B)(iv)), as amend-
14 ed by this Act;

15 (B) 2 percent of all sums paid into the
16 Treasury under section 35 of the Mineral Leas-
17 ing Act (30 U.S.C. 191);

18 (C) 2 percent of all sums paid into the
19 Treasury from other revenues derived from
20 bonus bids and royalties from the leasing of
21 minerals other than oil and gas on public lands;
22 and

23 (D) such sums as are provided by section
24 2325 of the Revised Statutes (30 U.S.C. 29),
25 as amended by this Act.



1 (3) INVESTMENTS.—The Secretary of the
2 Treasury shall invest the amounts deposited under
3 paragraph (2) and all accrued interest on the
4 amounts deposited under paragraph (2) only in in-
5 terest bearing obligations of the United States or in
6 obligations guaranteed as to both principal and in-
7 terest by the United States.

8 (4) PAYMENT TO SECRETARY OF THE INTE-
9 RIOR.—

10 (A) IN GENERAL.—Beginning with fiscal
11 year 2007, and in each fiscal year thereafter,
12 the amounts deposited into the Professional De-
13 velopment Fund, together with the interest
14 thereon, shall be available, without fiscal year
15 limitations, to the Secretary of the Interior for
16 use for the purposes described in subchapter III
17 of chapter 25 of title 30, United States Code.

18 (B) WITHDRAWALS AND TRANSFER OF
19 FUNDS.—The Secretary of the Treasury shall
20 withdraw such amounts from the Professional
21 Development Fund as the Secretary of the Inte-
22 rior may request and transfer such amounts to
23 the Secretary of the Interior to be used, at the
24 discretion of the Secretary for the purposes de-



1 scribed in subchapter III of chapter 25 of title
2 30, United States Code.

3 (b) MAINTENANCE AND RESTORATION OF EXISTING
4 AND HISTORIC PETROLEUM AND MINING ENGINEERING
5 PROGRAMS.—Subchapter III of chapter 25 of title 30,
6 United States Code, is amended by striking all that pre-
7 cedes section 1230(a) and inserting the following:

8 **“Subchapter III—Maintenance and Restora-**
9 **tion of Existing and Historic Petroleum**
10 **and Mining Engineering Programs**

11 **“SEC. 1221. MAINTAINING AND RESTORING HISTORIC AND**
12 **EXISTING PETROLEUM AND MINING ENGI-**
13 **NEERING EDUCATION PROGRAMS.**

14 “(a) Using the funds from the Treasury account enti-
15 tled Federal Energy And Mineral Resources Professional
16 Development Fund, the Secretary of the Interior (here-
17 after in this subchapter referred to as the ‘Secretary’)
18 shall provide funds to each historic and existing petroleum
19 and mining school to assist the schools or institutions in
20 maintaining programs in petroleum, mining and mineral
21 engineering education and research. All funds shall be di-
22 rected only to these programs and shall be subject to the
23 conditions of this section. Such funds shall not be less
24 than 40 percent of the annual outlay of funds under this
25 subchapter.



1 “(b) The term ‘historic and existing State-chartered
2 recognized Petroleum or Mining School’ shall mean a
3 school, university or educational institution with the pres-
4 ence of an engineering program meeting the specific pro-
5 gram criteria for petroleum, mining or mineral engineer-
6 ing that is accredited on the date of enactment of this
7 subchapter by the Accreditation Board for Engineering
8 and Technology.

9 “(c) It shall be the duty of each institution or school
10 receiving funds under this section to provide for the train-
11 ing of undergraduate and graduate petroleum, mining and
12 mineral engineers through research, investigations, dem-
13 onstrations, and experiments and all such work shall be
14 carried out in a manner that will enhance undergraduate
15 education.

16 “(d) Each institution or school receiving funds under
17 this subchapter shall take steps as agreed to by the Sec-
18 retary, to increase the number of undergraduate students
19 enrolled in and completing the programs of study in petro-
20 leum, mining and mineral engineering.

21 “(e) The research, investigation, demonstration, ex-
22 periment, and training authorized by this section may in-
23 clude development and production of conventional and
24 non-conventional fuel resources, the production of metallic
25 and non-metallic mineral resources and the production of



1 stone, sand and gravel. In all cases the work carried out
2 with funds made available under this subchapter shall in-
3 clude a significant opportunity for participation by under-
4 graduate students.

5 “(f) Research funded by this subchapter related to
6 energy and mineral resource development and production
7 may include studies of petroleum, mining and mineral ex-
8 traction and immediately related beneficiation technology;
9 mineral economics, reclamation technology and practices
10 for active operations and the development of re-mining
11 systems and technologies to facilitate reclamation that fos-
12 ters the ultimate recovery of resources at abandoned pe-
13 troleum, mining and aggregate production sites.

14 “(g) Grants for basic science and engineering studies
15 and research shall not require additional participation by
16 funding partners. Grants for studies to demonstrate the
17 proof of concept for science and engineering or the dem-
18 onstration of feasibility and implementation shall include
19 participation by industry and may include funding from
20 other Federal agencies.

21 “(h) RESTRICTION ON APPLICATION OF FUNDS.—

22 “(1) No funds made available under this section
23 shall be applied to the acquisition by purchase or
24 lease of any land or interests therein, or the rental,

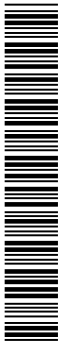


1 purchase, construction, preservation, or repair of
2 any building.

3 “(2) Funding may be used with the express ap-
4 proval of the Secretary for proposals that will pro-
5 vide for maintaining or upgrading of existing labora-
6 tories and laboratory equipment. Funding for such
7 maintenance shall not be subject to university over-
8 head expenses.

9 “(3) Funding under this subchapter may be
10 used for maintaining and upgrading university-
11 owned mines and oil and gas drilling rigs used for
12 undergraduate and graduate training and mine safe-
13 ty training for the industry. All requests for funding
14 such mines and oil and gas drilling rigs must dem-
15 onstrate that they have been owned by the university
16 for 5 years prior to the date of enactment of this
17 subchapter and have been actively used for instruc-
18 tional purposes during that time.

19 “(4) Any funding for research, investigation,
20 demonstration, experiment, and training shall not be
21 subject to university overhead charges in excess of
22 10 percent of the amount authorized by the Sec-
23 retary.



1 **“SEC. 1222. FORMER PETROLEUM AND MINING ENGINEER-**
2 **ING PROGRAMS.**

3 “Any school or institution which formerly met the eli-
4 gibility requirement of section 1221(a)(1) may become eli-
5 gible for funding under this subchapter only after—

6 “(1) the school or institution establishes a pe-
7 troleum, mining or mineral engineering program
8 that meets the specific program criteria and is ac-
9 credited as such by the Accreditation Board for En-
10 gineering and Technology;

11 “(2) the school agrees to the conditions of sec-
12 tions 1221(b) and 1221(c) and the Secretary, as ad-
13 vised by the Committee established by section 1229
14 of this subchapter, determines that the program will
15 strengthen and increase number of nationally avail-
16 able, well qualified faculty members in petroleum,
17 mining and mineral engineering; and

18 “(3) the school or institution agrees to maintain
19 the accredited programs for 10 calendar years after
20 the date of the first receipt of funds under this sub-
21 chapter.

22 **“SEC. 1223. FUNDING OF CONSORTIA OF HISTORIC AND EX-**
23 **ISTING SCHOOLS.**

24 “(a) Where appropriate, the Secretary may make
25 funds available to consortia of schools or institutions that



1 include the historic and existing petroleum and mining
2 schools to meet the necessary expenses for purposes of—

3 “(1) specific energy and mineral research
4 projects of broad application, which could not other-
5 wise be undertaken, including the expenses of plan-
6 ning and coordinating regional petroleum, mining
7 and mineral engineering projects by two or more
8 schools; and

9 “(2) research into any aspects of petroleum,
10 mining or mineral engineering problems related to
11 the mission of the Department of the Interior, which
12 are deemed by the Committee to be desirable.

13 “(b) Each application for funds under subsection (a)
14 of this section shall state, among other things, the nature
15 of the project to be undertaken; the period during which
16 it will be pursued; the qualifications of the personnel who
17 will direct and conduct it; the estimated costs; the impor-
18 tance of the project to the Nation, region, or States con-
19 cerned; its relation to other known research projects there-
20 tofore pursued or being pursued; the extent to which the
21 proposed project will maximize the opportunity for the
22 training of undergraduate petroleum, mining and mineral
23 engineers; and the extent of participation by nongovern-
24 mental sources in the project.



1 “(c) No funds shall be made available under this sec-
2 tion except for a project approved by the Secretary and
3 all funds shall be made available upon the basis of merit
4 of the project, the need for the knowledge which it is ex-
5 pected to produce when completed, and the opportunity
6 it provides for the undergraduate training of individuals
7 as petroleum, mining and mineral engineers.

8 **“SEC. 1224. SUPPORT FOR SCHOOLS WITH ENERGY AND**
9 **MINERAL RESOURCE PROGRAMS IN PETRO-**
10 **LEUM AND MINERAL EXPLORATION GEOL-**
11 **OGY, PETROLEUM GEOPHYSICS OR MINING**
12 **GEOPHYSICS.**

13 “(a) Up to 20 percent of the annual outlay of funds
14 under this subchapter may be granted to schools other
15 than those described in sections 1221, 1222 and 1223.

16 “(b) The Secretary, as advised by the Committee es-
17 tablished by section 1229 shall determine the eligibility of
18 a college or university to participate under this subchapter
19 using criteria which include—

20 “(1) the presence of a substantial program of
21 undergraduate and graduate instruction and re-
22 search in petroleum geology, mineral exploration ge-
23 ology, economic geology, mining geology, petroleum
24 geophysics or mining geophysics which has a dem-
25 onstrated history of achievement;



1 “(2) evidence of institutional commitment for
2 the purposes of this subchapter which shall include
3 a significant opportunity for participation by under-
4 graduate students;

5 “(3) evidence that such institution has or can
6 obtain significant industrial cooperation in activities
7 within the scope of this subchapter; and

8 “(4) the school or institution agrees to maintain
9 the programs seeking the funding for 10 calendar
10 years after the date of the first receipt of funds
11 under this subchapter.

12 **“SEC. 1225. DESIGNATION OF FUNDS FOR SCHOLARSHIPS**
13 **AND FELLOWSHIPS.**

14 “(a) The Committee shall recommend to the Sec-
15 retary the designation and utilization of not more than
16 35 percent of the annual outlay of funds under this sub-
17 chapter for the purpose of providing scholarships, grad-
18 uate fellowships, and postdoctoral fellowships.

19 “(b) In order to receive a scholarship or a graduate
20 fellowship, an individual student must be a lawful perma-
21 nent resident or a United States citizen and must agree
22 in writing to complete a course of studies and receive a
23 degree in petroleum, mining or mineral engineering, petro-
24 leum geology, mining and economic geology and mineral
25 economics.



1 “(c) The regulations required by section 1227 shall
2 require that an individual in order to retain a scholarship
3 or graduate fellowship must continue in one of the course
4 of studies listed in 1225(b), must remain in good academic
5 standing, as determined by the school or institution and
6 must allow for reinstatement of the scholarship or a grad-
7 uate fellowship by the Secretary, upon the recommenda-
8 tion of the school or institution. Such regulations may also
9 provide for recovery of funds from an individual who fails
10 to complete any of the courses of study listed in 1225(b)
11 after notice that such completion is a requirement of re-
12 ceipt funding under this subchapter.

13 **“SEC. 1226. FUNDING CRITERIA FOR INSTITUTIONS.**

14 “(a) Funds available under this title shall be paid at
15 such times and in such amounts during each fiscal year
16 as determined by the Secretary, and upon vouchers ap-
17 proved by him. Each receiving institution shall—

18 “(1) set forth its plan to provide for the train-
19 ing of individuals as petroleum or mineral engineers
20 and scientists under a curriculum appropriate to the
21 field of mineral resources and mineral engineering
22 and related fields;

23 “(2) set forth policies and procedures which as-
24 sure that Federal funds made available under this
25 subchapter for any fiscal year will supplement and,



1 to the extent practicable, increase the level of funds
2 that would, in the absence of such Federal funds, be
3 made available for purposes of this subchapter, and
4 in no case supplant such funds; and

5 “(3) have an officer appointed by its governing
6 authority who shall receive and account for all funds
7 paid under the provisions of this subchapter and
8 shall make an annual report to the Secretary on or
9 before the first day of September of each year, on
10 work accomplished and the status of projects under-
11 way, together with a detailed statement of the
12 amounts received under any provisions of this sub-
13 chapter during the preceding fiscal year, and of its
14 disbursements on schedules prescribed by the Sec-
15 retary.

16 “(4) If any of the funds received by the author-
17 ized receiving officer of any institute under the pro-
18 visions of this subchapter are found by the Secretary
19 to have been improperly diminished, lost, or mis-
20 applied, such funds shall be recovered by the Attor-
21 ney General.

22 “(b) The institutions are authorized and encouraged
23 to plan and conduct programs under this subchapter in
24 cooperation with each other and with such other agencies,
25 business enterprises and individuals.



1 **“SEC. 1227. DUTIES OF SECRETARY.**

2 “(a) The Secretary, acting through the Assistant Sec-
3 retary for Land and Minerals Management, shall admin-
4 ister this subchapter and, after full consultation with other
5 interested Federal agencies, shall prescribe such rules and
6 regulations as may be necessary to carry out its provisions
7 not later than 1 year after the enactment of the Offshore
8 State Options Act of 2005.

9 “(b) The Secretary shall furnish such advice and as-
10 sistance as will best promote the purposes of this sub-
11 chapter, shall participate in coordinating research initiated
12 under this subchapter, shall indicate to them such lines
13 of inquiry that seem most important, and shall encourage
14 and assist in the establishment and maintenance of co-
15 operation by and between the schools and between them
16 and other research organizations, the Department of the
17 Interior, and other Federal establishments.

18 “(c) On or before the first day of July in each year
19 beginning after date of enactment, the institution shall
20 certify compliance with provisions of this subchapter. An
21 individual granted a scholarship or fellowship, shall
22 though their respective institution, advise the Secretary
23 upon completion of the course of studies and the awarding
24 of the degree within 30 days of the award. As needed the
25 Secretary shall ascertain whether the requirements of this
26 subchapter have been met by institutions and individuals.



1 **“SEC. 1228. COORDINATION.**

2 “(a) Nothing in this subchapter shall be construed
3 to impair or modify the legal relationship existing between
4 any of the colleges or universities under whose direction
5 an institute is established and the government of the State
6 in which it is located, and nothing in this subchapter shall
7 in any way be construed to authorize Federal control or
8 direction of education at any college or university.

9 “(b) The programs authorized by this subchapter are
10 to enhance the nation’s petroleum, mining and mineral en-
11 gineering education programs and to enhance educational
12 programs in petroleum and mining exploration. To achieve
13 this, the Secretary and the Committee established by sec-
14 tion 1229 shall receive the continuing advice and coopera-
15 tion of all agencies of the Federal Government concerned
16 with the identification, exploration and development en-
17 ergy and mineral resources.

18 “(c) Nothing in this subchapter is intended to give
19 or shall be construed as giving the Secretary any authority
20 over mining and mineral resources research conducted by
21 any agency of the Federal Government, or as repealing
22 or diminishing existing authorities or responsibilities of
23 any agency of the Federal Government to plan and con-
24 duct, contract for, or assist in research in its area of re-
25 sponsibility and concern with regard to mining and min-
26 eral resources.



1 “(d) The schools and institutions receiving funding
2 under this subchapter shall have a duty to generally make
3 publicly available the information and reports on projects
4 completed, in progress, or planned under the provisions
5 of this subchapter. This information shall be made avail-
6 able on an annual basis. All uses, products, processes, pat-
7 ents, and other developments resulting from research,
8 demonstration, or experiment funded in whole or in part
9 by this subtitle shall be made available promptly to the
10 general public, subject to exception or limitation, if any,
11 as the Secretary may find necessary in the public interest
12 or national security. Institutions and schools receiving pat-
13 ents for inventions funded in whole or in part by this sub-
14 chapter shall be governed by the applicable federal law,
15 excepting that one percent of gross revenues from derived
16 from such patents shall be paid by the schools and the
17 institutions to the Federal Energy and Mineral Resources
18 Professional Development Fund established by section
19 6274 of the Offshore State Options Act of 2005.

20 **“SEC. 1229. COMMITTEE ON PETROLEUM, MINING AND MIN-**
21 **ERAL ENGINEERING AND ENERGY AND MIN-**
22 **ERAL RESOURCE EDUCATION.**

23 “(a) The Secretary shall appoint a Committee on Pe-
24 troleum, Mining and Mineral Engineering and Energy and
25 Mineral Resource Education and composed of—



1 “(1) the Assistant Secretary of the Interior re-
2 sponsible for land and minerals management, or his
3 delegate and not more than 16 other persons who
4 are knowledgeable in the fields of mining and min-
5 eral resources research, including 4 university ad-
6 ministrators two of whom shall be from historic and
7 existing petroleum and mining schools as defined by
8 this subchapter, 6 representatives equally distributed
9 from the petroleum, mining and aggregate indus-
10 tries, a working miner, a working oilfield worker, a
11 representative of the Interstate Oil and Gas Com-
12 pact Commission, a representative from the Inter-
13 state Mining Compact Commission, a representative
14 from the Western Governors Association, a rep-
15 resentative of the State Geologists, and a represent-
16 ative of a State mining and reclamation agency. In
17 making these 16 appointments, the Secretary shall
18 consult with interested groups.

19 “(2) The Assistant Secretary for Land and
20 Minerals Management, in the capacity of the Chair-
21 man of the Committee, may have present during
22 meetings representatives of Federal agencies with re-
23 sponsibility for energy and minerals resources man-
24 agement, energy and mineral resource investigations,
25 energy and mineral commodity information, inter-



1 national trade in energy and mineral commodities,
2 mining regulation and mine safety research, and re-
3 search into the development, production and utiliza-
4 tion of energy and mineral commodities.

5 “(b) The Committee shall consult with, and make rec-
6 ommendations to, the Secretary on all matters relating to
7 funding energy and mineral resources research and the
8 awarding and allocation of funding made under this sub-
9 chapter. The Secretary shall consult with, and consider
10 recommendations of, such Committee in such matters.

11 “(c) Committee members, other than officers or em-
12 ployees of Federal, State, or local governments, shall be,
13 for each day (including traveltime) during which they are
14 performing Committee business, paid at a rate fixed by
15 the Secretary but not in excess of the daily equivalent of
16 the maximum rate of pay for grade GS-18 of the General
17 Schedule under section 5332 of title 5, and shall be fully
18 reimbursed for travel, subsistence, and related expenses.

19 “(d) The Committee shall be chaired by the Assistant
20 Secretary of the Interior responsible for land and minerals
21 management and a person to be elected Vice Chairman
22 by the Committee from among the members referred to
23 in this section. The Chairman of the Committee must pre-
24 side at all meetings.



1 “(e) Following completion of the report required by
2 section 385 of the Energy Policy Act of 2005, the Com-
3 mittee shall consider the recommendations of the report,
4 ongoing efforts in the schools and universities, the Federal
5 and State Governments, and the private sector, and shall
6 formulate and recommend to the Secretary a national plan
7 for program utilizing the fiscal resources provided for
8 under this subchapter. The plan shall The Committee
9 shall submit such plan to the Secretary for approval. Upon
10 approval, the plan shall guide the Secretary and the Com-
11 mittee in their actions under this subchapter.

12 “(f) Section 10 of the Federal Advisory Committee
13 Act (5 U.S.C. App.) shall not apply to the Committee.”.

14 **SEC. 6275. ONSHORE AND OFFSHORE MINERAL LEASE**
15 **FEEES.**

16 Notwithstanding any other provision of law, the De-
17 partment of the Interior is prohibited from charging fees
18 applicable to actions on Federal onshore and offshore oil
19 and gas, coal, geothermal, and other mineral leases, in-
20 cluding transportation of any production from such leases,
21 if such fees were not in existence on January 1, 2005.
22 Fees in existence on that date may be increased by the
23 amount of the increase in the Consumer Price Index since
24 the last date that the fees were set, but such an increase



1 shall only apply to a lease issued after the date of the
2 increase.

3 **SEC. 6276. ATLANTIC OCS REGION HEADQUARTERS.**

4 Not later than January 1, 2008, the headquarters for
5 the Atlantic OCS Region shall be established within the
6 first State bordering the Atlantic OCS Region that peti-
7 tions for leasing covering at least 40 percent of the area
8 of its Adjacent Zone within 100 miles of the coastline.
9 Such headquarters shall be located within 25 miles of the
10 coastline and shall be the permanent duty station for all
11 Minerals Management Service personnel that on a daily
12 basis spend on average 60 percent or more of their time
13 in performance of duties in support of the activities of the
14 Atlantic Region, except that the Minerals Management
15 Service may house regional inspection staff in other loca-
16 tions. The Atlantic Region shall be led by a Regional Di-
17 rector who shall be an employee within the Senior Execu-
18 tive Service.

19 **CHAPTER 7—AMENDMENTS RELATING TO**
20 **SURFACE MINING RECLAMATION AND**
21 **COAL MINER BENEFITS**

22 **SEC. 6291. AMENDMENTS TO SURFACE MINING CONTROL**
23 **AND RECLAMATION ACT OF 1977.**

24 (a) AMENDMENTS TO SECTION 401.—



1 (1) Section 401 of the Surface Mining Control
2 and Reclamation Act of 1977 (30 U.S.C. 1231) is
3 amended as follows:

4 (A) In subsection (c) by striking para-
5 graphs (2) and (6) and redesignating para-
6 graphs (3) through (13) in order as paragraphs
7 (2) through (11).

8 (B) In subsection (d), by striking “Mon-
9 eys” and inserting “Except as provided in sub-
10 section (f), moneys”.

11 (C) In subsection (e)—

12 (i) in the second sentence, by striking
13 “the needs of such fund” and inserting
14 “achieving the purposes of the transfers
15 under section 402(h)”; and

16 (ii) in the third sentence, by inserting
17 before the period the following: “for the
18 purpose of the transfers under section
19 402(h).”.

20 (D) By adding at the end the following:

21 “(f) GENERAL LIMITATION ON OBLIGATION AU-
22 THORITY.—

23 “(1) From amounts deposited into the fund
24 under subsection (b), the Secretary shall distribute
25 during each fiscal year beginning after the enact-



1 ment of this Act an amount determined under para-
2 graph (2).

3 “(2) For each fiscal year, the amount distrib-
4 uted by the secretary under this subsection shall be
5 equal to—

6 “(A) the amount deposited into the fund
7 under subsection (b) during the preceding fiscal
8 year, minus

9 “(B) the amount expended by the Sec-
10 retary under section 402(g)(3)(D) during the
11 preceding fiscal year.

12 “(3) For each fiscal year, the Secretary shall
13 distribute—

14 “(A) the amount allocated under section
15 402(g)(5), plus any amount reallocated under
16 section 411(h)(4), for grants to States and In-
17 dian tribes under section 402(g)(5), and

18 “(B) any amounts not distributed under
19 subparagraph (A) in any area under paragraph
20 (3) or (4).

21 “(4) Monies in the fund available to the Sec-
22 retary for obligation under this subsection shall be
23 available until expended.

24 “(5) The amount distributed under this sub-
25 section for each fiscal year shall be in addition to



1 any amounts that are appropriated from the fund
2 during such fiscal year.”.

3 (2) Section 712(b) of the Surface Mining Con-
4 trol and Reclamation Act of 1977 (30 U.S.C.
5 1302(b)) is amended by striking “section
6 401(c)(11)” and inserting “section 401(c)(9)”.

7 (b) AMENDMENTS TO SECTION 402.—Section 402 of
8 the Surface Mining Control and Reclamation Act of 1977
9 (30 U.S.C. 1232) is amended as follows:

10 (1) In subsection (a)—

11 (A) by striking “35” and inserting “28”;

12 (B) by striking “15” and inserting “12”;

13 and

14 (C) by striking “10 cents” and inserting
15 “8 cents”.

16 (2) In subsection (b) by striking “September
17 30, 2005” and all that follows through the end of
18 the sentence and inserting “September 30, 2020.”.

19 (3) In subsection (g)(1)(d) by—

20 (A) inserting “(except for grants awarded
21 during fiscal years 2006, 2007, and 2008 to the
22 extent not expended within 5 years)” after
23 “this paragraph”; and



1 (B) striking “in any area under paragraph
2 (2), (3), (4), or (5)” and inserting “under para-
3 graph (5)”.

4 (4) Subsection (g)(2) is amended to read as fol-
5 lows:

6 “(2) In making the grants referred to in para-
7 graph (1)(C) and the grants referred to in para-
8 graph (5), the Secretary shall ensure strict compli-
9 ance by the States and Indian tribes with the prior-
10 ities set forth in section 403(a) until a certification
11 is made under section 411(a).”.

12 (5) In subsection (g)(3)—

13 (A) in the matter preceding subparagraph
14 (A) by striking “paragraphs (2) and” and in-
15 serting “paragraph”;

16 (B) in subparagraph (A) by striking
17 “401(c)(11)” and inserting “401(c)(9)”; and

18 (C) by adding at the end the following:

19 “(E) For the purpose of paragraph (8).”.

20 (6) In subsection (g)(5)—

21 (A) by inserting “(A)” before the first sen-
22 tence;

23 (B) in the first sentence by striking “40”
24 and inserting “60”;



1 (C) in the last sentence by striking “Funds
2 allocated or expended by the Secretary under
3 paragraphs (2), (3), or (4),” and inserting
4 “Funds made available under paragraph (3) or
5 (4)”;

6 (D) by adding at the end the following:

7 “(B) Any amount that is reallocated and avail-
8 able under section 411(h)(3) shall be in addition to
9 amounts that are allocated under subparagraph
10 (A).”

11 (7) Subsection (g)(6) is amended to read as fol-
12 lows:

13 “(6)(A) Any State with an approved abandoned
14 mine reclamation program pursuant to section 405
15 may receive and retain, without regard to the 3-year
16 limitation referred to in paragraph (1)(D), up to 30
17 percent of the total of the grants made annually to
18 such State under paragraphs (1) and (5) if such
19 amounts are deposited into an acid mine drainage
20 abatement and treatment fund established under
21 State law, from which amounts (together with all in-
22 terest earned on such amounts) are expended by the
23 State for the abatement of the causes and the treat-
24 ment of the effects of acid mine drainage in a com-



1 preprehensive manner within qualified hydrologic units
2 affected by coal mining practices.

3 “(B) For the purposes of this paragraph, the
4 term ‘qualified hydrologic unit’ means a hydrologic
5 unit—

6 “(i) in which the water quality has been
7 significantly affected by acid mine drainage
8 from coal mining practices in a manner that ad-
9 versely impacts biological resources; and

10 “(ii) that contains lands and waters that
11 are—

12 “(I) eligible pursuant to section 404
13 and include any of the priorities set forth
14 in section 403(a); and

15 “(II) the subject of expenditures by
16 the State from the forfeiture of bonds re-
17 quired under section 509 or from other
18 States sources to abate and treat acid
19 mine drainage.”.

20 (8) Subsection (g)(7) is amended to read as fol-
21 lows:

22 “(7) In complying with the priorities set forth
23 in section 403(a), any State or Indian tribe may use
24 amounts available in grants made annually to such
25 State or tribe under paragraphs (1) and (5) for the



1 reclamation of eligible lands and waters set forth in
2 section 403(a)(3) prior to the completion of reclama-
3 tion projects under paragraphs (1) and (2) of sec-
4 tion 403(a) only if the expenditure of funds for such
5 reclamation is done in conjunction with the expendi-
6 ture of funds for reclamation projects under para-
7 graphs (1) and (2) of section 403(a).”.

8 (9) Subsection (g)(8) is amended to read as fol-
9 lows:

10 “(8) In making the grants referred to in para-
11 graph (1)(C), the Secretary, using amounts allocated
12 to a State or Indian tribe under subparagraphs (A)
13 or (B) of paragraph (1) or as necessary amounts
14 available to the Secretary under paragraph (3), shall
15 assure total grant awards of not less than
16 \$3,000,000 annually to each State and each Indian
17 tribe. Notwithstanding any other provision of law,
18 this paragraph applies to the States of Tennessee
19 and Missouri.”.

20 (c) AMENDMENTS TO SECTION 403.—Section 403 of
21 the Surface Mining Control and Reclamation Act of 1977
22 (30 U.S.C. 1233(a)) is amended as follows:

23 (1) In subsection (a)—

24 (A) in paragraph (1) by striking “general
25 welfare,”;



1 (B) in paragraph (2) by striking “health,
2 safety, and general welfare” and inserting
3 “health and safety”, and inserting “and” after
4 the semicolon at the end;

5 (C) in paragraph (3) by striking the semi-
6 colon at the end and inserting a period; and

7 (D) by striking paragraphs (4) and (5).

8 (2) In subsection (b)—

9 (A) by striking the heading and inserting
10 “WATER SUPPLY RESTORATION.—”; and

11 (B) in paragraph (1) by striking “up to 30
12 percent of the”.

13 (3) In subsection (c) by inserting “, subject to
14 the approval of the Secretary,” after “amendments”.

15 (d) AMENDMENT TO SECTION 406.—Section 406(h)
16 of the Surface Mining Control and Reclamation Act of
17 1977 (30 U.S.C. 1236(h)) is amended by striking “Soil
18 Conservation Service” and inserting “Natural Resources
19 Conservation Service”.

20 (e) FURTHER AMENDMENT TO SECTION 406.—Sec-
21 tion 406 of the Surface Mining Control and Reclamation
22 Act of 1977 (30 U.S.C. 1236) is amended by adding at
23 the end the following:

24 “(i) There is authorized to be appropriated to the
25 Secretary of Agriculture, from amounts in the Treasury



1 other than amounts in the fund, such sums as may be
2 necessary to carry out this section.”.

3 (f) AMENDMENT TO SECTION 408.—Section 408(a)
4 of the Surface Mining Control and Reclamation Act of
5 1977 (30 U.S.C. 1238) is amended by striking “who
6 owned the surface prior to May 2, 1977, and”.

7 (g) AMENDMENTS TO SECTION 411.—Section 411 of
8 the Surface Mining Control and Reclamation Act of 1977
9 (30 U.S.C. 1240a) is amended as follows:

10 (1) In subsection (a) by inserting “(1)” before
11 the first sentence, and by adding at the end the fol-
12 lowing:

13 “(2) The Secretary may, on the Secretary’s own voli-
14 tion, make the certification referred to in paragraph (1)
15 on behalf of any State or Indian tribe referred to in para-
16 graph (1) if on the basis of the inventory referred to in
17 section 403(c) all reclamation projects relating to the pri-
18 orities set forth in section 403(a) for eligible lands and
19 water pursuant to section 404 in such State or tribe have
20 been completed. The Secretary shall only make such cer-
21 tification after notice in the Federal Register and oppor-
22 tunity for public comment.”.

23 (2) By adding at the end the following:

24 “(h) PAYMENTS TO STATES AND INDIAN TRIBES.—



1 “(1)(A) IN GENERAL.—From moneys referred
2 to in subsection (a) of section 35 of the Mineral
3 Leasing Act (30 U.S.C. 191(a)) that are paid into
4 the Treasury after the date of the enactment of this
5 subsection and that are not paid to States under
6 section 35 of the Mineral Leasing Act, reserved as
7 part of the reclamation fund under such section, or
8 paid under subsection (e) of such section, the Sec-
9 retary shall make payments to States or Indian
10 tribes for the amount due for the aggregate unap-
11 propriated amount allocated to the State or Indian
12 tribe under section 402(g)(1)(A) or section
13 402(g)(1)(B).

14 “(B) AMOUNT DUE.—In this paragraph the
15 term ‘amount due’ means the unappropriated
16 amount allocated to a State or Indian tribe prior to
17 October 1, 2005, under section 402(g)(1)(A) (30
18 U.S.C. 1232(g)(1)(A)) or section 402(g)(1)(B) (30
19 U.S.C. 1232(g)(1)(B)).

20 “(C) SCHEDULE.—Payments under subpara-
21 graph (A) shall be made in ten equal annual install-
22 ments, beginning with fiscal year 2006.

23 “(D) USE OF FUNDS.—

24 “(i) CERTIFIED STATES AND INDIAN
25 TRIBES.—A State or Indian tribe that makes a



1 certification under section 411(a) in which the
2 Secretary concurs shall use any amounts pro-
3 vided under this paragraph for the purposes es-
4 tablished by the State legislature or tribal coun-
5 cil of the Indian tribe, with priority given for
6 addressing the impacts of mineral development.

7 “(ii) UNCERTIFIED STATES AND INDIAN
8 TRIBES.—A State or Indian tribe that has not
9 made a certification under section 411(a) in
10 which the Secretary has concurred shall use any
11 amounts provided under this paragraph for the
12 purposes described in section 403.

13 “(2)(A) SUBSEQUENT STATE AND INDIAN
14 TRIBE SHARE FOR CERTAIN CERTIFIED STATES AND
15 INDIAN TRIBES.—From moneys referred to in sub-
16 section (a) of section 35 of the Mineral Leasing Act
17 (30 U.S.C. 191(a)) that are paid into the Treasury
18 after the date of the enactment of this subsection
19 and that are not paid to States or Indian tribes
20 under section 35 of the Mineral Leasing Act, re-
21 served as part of the reclamation fund under such
22 section, or paid under subsection (c) of such section,
23 the Secretary shall pay to each qualified State or In-
24 dian tribe, on a proportional basis, an amount equal
25 to the sum of the aggregate unappropriated amount



1 allocated on or after October 1, 2005 to such quali-
2 fied State or Indian tribe under section 402(g)(1)(A)
3 (30 U.S.C. 1232(g)(1)(A)) or section 402(g)(1)(B)
4 (30 U.S.C. 1232(g)(1)(B)).

5 “(B) QUALIFIED STATE OR INDIAN TRIBE DE-
6 FINED.—In this paragraph the term ‘qualified State
7 or Indian tribe’ means a State or Indian tribe for
8 which a certification is made under section 411(a) in
9 which the Secretary concurs and in which there are
10 public domain lands available for leasing under the
11 Mineral Leasing Act (30 U.S.C. 181 et seq.).

12 “(3) MANNER OF PAYMENT.—Payments to
13 States or Indian tribes under this subsection shall be
14 made, without regard to any limitation in section
15 401(d), in the same manner as if paid under section
16 35 of the Mineral Leasing Act (30 U.S.C. 191) and
17 concurrently with payments to States under that
18 section.

19 “(4) REALLOCATION.—The amount allocated to
20 any State or Indian tribe under section 402(g)(1)(A)
21 or 402(g)(1)(B) that is paid to such State or Indian
22 tribe as a result of a payment under paragraph (1)
23 or (2) of this subsection shall be reallocated and
24 available for grants under section 402(g)(5), and
25 such grants shall be allocated based on the amount



1 of coal historically produced prior to August 3, 1977
2 in the same manner as under section 402(g)(5).

3 “(5) MANDATORY TRANSFERS FROM GENERAL
4 FUND.—

5 “(A) AUTHORIZATION OF APPROPRIA-
6 TIONS.—There are hereby authorized and ap-
7 propriated, out of any amounts in the Treasury
8 not otherwise appropriated, to States and In-
9 dian tribes to which payments are due under
10 subparagraph (1)(C) or subparagraph (2)(A),
11 such sums as may be necessary to pay any re-
12 maining amount due after the transfers under
13 subparagraph (1)(A).

14 “(B) USE OF FUNDS.—Any amounts
15 transferred under subparagraph (A) shall be
16 available without fiscal year limitation.

17 “(C) TRANSFER.—The Secretary of the
18 Treasury shall transfer amounts appropriated
19 under subparagraph (A) on October 1 of each
20 fiscal year.”.

21 (h) REMINING INCENTIVES.—Title IV of the Surface
22 Mining Control and Reclamation Act of 1977 (30 U.S.C.
23 1231 et seq.) is amended by adding at the following:



1 **“SEC. 415. REMINING INCENTIVES.**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of this Act, the Secretary may, after opportunity
4 for public comment, promulgate regulations that describe
5 conditions under which amounts in the fund may be used
6 to provide incentives to promote reining of eligible land
7 under section 404 in a manner that leverages the use of
8 amounts from the fund to achieve more reclamation with
9 respect to the eligible land than would be achieved without
10 the incentives.

11 “(b) REQUIREMENTS.—Any regulations promulgated
12 under subsection (a) shall specify that the incentives shall
13 apply only if the Secretary of the Interior determines, with
14 the concurrence of the State regulatory authority referred
15 to in title V, that, without the incentives, the eligible land
16 would not be likely to be reined and reclaimed.

17 “(c) INCENTIVES.—

18 “(1) IN GENERAL.—Incentives that may be con-
19 sidered for inclusion in the regulations promulgated
20 under subsection (a) include—

21 “(A) a rebate or waiver of the reclamation
22 fees required under section 402(a); and

23 “(B) the use of amounts in the fund to
24 provide financial assurance for reining oper-
25 ations in lieu of all or a portion of the perform-
26 ance bonds required under section 509.



1 “(2) LIMITATIONS.—

2 “(A) USE.—A rebate or waiver under
3 paragraph (1)(A) shall be used only for oper-
4 ations that—

5 “(i) remove or reprocess abandoned
6 coal mine waste; or

7 “(ii) conduct remining activities that
8 meet the priorities specified in paragraph
9 (1) or (2) of section 403(a).

10 “(B) AMOUNT.—The amount of a rebate
11 or waiver provided as an incentive under para-
12 graph (1)(A) to remine or reclaim eligible land
13 shall not exceed the estimated cost of reclaim-
14 ing the eligible land under this section.”.

15 (i) EXTENSION OF LIMITATION ON APPLICATION OF
16 PROHIBITION ON ISSUANCE OF PERMIT.—Section 510(e)
17 of the Surface Mining Control and Reclamation Act of
18 1977 (30 U.S.C. 1260(e)) is amended by striking “2004”
19 and inserting “2020”.

20 **SEC. 6292. TRANSFERS OF INTEREST EARNED BY ABAN-**
21 **DONED MINE RECLAMATION FUND.**

22 Section 402(h) of the Surface Mining Control and
23 Reclamation Act of 1977 (30 U.S.C. 1232(h)) is amended
24 to read as follows:

25 “(h) TRANSFERS OF INTEREST EARNED BY FUND.—



1 “(1) IN GENERAL.—The Secretary shall, as of
2 the beginning of each fiscal year beginning on or
3 after October 1, 2005, and before making any allo-
4 cation with respect to the fiscal year under sub-
5 section (g), use an amount not to exceed the amount
6 of interest that the Secretary estimates will be
7 earned and paid to the fund during the fiscal year
8 to make the transfers described in paragraph (2).

9 “(2) TRANSFERS DESCRIBED.—The transfers
10 referred to in paragraph (1) are the following:

11 “(A) UNITED MINE WORKERS OF AMERICA
12 COMBINED BENEFIT FUND.—A transfer to the
13 united mine workers of america combined ben-
14 efit fund equal to the amount that the trustees
15 of the combined benefit fund estimate will be
16 expended from the premium accounts main-
17 tained by the combined benefit fund for the fis-
18 cal year of the fund in which the transfer is
19 made; reduced by—

20 “(i) the amount the trustees of the
21 Combined Benefit Fund estimate the Com-
22 bined Benefit Fund will receive during
23 such fiscal year in required premiums; and

24 “(ii) the amount the Trustees of the
25 Combined Benefit Fund estimate will be



1 expended during such fiscal year to provide
2 health benefits to beneficiaries who are un-
3 assigned beneficiaries solely as a result of
4 the application of 26 U.S.C. 9706(h)(1).

5 “(B) UNITED MINE WORKERS OF AMERICA
6 1992 BENEFIT PLAN.—A transfer to the united
7 mine workers of america 1992 benefit plan, in
8 an amount equal to the difference between—

9 “(i) the amount that the trustees of
10 the 1992 Benefit Plan estimate will be ex-
11 pended from the 1992 Benefit Plan during
12 the next calendar year to provide the bene-
13 fits required by the 1992 Benefit Plan on
14 the date of enactment of this subpara-
15 graph; minus

16 “(ii) the amount that the trustees of
17 the 1992 Benefit Plan estimate the 1992
18 Benefit Plan will receive during such cal-
19 endar year in required monthly per bene-
20 ficiary premiums, including the amount of
21 any security provided to the 1992 Benefit
22 Plan that is available for use in the provi-
23 sion of benefits.

24 “(C) MULTIEMPLOYER HEALTH BENEFIT
25 PLAN.—A transfer to the multiemployer health



1 benefit plan established after July 20, 1992, by
2 the parties that are the settlers of the 1992
3 benefit plan referred to in subparagraph (b), in
4 an amount equal to—

5 “(i) the amount that the trustees of
6 the multiemployer health benefit plan esti-
7 mate will be expended from such plan dur-
8 ing the next calendar year, to provide ben-
9 efits no greater than those provided by
10 such plan as of December 31, 2005;

11 “(ii) calculated with respect to those
12 beneficiaries actually enrolled in the plan
13 as of December 31, 2005, who are eligible
14 to receive benefits under the plan on the
15 first day of the calendar year for which the
16 transfer is made.

17 “(D) INDIVIDUALS DEEMED ENROLLED.—
18 For purposes of subparagraph (C), any indi-
19 vidual who was eligible to receive benefits from
20 the plan as of the date of enactment, even
21 though benefits were being provided to such in-
22 dividual pursuant to a settlement agreement ap-
23 proved by order of a bankruptcy court entered
24 on or before September 30, 2004, will be
25 deemed to be actually enrolled in the plan and



1 shall receive benefits from such plan beginning
2 on December 31, 2005.

3 “(3) ADJUSTMENT.—If, for any fiscal year, the
4 amount of a transfer under subparagraph (A), (B),
5 or (C) of paragraph (2) is more or less than the
6 amount required to be transferred under that sub-
7 paragraph, the Secretary shall appropriately adjust
8 the amount transferred under that subparagraph for
9 the next fiscal year.

10 “(4) ADDITIONAL AMOUNTS.—

11 “(A) PREVIOUSLY CREDITED INTEREST.—
12 Notwithstanding any other provision of law, any
13 interest credited to the fund that has not pre-
14 viously been transferred to the combined benefit
15 fund referred to in paragraph (2)(a) under this
16 section shall be used—

17 “(i) to transfer to the Combined Ben-
18 efit Fund such amounts as are estimated
19 by the trustees of the Combined Benefit
20 Fund to offset the amount of any deficit in
21 net assets in the Combined Benefit Fund;
22 and

23 “(ii) to the extent any such interest
24 remains after the transfer under clause (i),
25 to make the transfers described in sub-



1 paragraphs (A), (B), and (C) of paragraph
2 (2).

3 “(B) PREVIOUSLY ALLOCATED
4 AMOUNTS.—All amounts allocated under sub-
5 section (g)(2) before the date of enactment of
6 this subparagraph for the program set forth
7 under section 406, but not appropriated prior
8 to such date, shall be available to the Secretary
9 to make the transfers described in paragraph
10 (2).

11 “(5) LIMITATIONS.—

12 “(A) AVAILABILITY OF FUNDS FOR NEXT
13 FISCAL YEAR.—The Secretary may make trans-
14 fers under subparagraphs (B) and (C) of para-
15 graph (2) for a fiscal year only if the Secretary
16 determines, using actuarial projections provided
17 by the trustees of the Combined Benefit Fund
18 referred to in paragraph (2)(A), that amounts
19 will be available under paragraph (1), after
20 such transfer, for the next fiscal year for mak-
21 ing the transfer under paragraph (2)(A).

22 “(B) RATE OF CONTRIBUTIONS OF OBLI-
23 GORS.—A transfer under paragraph (2)(C)
24 shall not be made for a fiscal year unless the
25 persons that are obligated to contribute to the



1 plan referred to in paragraph (2)(C) on the
2 date of the transfer are obligated to make such
3 contributions at rates that are no less than
4 those in effect on the date of enactment of this
5 subparagraph.”.

6 **SEC. 6293. AMENDMENTS TO MINERAL LEASING ACT.**

7 Section 35 of the Mineral Leasing Act (30 U.S.C.
8 191) is amended by adding at the end thereof the fol-
9 lowing:

10 “(c) From moneys referred to in subsection (a) that
11 are paid into the Treasury after the date of enactment
12 of this subsection and that are not paid to States or re-
13 served as part of the reclamation fund, the Secretary shall
14 in any fiscal year beginning on or after October 1, 2005
15 make the following payments:

16 “(1) The amount that the trustees of the Com-
17 bined Fund (as defined in 26 U.S.C. 9701(a)(5)) es-
18 timate will be expended from premium accounts
19 maintained by the fund for the fiscal year to provide
20 benefits for beneficiaries who are unassigned bene-
21 ficiaries solely as a result of the application of 26
22 U.S.C. 9706(h)(1).

23 “(2) Upon certification by the trustees of any
24 plan described in section 402(h)(2) of the Surface
25 Mining Control and Reclamation Act of 1977 (30



1 U.S.C. 1232(h)(2)) that the amount available for
2 transfer by the Secretary of Interior pursuant to
3 such section is less than the amount required to be
4 transferred, the Secretary shall pay to such plan
5 (after subtractions for payments made under sub-
6 section (d)) the amount necessary to meet the re-
7 quirement of section 402(h)(2) of the Surface Min-
8 ing Control and Reclamation Act of 1977 (30 U.S.C.
9 1232(h)(2)).

10 “(3) To the Combined Fund (as defined in 26
11 U.S.C. 9701(a)(5)) within sixty days of the enact-
12 ment of this Act, an aggregate amount of
13 \$36,000,000 (which amount shall not be exceeded)
14 to provide a refund of any premium (as described in
15 26 U.S.C. 9704(a)) paid on or before September 7,
16 2000 to the Combined Fund, plus interest on such
17 premium calculated at the rate of 7.5 percent per
18 year, on a proportional basis and to be paid within
19 sixty days of the enactment of this Act, to those sig-
20 natory operators (to the extent that the Combined
21 Fund has not previously returned such premium
22 amounts to the operators), or any related persons to
23 such operators (as defined in 26 U.S.C. 9701(c)), or
24 their heirs, successors or assigns who have been de-
25 nied such refunds as the result of final judgments or



1 settlements if prior to the date of enactment of this
2 Act such signatory operator (or any related person
3 to such operator)—

4 “(A) had all of its beneficiary assignments
5 made under 26 U.S.C. 9706 voided by the
6 Commissioner of the Social Security Adminis-
7 tration;

8 “(B) was subject to a final judgment or
9 final settlement of litigation adverse to a claim
10 by such operator that the assignment of bene-
11 ficiaries under 26 U.S.C. 9706 was unconstitu-
12 tional as applied to such operator; and

13 “(C) paid to the Combined Fund any pre-
14 mium amount that had not been refunded.

15 “(4) From any additional available moneys re-
16 ferred to in this subsection, payments for amounts
17 referred to in subparagraph 411(h)(1)(A) of the
18 Surface Mining Control and Reclamation Act of
19 1977 (30 U.S.C. 1240a(h)(1)(A)) (as added by this
20 Act).

21 “(d)(1) Notwithstanding subsection (a), for each of
22 fiscal years 2006 through 2020, from all excess receipts
23 received from sales, bonuses, royalties (including interest
24 charges), and rentals collected from coal leases and re-
25 ferred to in subsection (a) that are deposited into the



1 Treasury, all excess receipts up to \$320,000,000 shall be
2 used by the Secretary to make payments to meet the re-
3 quirements of section 402(h)(2) of the Surface Mining
4 Control and Reclamation Act of 1977 (30 U.S.C.
5 1232(h)(2)).

6 “(2) For purposes of paragraph (1), excess receipts
7 are the amount calculated on the basis of the difference
8 between the prevailing market prices upon which the sales,
9 bonuses, royalties, and rentals were made and 110 percent
10 of the projected market prices for that fiscal year, as con-
11 tained in the economic assumptions underlying the Con-
12 current Resolution on the Budget, under section 301 of
13 the Congressional Budget and Impoundment Control Act
14 of 1974.

15 “(3) Monies for payment under paragraph (d)(1)
16 shall be available to the Secretary for obligation under this
17 chapter without fiscal year limitation, to remain available
18 until expended.”.

19 **SEC. 6294. AMENDMENTS TO COAL INDUSTRY RETIREE**
20 **HEALTH BENEFIT ACT.**

21 (a) SUCCESSOR IN INTEREST.—

22 (1) 26 U.S.C. 9701(e) is amended by adding at
23 the end the following new paragraph:

24 “(8) SUCCESSOR IN INTEREST.—



1 “(A) SAFE HARBOR.—The term ‘successor
2 in interest’ shall not include any person—

3 “(i) who is an unrelated person to a
4 seller described in subparagraph (C); and

5 “(ii) who purchases for fair market
6 value assets, or all the stock, of a related
7 person to such seller, in a bona fide, arm’s-
8 length sale.

9 “(B) UNRELATED PERSON.—The term
10 ‘unrelated person’ means a purchaser who does
11 not bear a relationship to the seller described in
12 section 267(b).

13 “(C) SELLER.—For purposes of this sub-
14 paragraph (8), the term ‘seller’ means an as-
15 signed operator described in section
16 9704(j)(1)(A)(ii) and (iii) and a last signatory
17 operator described in section 9711(c)(2)(B) and
18 (C) or a related person to such operator.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply to transactions after
21 the date of the enactment of this Act.

22 (b) BOARD OF TRUSTEES.—26 U.S.C. 9702(b) is
23 amended to read as follows:

24 “(b) BOARD OF TRUSTEES.—



1 “(1) IN GENERAL.—For purposes of subsection
2 (a), the board of trustees for the Combined Fund
3 shall be appointed as follows:

4 “(A) two individuals who represent employ-
5 ers in the coal mining industry shall be des-
6 ignated by the BCOA;

7 “(B) two individuals designated by the
8 United Mine Workers of America; and

9 “(C) three persons selected by the persons
10 appointed under subparagraphs (A) and (B).

11 “(2) SUCCESSOR TRUSTEES.—Any successor
12 trustee shall be appointed in the same manner as
13 the trustee being succeeded. The plan establishing
14 the Combined Fund shall provide for the removal of
15 trustees.

16 “(3) SPECIAL RULE.—If the BCOA ceases to
17 exist, any trustee or successor under paragraph
18 (1)(A) shall be designated by the 3 employers who
19 were members of the BCOA on the enactment date
20 and who have been assigned the greatest number of
21 eligible beneficiaries under section 9706.”.

22 “(c) UNASSIGNED BENEFICIARIES PREMIUM.—26
23 U.S.C. 9704 is amended as follows:

24 “(1) In subsection (d), by adding at the end “,
25 provided, however, that no assigned operator shall be



1 required to pay an unassigned beneficiaries premium
2 for any plan year beginning on or after October 1,
3 2005”.

4 (2) In subparagraph (e)(3)(B)—

5 (A) by striking the period at the end there-
6 of and inserting “, or”; and

7 (B) by adding at the end thereof the fol-
8 lowing:

9 “(iii) to the unassigned beneficiaries
10 premium account for any plan year begin-
11 ning on or after October 1, 2005”.

12 (3) By adding at the end the following new sub-
13 section:

14 “(j) PREPAYMENT OF PREMIUM LIABILITY.—

15 “(1) IN GENERAL.—If—

16 “(A) a payment meeting the requirements
17 of paragraph (2) is made to the Combined
18 Fund—

19 “(i) by or on behalf of any assigned
20 operator which is a member of a controlled
21 group of corporations (within the meaning
22 of section 52(a)) the common parent of
23 which is a corporation the shares of which
24 are publicly traded on a United States ex-
25 change, or by or on behalf of any related



1 person to any such assigned operator with-
2 in that controlled group of corporations,

3 “(ii) the assigned operator (or a re-
4 lated person to such operator) made con-
5 tributions to the 1950 UMWA Benefit
6 Plan and the 1974 UMWA Benefit Plan
7 for employment during the period covered
8 by the 1988 agreement, is not a 1988
9 agreement operator, and is not described
10 in section 9701(c)(3)(C),

11 “(iii) the assigned operator and any
12 related person to such assigned operator
13 are not actively engaged in the production
14 of coal as of July 1, 2005, and

15 “(B) the common parent of such group is
16 jointly and severally liable for any premium
17 which would (but for this subsection) be re-
18 quired to be paid by any such operator,

19 then no person (other than such common parent)
20 shall be liable for any premium for which any oper-
21 ator within that controlled group of corporations
22 would otherwise be liable.

23 “(2) REQUIREMENTS.—A payment meets the
24 requirements of this paragraph if—



1 “(A) the amount of the payment is not less
2 than the present value of the total premium li-
3 ability of the assigned operator or operators
4 within that controlled group of corporations for
5 its or their assignees under this chapter with
6 respect to the Combined Fund (as determined
7 by the operator’s enrolled actuary, as defined in
8 section 7701(a)(35)), using actuarial methods
9 and assumptions each of which is reasonable
10 and which are reasonable in the aggregate, as
11 determined by such enrolled actuary;

12 “(B) a signed actuarial report is filed with
13 the Secretary of Labor by such enrolled actuary
14 containing—

15 “(i) the date of the actuarial valuation
16 applicable to the report; and

17 “(ii) a statement by the enrolled actu-
18 ary signing the report that to the best of
19 the actuary’s knowledge the report is com-
20 plete and accurate and that in the actu-
21 ary’s opinion the actuarial assumptions
22 used are in the aggregate reasonably re-
23 lated to the experience of the operator and
24 to reasonable expectations; and



1 “(C) 90 calendar days have elapsed after
2 the report required by subparagraph (B) is filed
3 with the Secretary of Labor, and the Secretary
4 of Labor has not notified the assigned operator
5 in writing that the requirements of this para-
6 graph have not been satisfied.

7 “(3) USE OF PREPAYMENT.—The Combined
8 Fund shall establish and maintain an account for
9 each assigned operator making such payment or on
10 behalf of which such payment was made (with earn-
11 ings thereon) and use all amounts in such account
12 exclusively to pay premiums that would (but for this
13 subsection) be required to be paid by the assigned
14 operator. Upon termination of the obligations for
15 premium liability of any assigned operator for which
16 such account is maintained, all funds remaining in
17 such account (and earnings thereon) shall be re-
18 funded to such entity as may be designated by the
19 common parent described in paragraph (1) (B).”.

20 (d) MANDATORY TRANSFERS FROM GENERAL
21 FUND.—26 U.S.C. 9705 is amended as follows:

22 (1) In the title to subsection (b), by striking
23 “from abandoned mine reclamation fund” and in-
24 serting “under other Federal statutes”.



1 (2) In paragraph (b)(1), by inserting before the
2 period the following: “and the Mineral Leasing Act
3 (30 U.S.C. 191)”.

4 (3) In paragraph (b)(2)—

5 (A) by striking “proportionately reduce the
6 unassigned beneficiary premium under section
7 9704(a)(3) of each assigned operator” and in-
8 serting “pay benefits and administrative costs
9 of beneficiaries of the Combined Fund”; and

10 (B) by inserting before the period the fol-
11 lowing: “, or for such other purposes as specifi-
12 cally provided in such Act”.

13 (4) By adding at the end thereof the following
14 new subsection:

15 “(c) MANDATORY TRANSFERS FROM GENERAL
16 FUND.—

17 “(1) IN GENERAL.—There are hereby author-
18 ized and appropriated, out of any amounts in the
19 Treasury not otherwise appropriated, to the Com-
20 bined Fund such sums as may be necessary to pay
21 any benefit or administrative costs or eliminate any
22 deficit of the Combined Fund remaining after the
23 transfers under subsection (b).



1 “(2) USE OF FUNDS.—Any amounts trans-
2 ferred under paragraph (1) shall be available with-
3 out fiscal year limitation.

4 “(3) TRANSFER.—The Secretary of the Treas-
5 ury shall transfer amounts appropriated under para-
6 graph (1) on October 1 of each fiscal year.”.

7 (e) ASSIGNMENTS AND REASSIGNMENT.—26 U.S.C.
8 9706 is amended by adding at the end thereof the fol-
9 lowing:

10 “(h) ASSIGNMENTS AS OF DATE OF ENACTMENT.—

11 “(1) IN GENERAL.—Effective upon enactment,
12 the Commissioner of Social Security shall—

13 “(A) revoke all assignments to persons
14 other than 1988 agreement operators for pur-
15 poses of assessing premiums for periods after
16 the date of enactment; and

17 “(B) make no further assignments to per-
18 sons other than 1988 agreement operators (pro-
19 vided, however, that no person who becomes an
20 unassigned beneficiary by operation of subpara-
21 graph (A) may be assigned to a 1988 agree-
22 ment operator).

23 “(2) REASSIGNMENT UPON PURCHASE.—This
24 subsection shall not be construed to prohibit the re-



1 assignment under subsection (b)(2) of an eligible
2 beneficiary.”.

3 (f) JOINT AND SEVERAL LIABILITY OF RELATED
4 PERSONS.—(1) 26 U.S.C. 9711(c) is amended to read as
5 follows:

6 “(c) JOINT AND SEVERAL LIABILITY OF RELATED
7 PERSONS.—

8 “(1) Each related person of a last signatory op-
9 erator to which subsection (a) or (b) applies shall be
10 jointly and severally liable with the last signatory op-
11 erator for the provision of health care coverage de-
12 scribed in subsection (a) or (b), provided, however,
13 that if either—

14 “(A) an assigned operator who is a last
15 signatory operator under section 9711 and is a
16 member of a controlled group of corporations
17 (within the meaning of section 52(a)), the com-
18 mon parent of which is a corporation the shares
19 of which are publicly traded on a United States
20 exchange, or

21 “(B) a related person to any such assigned
22 operator within that controlled group of cor-
23 porations,

24 has met the requirements of section 9704(j) (1) and
25 (2) and has provided security described in paragraph



1 9711(c)(3), then such last signatory operator and
2 any related person to that last signatory operator
3 shall be relieved of all such joint and several liability
4 as of the date upon which such requirements are
5 met, provided, however, that the common parent of
6 such controlled group of corporations shall remain
7 liable for the provision of benefits required to be
8 provided under subsection (a) or (b).

9 “(2) A last signatory operator who—

10 “(A) is not an assigned operator, but who
11 is a member of a controlled group of corpora-
12 tions (within the meaning of section 52(a)), the
13 common parent of which is a corporation the
14 shares of which are publicly traded on a United
15 States exchange;

16 “(B) made (or is a related person to a
17 member of a controlled group that made) con-
18 tributions to the 1950 UMWA Benefit Plan and
19 the 1974 UMWA Benefit Plan for employment
20 during the period covered by the 1988 agree-
21 ment, is not a 1988 agreement operator, and is
22 not described in section 9701(c)(3)(C); and

23 “(C) is not actively engaged in the produc-
24 tion of coal on July 1, 2005 (and no related



1 person to such last signatory operator is so en-
2 gaged),
3 shall, along with any related person to such last sig-
4 natory operator, upon the provision of the security
5 described in paragraph 9711(c)(3), be relieved of the
6 joint and several liability that would otherwise be
7 imposed under this subsection as of the date upon
8 which such requirements are met, without regard to
9 the requirements of section 9704(j)(1) and (2), pro-
10 vided, however, that the common parent of such con-
11 trolled group of corporations shall remain liable for
12 the provision of benefits required to be provided
13 under subsection (a) or (b).

14 “(3) Security meets the requirements of this
15 paragraph if—

16 “(A) the security (in the form of a bond,
17 letter of credit or cash escrow) is provided to
18 the trustees of the 1992 UMWA Benefit Plan,
19 solely for the purpose of paying premiums for
20 beneficiaries described in section 9712(b)(2)(B),
21 equal in amount to 1 year’s liability of the last
22 signatory operator under section 9711, deter-
23 mined by using the average cost of such opera-
24 tor’s liability during its prior 3 calendar years;

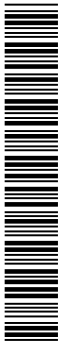


1 “(B) the security is in addition to any
2 other security required under any other provi-
3 sion of this Act; and

4 “(C) the security remains in place for 5
5 years.

6 “(4) Upon termination of the obligations of the
7 last signatory operator providing such security or
8 the expiration of 5 years, whichever occurs first, the
9 full amount of such security (and earnings thereon)
10 shall be refunded to the last signatory operator.

11 “(5) The provisions of 9712(d)(4) shall not
12 apply to any last signatory operator, or related per-
13 son, who made (or is a related person to a member
14 of a controlled group that made) contributions to the
15 1950 UMWA Benefit Plan and the 1974 UMWA
16 Benefit Plan for employment during the period cov-
17 ered by the 1988 agreement, is not a 1988 agree-
18 ment operator and is not described in section
19 9701(e)(3)(C); provided, however, that such operator
20 or related person has satisfied the requirements of
21 paragraph 9711(e)(3), and that the common parent
22 of such operator or related person shall remain liable
23 for any amount to be paid by such operator as re-
24 quired under section 9712(d).”.



1 (2) The amendments made by this section shall take
2 effect on the date of the enactment of this Act.

3 (g) TRANSFERS UNDER OTHER FEDERAL STAT-
4 UTES.—26 U.S.C. 9712 is amended as follows:

5 (1) In subsection (a), by adding at the end the
6 following:

7 “(3) TRANSFERS UNDER OTHER FEDERAL
8 STATUTES.—

9 “(A) IN GENERAL.—The 1992 Plan shall
10 include any amount transferred to the Plan
11 under section 402(h) of the Surface Mining
12 Control and Reclamation Act of 1977 (30
13 U.S.C. 1232(h)) and section 35 of the Mineral
14 Leasing Act (30 U.S.C. 191).

15 “(B) USE OF FUNDS.—Any amount trans-
16 ferred under paragraph (3)(A) for any fiscal
17 year shall be used to provide the health benefits
18 described in subsection (c) with respect to any
19 beneficiary for whom no monthly per bene-
20 ficiary premium is paid pursuant to section
21 (d)(1)(A) or (d)(3).

22 “(4) SPECIAL RULE FOR 1993 PLAN.—

23 “(A) IN GENERAL.—The plan described in
24 section 402(h)(2)(C) of the Surface Mining
25 Control and Reclamation Act of 1977 (30



1 U.S.C. 1232(h)(2)(C)) (as added by this Act),
2 shall include any amount transferred to the
3 Plan under section 402(h) of the Surface Min-
4 ing Control and Reclamation Act of 1977 (30
5 U.S.C. 1232(h)) and section 35 of the Mineral
6 Leasing Act (30 U.S.C. 191).

7 “(B) USE OF FUNDS.—Any amount trans-
8 ferred under paragraph (4)(A) for any fiscal
9 year shall be used to provide the health benefits
10 described in section 402(h)(2)(C)(ii) of the Sur-
11 face Mining Control and Reclamation Act of
12 1977 (30 U.S.C. 1232(h)(2)(C)(ii)) (as added
13 by this Act).

14 “(5) MANDATORY TRANSFERS FROM GENERAL
15 FUND.—

16 “(A) 1992 PLAN.—There are hereby au-
17 thorized and appropriated, out of any amounts
18 in the Treasury not otherwise appropriated, to
19 the 1992 Plan such sums as may be necessary
20 to pay any benefit or administrative cost of the
21 1992 Plan remaining after the transfers under
22 subsection (3).

23 “(B) 1993 PLAN.—There are hereby au-
24 thorized and appropriated, out of any amounts
25 in the Treasury not otherwise appropriated, to



1 the plan described in section 402(h)(2)(C) of
2 the Surface Mining Control and Reclamation
3 Act of 1977 (30 U.S.C. 1232(h)(2)(C)) (as
4 added by this Act) such sums as may be nec-
5 essary to pay any benefit or administrative cost
6 of such plan remaining after the transfers
7 under subsection (4) for those beneficiaries ac-
8 tually enrolled in the plan as of December 31,
9 2005.

10 “(C) USE OF FUNDS.—Any amounts trans-
11 ferred under paragraphs (A) and (B) shall be
12 available without fiscal year limitation.

13 “(D) TRANSFER.—The Secretary of the
14 Treasury shall transfer amounts appropriated
15 under subparagraphs (A) and (B) on October 1
16 of each fiscal year.”;

17 (2) In subsection (d)(1)—

18 (A) in the matter preceding subparagraph

19 (A)—

20 (i) by adding “as follows” after “sub-
21 section (C)”;

22 (ii) by striking the period after “1992
23 UMWA Benefit Plan” and inserting a
24 semicolon; and



1 (iii) by striking “Such contribution re-
2 quirements, which shall be applied uni-
3 formly to each 1988 last signatory oper-
4 ator, on the basis of the number of eligible
5 and potentially eligible beneficiaries attrib-
6 utable to each operator, shall include; and
7 (B) by striking subparagraph (A) and re-
8 designating subparagraphs (B) and (C);

9 (3) By amending subsection (d)(2) to read as
10 follows:

11 “(2) ADJUSTMENTS.—The 1992 UMWA Ben-
12 efit Plan shall provide for annual adjustments of the
13 per beneficiary premium to cover changes in the cost
14 of providing benefits to eligible beneficiaries.”; and

15 (4) In subsection (d)(3), by striking “paragraph
16 (1)(B)” and inserting “paragraph (1)(A)”.

17 **Subtitle C—Subcommittee on**
18 **National Parks**

19 **SEC. 6301. SECRETARY DEFINED.**

20 For the purposes of this subtitle, the term “Sec-
21 retary” means the Secretary of the Interior.

22 **SEC. 6302. COLLECTION OF ADVERTISEMENT RECEIPTS.**

23 Beginning not later than one year after the date of
24 the enactment of this section, and notwithstanding any
25 other law, the Secretary shall solicit and sell not less than



1 \$10,000,000 per year in advertisement space in all Na-
2 tional Park Service Official Map and Guides, and on the
3 exterior and interior of all buses, shuttles, vans, trams,
4 and passenger ferries operated within the National Park
5 System. If the Secretary does not collect at least
6 \$10,000,000 per year under this section by 2010, the au-
7 thority provided to the Secretary under the Federal Lands
8 Recreation Enhancement Act (16 U.S.C 6801 note) shall
9 be under a moratorium until such funds are collected
10 under this section and transferred to the Treasury. The
11 Secretary may retain and spend each year without further
12 appropriations 10 percent of the total receipts collected
13 under this section to administer the program.

14 **SEC. 6303. COLLECTION OF SPONSORSHIP RECEIPTS.**

15 Beginning not later than one year after the date of
16 the enactment of this section, and notwithstanding any
17 other law, the Secretary shall solicit and sell commercial
18 sponsorship of park visitor centers, education centers, in-
19 formation centers, museums, trails, auditoriums, amphi-
20 theater, and theaters throughout the National Park Sys-
21 tem that are not already memorializing an individual on
22 the date of the enactment of this section. The Secretary
23 shall collect \$10,000,000 per year under this section by
24 the year 2010. If the Secretary does not collect at least
25 \$10,000,000 per year under this section by 2010, the au-



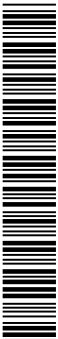
1 thority provided to the Secretary by section 407 of the
2 National Park Service Concessions Management Improve-
3 ment Act of 1998 (16 U.S.C. 5956) shall be under mora-
4 torium until such receipts are collected under this section
5 and transferred to the Treasury.

6 **SEC. 6304. COLLECTION OF RECEIPTS FROM MAP AND**
7 **GUIDES.**

8 Beginning not later than one year after the date of
9 the enactment of this section, and notwithstanding any
10 other law, the Secretary shall charge visitors to units of
11 the National Park System not less than \$0.50 for each
12 Official Map and Guide, except for a single Map and
13 Guide which shall be distributed at no cost to the visitor
14 following payment of an entrance or user fee.

15 **SEC. 6305. COLLECTION OF RECEIPTS FROM SPECIAL**
16 **EVENT PERMITS.**

17 Beginning not later than one year after the date of
18 the enactment of this section, and notwithstanding any
19 other law, the Secretary shall charge not less than \$100
20 for all special event permits issued for activities on the
21 National Mall and Memorial Parks in Washington, DC.



1 **SEC. 6306. COLLECTION OF RECEIPTS FROM THE SALE OF**
2 **NATIONAL PARK SERVICE LANDS IN THE DIS-**
3 **TRICT OF COLUMBIA.**

4 (a) IN GENERAL.—Notwithstanding any other law,
5 the Secretary shall make the lands described in subsection
6 (b) available for immediate sale.

7 (b) LANDS DESCRIBED.—The lands referred to in
8 subsection (a) are the following:

9 (1) Poplar Point [Map Number 869/80460
10 Dated July 2005, p. 28 of 28].

11 (2) U.S. Reservations 44, 45, 48 and 49 [Map
12 Number 869/80460 Dated July 2005 p. 13 of 28].

13 (3) U.S. Reservation 251 [Map Number 869/
14 80460 Dated July 2005 p. 14 of 28].

15 (4) U.S. Reservation 8 [Map Number 869/
16 80460 Dated July 2005 p. 15 of 28].

17 (5) U.S. Reservation 17A [Map Number 869/
18 80460 Date July 2005 p.20 of 28].

19 (6) U.S. Reservation 484 [Map Number 869/
20 80460 Dated July 2005 p. 21 of 28].

21 (7) U.S. Reservation 721, 722 and 723 [Map
22 Number 869/80460 Dated July 2005 p. 25 of 28].

23 (8) Certain land adjacent to Robert F. Kennedy
24 Stadium Parking Lot [Map Number 869/80460
25 Dated July 2005 p.26 of 28].



1 **SEC. 6307. COLLECTION OF RECEIPTS FROM THE SALE OF**
2 **NATIONAL PARK LAND.**

3 Not later than one year after the date of the enact-
4 ment of this section, and notwithstanding any other law,
5 the Secretary shall remove Theodore Roosevelt Island lo-
6 cated in the Potomac River in the District of Columbia
7 from the National Park System, and make it available for
8 immediate sale for purposes of commercial and residential
9 development. The Secretary shall make Federal land adja-
10 cent to the George Washington Parkway and the parkway
11 itself available for construction of a vehicle bridge from
12 the Theodore Roosevelt Island to allow for access to that
13 island.

14 **SEC. 6308. RECEIPTS COLLECTION FROM THE REMOVAL OF**
15 **UNITS FROM THE NATIONAL PARK SYSTEM.**

16 (a) IN GENERAL.—Not later than one year after the
17 date of the enactment of this section, and notwithstanding
18 any other law, the Secretary shall remove the units of the
19 National Park System described in subsection (b) that re-
20 ceive fewer than 10,000 visitors annually from the Na-
21 tional Park System and make such lands available for sale
22 or for energy or commercial development by 2010. Re-
23 cepts received from any sale under this section must ex-
24 ceed income generated by the unit from recreation fees
25 and concession franchise fees through 2010. If the Sec-
26 retary does not collect at least 50 percent of land sales



1 under this section by 2010, the authority provided to the
2 Secretary under the Federal Lands Recreation Enhance-
3 ment Act (16 U.S.C 6801 note) shall be under a morato-
4 rium until such funds are collected under this section and
5 transferred to the Treasury.

6 (b) UNITS TO BE CONSIDERED FOR REMOVAL.—The
7 units of the National Park System referred to in sub-
8 section (a) are the following:

9 (1) Alibates Flint Quarries National Monument.

10 (2) Aniakchak National Monument and Pre-
11 serve.

12 (3) Bering Land Bridge National Preserve.

13 (4) Cape Krusenstern National Monument.

14 (5) Eugene O'Neill National Historic Site.

15 (6) Fort Bowie National Historic Site.

16 (7) Frederick Law Olmsted National Historic
17 Site.

18 (8) Kobuk Valley National Park.

19 (9) Lake Clark National Park.

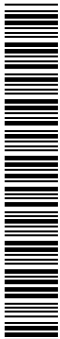
20 (10) Mary McLeod Bethune Council House.

21 (11) Minute Man Missile National Historic
22 Site.

23 (12) Noatak National Preserve.

24 (13) Thaddeus Kosciuszko National Monument.

25 (14) Thomas Stone National Historic Site.



1 (15) Yukon-Charley Rivers National Preserve.

2 **Subtitle D—Office of Native**
3 **American and Insular Affairs**

4 **CHAPTER 1—NATIVE AMERICANS**

5 **SEC. 6401. EXCLUSION FROM GROSS INCOME OF PAYMENTS**

6 **TO INDIVIDUALS UNDER INDIAN HEALTH**

7 **SERVICE LOAN REPAYMENT PROGRAM.**

8 (a) IN GENERAL.—Paragraph (4) of section 108(f)
9 of the Internal Revenue Code of 1986 (relating to pay-
10 ments under national health service corps loan repayment
11 program and certain state loan repayment programs) is
12 amended—

13 (1) by striking “ Public Health Service Act or”
14 and inserting “Public Health Service Act,”; and

15 (2) by inserting “, or under section 108(g) of
16 the Indian Health Care Improvement Act” before
17 the period at the end.

18 (b) CONFORMING AMENDMENT.—The heading of
19 such paragraph is amended by striking “NATIONAL
20 HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM AND
21 CERTAIN STATE LOAN REPAYMENT PROGRAMS” and in-
22 serting “CERTAIN HEALTH CARE SERVICE LOAN REPAY-
23 MENT PROGRAMS”.

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall apply to amounts received by an indi-



1 vidual in taxable years beginning after the date of the en-
2 actment of this Act.

3 **SEC. 6402. EXCLUSION FROM GROSS INCOME OF SCHOLAR-**
4 **SHIPS UNDER INDIAN HEALTH SERVICE**
5 **SCHOLARSHIP PROGRAM.**

6 (a) IN GENERAL.—Paragraph (2) of section 117(c)
7 of the Internal Revenue Code of 1986 is amended by strik-
8 ing “or” at the end of subparagraph (A), by striking the
9 period at the end of subparagraph (B) and inserting “,
10 or”, and by adding at the end the following new subpara-
11 graph:

12 “(C) the Indian Health Service Scholarship
13 program under section 104(a) of the Indian
14 Health Care Improvement Act.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to amounts received in taxable
17 years beginning after the date of the enactment of this
18 Act.

19 **SEC. 6403. ALASKA RESUPPLY PROGRAM.**

20 Amounts collected by the Secretary in connection
21 with the Alaska Resupply Program (Public Law 77–457)
22 shall be deposited into the special fund established in the
23 Treasury pursuant to Public Law 102–154 and shall be
24 available to carry out the provisions of the Alaska Resup-
25 ply Program only to the extent that such amounts are



1 made available through Acts of appropriation enacted
2 after the date of the enactment of this Act.

3 **CHAPTER 2—INSULAR AFFAIRS**
4 **Subchapter A—Delegate From Common-**
5 **wealth of the Northern Mariana Islands**

6 **[SEC. 6411. DELEGATE TO HOUSE OF REPRESENTATIVES**
7 **FROM COMMONWEALTH OF THE NORTHERN**
8 **MARIANA ISLANDS.**

9 The Commonwealth of the Northern Mariana Islands
10 shall be represented in the United States Congress by the
11 Resident Representative to the United States authorized
12 by section 901 of the Covenant to Establish a Common-
13 wealth of the Northern Mariana Islands in Political Union
14 with the United States of America (approved by Public
15 Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Rep-
16 resentative shall be a nonvoting Delegate to the House of
17 Representatives, elected as provided in this subchapter.]

18 **SEC. 6412. ELECTION OF DELEGATE.**

19 (a) **ELECTORS AND TIME OF ELECTION.**—The Dele-
20 gate shall be elected—

21 (1) by the people qualified to vote for the popu-
22 larly elected officials of the Commonwealth of the
23 Northern Mariana Islands; and



1 (2) at the Federal general election of 2006 and
2 at such Federal general election every 2d year there-
3 after.

4 (b) MANNER OF ELECTION.—

5 (1) IN GENERAL.—The Delegate shall be elect-
6 ed at large and by a plurality of the votes cast for
7 the office of Delegate.

8 (2) EFFECT OF ESTABLISHMENT OF PRIMARY
9 ELECTIONS.—Notwithstanding paragraph (1), if the
10 Government of the Commonwealth of the Northern
11 Mariana Islands, acting pursuant to legislation en-
12 acted in accordance with the Constitution of the
13 Commonwealth of the Northern Mariana Islands,
14 provides for primary elections for the election of the
15 Delegate, the Delegate shall be elected by a majority
16 of the votes cast in any general election for the of-
17 fice of Delegate for which such primary elections
18 were held.

19 (c) VACANCY.—In case of a permanent vacancy in the
20 office of Delegate, the office of Delegate shall remain va-
21 cant until a successor is elected and qualified.

22 (d) COMMENCEMENT OF TERM.—The term of the
23 Delegate shall commence on the 3d day of January fol-
24 lowing the date of the election.



1 **SEC. 6413. QUALIFICATIONS FOR OFFICE OF DELEGATE.**

2 To be eligible for the office of Delegate a candidate
3 shall—

4 (1) be at least 25 years of age on the date of
5 the election;

6 (2) have been a citizen of the United States for
7 at least 7 years prior to the date of the election;

8 (3) be a resident and domiciliary of the Com-
9 monwealth of the Northern Mariana Islands for at
10 least 7 years prior to the date of the election;

11 (4) be qualified to vote in the Commonwealth of
12 the Northern Mariana Islands on the date of the
13 election; and

14 (5) not be, on the date of the election, a can-
15 didate for any other office.

16 **SEC. 6414. DETERMINATION OF ELECTION PROCEDURE.**

17 Acting pursuant to legislation enacted in accordance
18 with the Constitution of the Commonwealth of the North-
19 ern Mariana Islands, the Government of the Common-
20 wealth of the Northern Mariana Islands may determine
21 the order of names on the ballot for election of Delegate,
22 the method by which a special election to fill a permanent
23 vacancy in the office of Delegate shall be conducted, the
24 method by which ties between candidates for the office of
25 Delegate shall be resolved, and all other matters of local
26 application pertaining to the election and the office of Del-



1 egate not otherwise expressly provided for in this sub-
2 chapter.

3 **SEC. 6415. COMPENSATION, PRIVILEGES, AND IMMUNITIES.**

4 Until the Rules of the House of Representatives are
5 amended to provide otherwise, the Delegate from the Com-
6 monwealth of the Northern Mariana Islands shall receive
7 the same compensation, allowances, and benefits as a
8 Member of the House of Representatives, and shall be en-
9 titled to whatever privileges and immunities are, or herein-
10 after may be, granted to any other nonvoting Delegate to
11 the House of Representatives.

12 **SEC. 6416. LACK OF EFFECT ON COVENANT.**

13 No provision of this subchapter shall be construed to
14 alter, amend, or abrogate any provision of the covenant
15 referred to in section 6412 except section 901 of the cov-
16 enant.

17 **SEC. 6417. DEFINITION.**

18 For purposes of this subchapter, the term “Delegate”
19 means the Resident Representative referred to in section
20 6412.

21 **Subchapter B—Miscellaneous Provisions**

22 **SEC. 6421. COMPACT IMPACT DOLLARS.**

23 Section 104(e) of Public Law 108–188 (177 Stat.
24 2739) is amended—



1 (1) in the heading, by striking “AUTHORIZA-
2 TION” and all that follows through the period and
3 inserting “AUTHORIZATION.”; and

4 (2) in paragraph (3)—

5 (A) in the heading, by striking “AUTHOR-
6 IZATION” and all that follows through the pe-
7 riod and inserting “AUTHORIZATION.”; and

8 (B) by striking “There is hereby author-
9 ized” and all that follows through “for each fis-
10 cal year” and inserting “There is hereby au-
11 thorized to be appropriated to the Secretary of
12 the Interior for each fiscal year”.

13 **Subtitle E—Subcommittee on**
14 **Water and Power**

15 **CHAPTER 1—CONVEYANCE BY THE SEC-**
16 **RETARY OF THE INTERIOR OF CER-**
17 **TAIN CABIN SITE PROPERTIES**

18 **SEC. 6501. DEFINITIONS.**

19 In this Act:

20 (1) FAIR MARKET VALUE.—The term “fair
21 market value” means the value of the property
22 determined—

23 (A) without regard to improvements con-
24 structed by the lessee of the property;



1 (B) by an appraisal in accordance with the
2 Uniform Standards for Federal Land Acquisi-
3 tions; and

4 (C) by an appraiser approved by the Sec-
5 retary of the Interior and the purchaser.

6 (2) PROPERTY.—The term “property” means
7 any 1 of the cabin sites described in section 6502(b).

8 (3) PROPERTIES.—The term “properties”
9 means all 385 cabin sites described in section
10 6502(b).

11 **SEC. 6502. SALE OF PROPERTY.**

12 (a) IN GENERAL.—The Secretary shall convey to the
13 purchaser in accordance with this chapter all right, title,
14 and interest of the United States in and to the Properties,
15 including specifically easements for—

16 (1) vehicular access to each Property; and

17 (2) access and use of all improvements provided
18 under the leases that apply to the Properties as of
19 the date of the enactment of this Act.

20 (b) DESCRIPTION OF PROPERTIES.—The Properties
21 to be conveyed are the following:

22 (1) The 110 cabin sites located in the vicinity
23 of Heart Butte Reservoir, in the State of North Da-
24 kota.



1 (2) The 105 cabin sites in the vicinity of Nelson
2 Reservoir, in the State of Montana.

3 (3) The 24 cabin sites in the vicinity of Fresno
4 Reservoir, in the State of Montana.

5 (4) The 3 cabin sites in the vicinity of Seminoe
6 Reservoir, in the State of Wyoming.

7 (5) The 83 cabin sites in the vicinity of
8 Conconully Reservoir, in the State of Washington.

9 (6) The 60 cabin sites in the vicinity of Owyhee
10 Reservoir, in the State of Oregon.

11 (c) CONSIDERATION.—As consideration for any con-
12 veyance under this section, the Secretary shall require the
13 purchaser to pay to the United States fair market value
14 of the property conveyed.

15 **SEC. 6503. TERMS OF CONVEYANCE.**

16 (a) FIRST OPTION TO PURCHASE.—The Secretary
17 shall grant to a person who is the lessee of a Property
18 on the date of the enactment of this Act a first option
19 to purchase the Property at fair market value.

20 (b) RESTRICTIVE USE COVENANT.—

21 (1) IN GENERAL.—To maintain the unique
22 character of the area in the vicinity of the reservoirs
23 associated with each Property, the Secretary shall
24 establish, by the terms of conveyance, use restric-
25 tions to carry out paragraph (2) that—



1 (A) are appurtenant to, and run with, each
2 Property; and

3 (B) are binding upon each subsequent
4 owner of each Property.

5 (2) ACCESS TO RESERVOIR.—The use restric-
6 tions required by paragraph (1) shall ensure that—

7 (A) public access to and along the shore-
8 line of the reservoirs in existence on the date of
9 enactment of this Act is not obstructed;

10 (B) adequate public access to and along
11 the shoreline of the reservoirs is maintained;
12 and

13 (C) the operation of the reservoirs by the
14 Secretary or other managing entities shall not
15 result in liability of the United States or the
16 other managing entities for damages incurred,
17 as a direct or indirect result of such operation,
18 by the owner of any Property conveyed under
19 this chapter.

20 **SEC. 6504. USE OF PROCEEDS.**

21 (a) GENERAL FUND.—75 percent of the proceeds of
22 conveyances under this chapter shall be deposited in the
23 General Fund of the United States Treasury.

24 (b) INFRASTRUCTURE IMPROVEMENT AND ENVIRON-
25 MENTAL PROJECTS.—25 percent of the proceeds shall be



1 deposited into a separate account in the United States
2 Treasury and shall be available to the Secretary for infra-
3 structure improvement and environmental projects.

4 **CHAPTER 2—SPONSORSHIP OF ASPECTS**
5 **OF CERTAIN RECREATION AREAS**

6 **SEC. 6511. DEFINITIONS.**

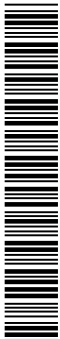
7 In this chapter:

8 (1) SPONSORSHIP.—The term “sponsorship”
9 means the collection, by the Secretary of the Inte-
10 rior, of funds equal to the annual operations and
11 maintenance costs, based on the most current esti-
12 mates and excluding law enforcement costs, of a rec-
13 reational facility managed by the Bureau of Rec-
14 lamation.

15 (2) SPONSOR.—The term “sponsor” means any
16 person, organization, or business that provides the
17 funds required for sponsorship as defined in para-
18 graph (1).

19 **SEC. 6512. SPONSORSHIP OF FACILITIES.**

20 In accordance with section 6513, the Secretary shall
21 procure sponsorship of all facilities managed by the Bu-
22 reau of Reclamation for recreational purposes.



1 **SEC. 6513. TERMS OF SPONSORSHIP.**

2 (a) IN GENERAL.—Sponsors of facilities managed by
3 the Bureau of Reclamation for recreational purposes may
4 place a signage at the sponsored facility, if—

5 (1) the sign conforms with the size and content
6 specifications set by the Secretary of the Interior;

7 (2) the signage shares a base with a sign placed
8 by the Bureau of Reclamation prior to the date of
9 the enactment of this Act; and

10 (3) the sponsor pays the cost of furnishing and
11 installing and replacement, if necessary, and mainte-
12 nance the signage.

13 (b) TERM; RENEWAL.—Sponsorship is valid for a
14 five-year period which shall begin when the funds de-
15 scribed in subsection (a)(1) are provided to the Secretary.
16 The Secretary shall give each sponsor in compliance with
17 conditions of the sponsorship the opportunity to renew
18 sponsorship at the expiration of each five-year period.

19 **SEC. 6514. USE OF PROCEEDS.**

20 Proceeds from sponsorship under this chapter shall
21 be deposited in the General Fund of the United States
22 Treasury.



1 **CHAPTER 3—ADMISSION FEES TO CER-**
2 **TAIN FEDERALLY OWNED DAMS AND**
3 **FACILITIES**

4 **SEC. 6521. AUTHORITY TO COLLECT FEES.**

5 (a) IN GENERAL.—The Secretary of the Interior, act-
6 ing through the Commissioner of Reclamation, shall
7 charge \$5 per guided tour for each visitor over the age
8 of 13 who participates in a guided tour at Shasta Dam,
9 Grand Coulee Dam, Flaming Gorge Dam, or Glen Canyon
10 Dam.

11 (b) HOOVER DAM.—The Secretary, acting through
12 the Commissioner of Reclamation, shall increase the fees
13 charged for Hoover Dam Visitor's Center Vehicle Parking
14 and Hoover Dam Visitors Center Discovery Tour by \$2.

15 (c) ADMINISTRATIVE COSTS.—The Secretary may re-
16 tain and spend, each year without further appropriations,
17 5% of the total receipts collected under this section to ad-
18 minister the program.

19 **SEC. 6522. REVENUES.**

20 All revenues created by this chapter shall be depos-
21 ited in the General Treasury of the United States.



1 **CHAPTER 4—HETCH HETCHY RESERVOIR**
2 **USE FEE ADJUSTMENT**

3 **SEC. 6531. ADJUSTMENT IN HETCH HETCHY RESERVOIR**
4 **USER FEE.**

5 Section 7 of the Raker Act is amended by inserting
6 after “to be paid on the first day of July of each year.”
7 the following: “The annual charge shall be increased to
8 \$400,000 in 2006, and shall be adjusted for inflation every
9 year thereafter. Increases in the annual charge shall not
10 be met by raising water or power rates.”.

11 **CHAPTER 5—SOUTHERN OREGON BU-**
12 **REAU OF RECLAMATION REPAYMENT**
13 **ACT**

14 **SEC. 6541. EARLY REPAYMENT.**

15 Notwithstanding section 213 of the Reclamation Re-
16 form Act of 1982 (43 U.S.C. 390mm), Bear Creek Hold-
17 ing Company may repay, at any time, the construction
18 costs allocated to that company of the project facilities
19 within Rogue River Valley Irrigation District or within
20 Medford Irrigation District. Upon discharge of an obliga-
21 tion for repayment such costs, such related lands shall not
22 be subject to the ownership and full-cost pricing limita-
23 tions of the Act of June 17, 1902 (43 U.S.C. 371, et seq.),
24 and Acts supplemental to and amendatory of that Act, in-



1 cluding the Reclamation Reform Act of 1982 (43 U.S.C.
2 390aa, et seq.).

3 **SEC. 6542. CERTIFICATION.**

4 Upon the request of a landholder who has repaid the
5 construction costs of the project facilities allocated to that
6 landholder within Rogue River Valley Irrigation District
7 or within Medford Irrigation District, the Secretary of the
8 Interior shall provide the certification provided for in sub-
9 section (b)(1) of section 213 of the Reclamation Reform
10 Act of 1982 (43 U.S.C. 390 mm(b)(1)).

11 **CHAPTER 6—PACTOLA DAM AND**
12 **RESERVOIR, SOUTH DAKOTA**

13 **SEC. 6551. REALLOCATION OF COSTS OF PACTOLA DAM**
14 **AND RESERVOIR, SOUTH DAKOTA.**

15 The Secretary of the Interior may, as provided in the
16 contract of August 2001 entered into between Rapid City,
17 South Dakota, and the Rapid Valley Conservancy District,
18 reallocate, in a manner consistent with Federal reclama-
19 tion law (the Act of June 17, 1902 (32 Stat. 388, chapter
20 1093), and Acts supplemental to and amendatory of that
21 Act (43 U.S.C. 371 et seq.)), the construction costs of
22 Pactola Dam and Reservoir, Rapid Valley Unit, Pick-
23 Sloan Missouri Basin Program, South Dakota, from irri-
24 gation purposes to municipal, industrial, and fish and
25 wildlife purposes.



1 **CHAPTER 7—PICK-SLOAN MISSOURI**
2 **BASIN PROGRAM COST REALLOCATION**

3 **SEC. 6561. DEFINITIONS.**

4 In this chapter:

5 (1) **COSTS ALLOCATED TO IRRIGATION.**—The
6 term “costs allocated to irrigation” means—

7 (A) the costs of constructing and operating
8 multipurpose dams and reservoirs with a power-
9 generating function built under the Pick-Sloan
10 Missouri Basin Program allocated to irrigation;
11 and

12 (B) the portion of power costs of the Pick-
13 Sloan Missouri Basin Program suballocated to
14 irrigation.

15 (2) **PICK-SLOAN MISSOURI BASIN PROGRAM.**—

16 The term “Pick-Sloan Missouri Basin Program”
17 means those facilities authorized by section 9 of the
18 Flood Control Act of 1944 (58 Stat. 891) as amend-
19 ed and supplemented.

20 **SEC. 6562. COST REALLOCATION.**

21 (a) **REALLOCATION TO POWER.**—Consistent with the
22 provisions of section 302(a)(3) of the Department of En-
23 ergy Organization Act (42 U.S.C. 7152(a)(3)), the portion
24 of Pick-Sloan Missouri Basin Program costs allocated to
25 irrigation for which repayment has been delayed pending



1 the construction of irrigation features for which, as of the
2 date of the enactment of this act, no funds have been ap-
3 propriated for construction, or on which construction has
4 been halted or not commenced, shall be reallocated to
5 power and repaid from power revenues. The repayment
6 schedule shall be determined by the Secretary of the Inte-
7 rior, in consultation with the Secretaries of Energy and
8 the Army. Costs reallocated to power shall be repaid with
9 compound interest amortization at 5.125 percent, begin-
10 ning on the date of reallocation without retroactive inter-
11 est. The repayment period for these costs shall not exceed
12 20 years from the date of reallocation. The date of re-
13 allocation shall be not later than 90 days after the date
14 of the enactment of this Act.

15 (b) CREDIT FOR OVERPAYMENT.—Should any of the
16 irrigation features whose costs have been reallocated pur-
17 suant to this section ever be built, a new cost reallocation
18 study shall be conducted. If the new cost allocation study
19 reallocates costs from firm commercial power to irrigation
20 and if it is determined that firm power has overpaid the
21 reallocated firm power costs after such reallocation, appro-
22 priate credit shall be made to the firm power function for
23 the overpayment.



1 **SEC. 6563. POWER RATE.**

2 Within 90 days after the date of the enactment of
3 this Act, the Secretaries of the Interior and the Army shall
4 submit to the Secretary of Energy a list of—

5 (1) costs of multipurpose dams and reservoirs
6 with a power-generating function built under the
7 Pick-Sloan Missouri Basin Program allocated to irri-
8 gation; and

9 (2) current suballocated power investments as-
10 sociated with irrigation features of the Pick-Sloan
11 units for which no funds have been appropriated for
12 construction or on which construction has been halt-
13 ed or not commenced. These costs and investments,
14 together with the associated suballocated costs of the
15 Department of Energy's Western Area Power Ad-
16 ministration, shall be included in the financial base
17 for the Pick-Sloan Missouri Basin firm power rate
18 which shall be consistent with the repayment sched-
19 ule determined under section 6562.

20 **SEC. 6564. CONSTRUCTION.**

21 Nothing in this Act is intended, nor shall be con-
22 strued, to preclude Missouri River Basin States from seek-
23 ing congressional authorization to plan, design, and con-
24 struct additional federally assisted water resources devel-
25 opment projects in the future under the formulation and



1 financial rules for such development in the Pick-Sloan
2 Missouri Basin Program.

3 **SEC. 6565. PROJECT USE POWER.**

4 Nothing in this Act is intended, nor shall be con-
5 strued, to preclude delivery of project use power for cur-
6 rent or future irrigation development as authorized by
7 Congress.

8 **Subtitle F—Forests**

9 **SEC. 6571. CONVEYANCE OF NATIONAL FOREST SYSTEM**
10 **LANDS UNDER SMALL TRACTS ACT.**

11 (a) DEFINITIONS.—The first section of Public Law
12 97–465 (commonly known as the Small Tracts Act; 16
13 U.S.C. 521c) is amended—

14 (1) in paragraph (1), by inserting before the
15 semicolon the following: “, any organization, cor-
16 poration, or other legal entity, and any individual”;

17 (2) in paragraph (2), by striking “and” at the
18 end of the paragraph;

19 (3) in paragraph (3), by striking the period at
20 the end of the paragraph and inserting a semicolon;
21 and

22 (4) by adding at the end the following new
23 paragraphs:

24 “(4) the term ‘partial interest’ means an inter-
25 est in land comprising less than fee title, such as a



1 right-of-way, coverage, and development rights, ex-
2 cept that the term does not include a scenic or con-
3 servation easement;

4 “(5) the term ‘improvements’ means structures,
5 roads, or bridges that permanently alter the surface
6 of land, except that, for purposes of section 3(a)(2),
7 the term does not include fences, windbreaks, survey
8 lines, or temporary uses of land; and

9 “(6) the term ‘land’ means real property, in-
10 cluding water, minerals, and improvements there-
11 on.”.

12 (b) CONVEYANCE AUTHORITY.—Section 2 of such
13 Act (16 U.S.C. 521d) is amended—

14 (1) by inserting “(a)” before “The Secretary is
15 authorized”;

16 (2) in paragraph (1), by striking “and” at the
17 end of the paragraph;

18 (3) by striking the last sentence;

19 (4) by designating the second sentence as sub-
20 section (b), and in such subsection, as so
21 designated—

22 (A) by striking “such quitclaim deed” and
23 inserting “quitclaim deed issued under this sec-
24 tion”;



1 (B) by striking “covenants” and inserting
2 “covenants”; and

3 (C) by striking “recreation values” and in-
4 serting “recreation resources”;

5 (5) by redesignating paragraph (2) as para-
6 graph (3);

7 (6) by inserting after paragraph (1) the fol-
8 lowing new paragraph:

9 “(2) sell, exchange, or interchange a partial in-
10 terest of the United States in and to National For-
11 est System lands described in such section; and”;
12 and

13 (7) by adding at the end the following new sub-
14 section:

15 “(c) In the case of the conveyance under this section
16 of National Forest System land reserved from the public
17 domain, the Secretary shall notify the Secretary of the In-
18 terior of the issuance of any quitclaim deed issued in con-
19 nection with the conveyance.”.

20 (c) LANDS ELIGIBLE FOR CONVEYANCE.—Section 3
21 of such Act (16 U.S.C. 521e) is amended—

22 (1) in the matter preceding paragraph (1)—

23 (A) by inserting “(a)” before “The”

24 (B) by striking “those the sale or exchange
25 of which is not practicable under any other au-



1 thority of the Secretary, which have a value as
2 determined by the Secretary of not more than
3 \$150,000, and which are”;

4 (2) by striking paragraph (1) and inserting the
5 following new paragraph:

6 “(1) all or portions of parcels of 640 acres or
7 less which are interspersed with or adjacent to non-
8 Federal lands and which are determined by the Sec-
9 retary not to be subject to efficient administration
10 because of location, shape, configuration, or size.”;

11 (3) in paragraph (2), by striking “or” at the
12 end of the paragraph;

13 (4) in paragraph (3), by striking the period at
14 the end and inserting “; or”;

15 (5) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) parcels of five acres or less which are
18 under a special use authorization for cemetery pur-
19 poses or which are adjacent to an existing active
20 cemetery, which may be conveyed only to a State or
21 political subdivision thereof or to a nonprofit organi-
22 zation solely for use for cemetery purposes.”; and

23 (6) by adding at the end the following new sub-
24 section:



1 “(b) Notwithstanding subsection (a), a parcel of Na-
2 tional Forest System land otherwise described in such sub-
3 section may not be conveyed under this Act if the Sec-
4 retary determines that—

5 “(1) the land is needed for resource manage-
6 ment purposes; or

7 “(2) it would be in the public interest to retain
8 the land.”.

9 (d) COSTS OF CONVEYANCES.—Section 4 of such Act
10 (16 U.S.C. 521f) is amended—

11 (1) by inserting “(a)” before “Any person”;

12 (2) in the second sentence, by striking “inter-
13 ests in lands” and inserting “partial interests in
14 land”;

15 (3) by designating the last sentence as sub-
16 section (b); and

17 (4) by adding at the end the following new sub-
18 section:

19 “(b) The Secretary may utilize collection agreements
20 authorized under the penultimate paragraph under the
21 heading ‘FOREST SERVICE’ in the Act of June 30, 1914
22 (16 U.S.C. 498), or section 1 of the Act of April 24, 1950
23 (16 U.S.C. 572), for purposes of collecting and dispersing
24 funds under subsection (a).”.



1 (e) IMPLEMENTATION MEASURES.—Section 6 of such
2 Act (16 U.S.C. 521h) is amended—

3 (1) in the matter preceding paragraph (1), by
4 inserting “policies and” after “issue”; and

5 (2) in paragraph (3), by striking “clause (1) of
6 section 3” and inserting “section 3(a)(1)”.

7 (f) EXCLUSION OF CERTAIN LANDS; MANAGEMENT
8 OF ACQUIRED LANDS.—Section 7 of such Act (16 U.S.C.
9 521i) is amended—

10 (1) by striking “Nothing in this Act” and in-
11 serting “(a) Except as provided in subsection (b),
12 nothing in this Act”;

13 (2) by striking “National Trails” and all that
14 follows through “Recreation Areas.” and inserting
15 “or National Trails System or within National
16 Monuments or National Recreation Areas.”; and

17 (3) by adding at the end the following new sub-
18 sections:

19 “(b) Lands described in paragraph (2) or (3) of sec-
20 tion 3(a) that are located within an area specified in sub-
21 section (a) may be conveyed under this Act if the en-
22 croachment or right-of-way that is the basis for the con-
23 veyance existed before the special designation of the area.
24 The conveyance shall be subject to such terms and condi-



1 tions as the Secretary may require to minimize any ad-
2 verse impacts on the area resulting from the conveyance.

3 “(c) Lands acquired by the Secretary under this Act
4 shall be managed in accordance with the laws and regula-
5 tions applicable to the National Forest System and shall,
6 upon acquisition, be withdrawn from location and entry
7 under the mining laws of the United States.”.

8 (g) CONVEYANCE REQUIREMENTS AND TREATMENT
9 OF PROCEEDS.—Such Act is further amended by adding
10 at the end the following new section:

11 **“SEC. 9. CONVEYANCE REQUIREMENTS.**

12 “(a) TIME FOR PAYMENT OF CASH CONSIDER-
13 ATION.—Cash consideration provided in connection with
14 a conveyance under this Act shall be paid not later than
15 the date the Federal lands are conveyed.

16 “(b) FORMS OF CONVEYANCE.—The Secretary may
17 sell lands under this Act at a public or private sale, includ-
18 ing at auction or other competitive sale process, in accord-
19 ance with such terms, conditions, reservations, and proce-
20 dures as the Secretary determines are in the public inter-
21 est, except that, in the case of lands described in section
22 3(a)(2), the lands shall be first offered for sale or ex-
23 change to the party occupying or using the land under
24 eligible claim or color of title. The Secretary may solicit
25 competitive offers for the sale, exchange, or interchange



1 of land under this Act and shall reject any offer that the
2 Secretary determines, in the Secretary's sole discretion, is
3 not adequate or not in the public interest.

4 “(c) SERVICES.—The Secretary may utilize brokers
5 or third parties for the conveyance under this Act of lands
6 described in paragraph (1) or (3) of section 3(a), and may
7 pay reasonable commissions or fees for services when such
8 services are determined to be in the public interest.

9 “(d) CONVEYANCE BOUNDARIES.—To facilitate a
10 sale, exchange, or interchange of a parcel of land under
11 this Act, the Secretary may delineate the size and shape
12 of the parcel to maximize marketability and to achieve
13 management objectives.

14 “(e) TREATMENT AND USE OF PROCEEDS.—Fifty
15 percent of the proceeds received from the conveyance of
16 a parcel of land under this Act shall be deposited in the
17 general fund of the Treasury. The remainder of the pro-
18 ceeds from the conveyance shall be deposited into the fund
19 established by Public Law 90–171 (commonly known as
20 the Sisk Act; 16 U.S.C. 484a). The proceeds deposited
21 into the Sisk Act fund shall remain available to the Sec-
22 retary, until expended and without further appropriation,
23 to cover—

24 “(1) the cost of boundary management activi-
25 ties needed to facilitate fuels reduction and other



1 vegetative management projects and for securing ac-
2 cess to provide for public access and more efficient
3 management of the National Forest System; and

4 “(2) administrative costs associated with the
5 conveyance or acquisition of lands under this Act.”.

6 (h) **APPLICABILITY.**—The amendments made by this
7 section shall apply only to those units of the National For-
8 est System that were created from the public domain.
9 Public Law 97–465 (commonly known as the Small Tracts
10 Act; 16 U.S.C. 521c et seq.), as in effect on the day before
11 the date of the enactment of this Act, shall continue to
12 apply to other units of the National Forest System.

13 **SEC. 6572. CONVEYANCE OF NATIONAL FOREST SYSTEM**
14 **LANDS UNDER TOWNSITE ACT.**

15 (a) **PUBLIC PURPOSE CONVEYANCES.**—Public Law
16 85–569 (commonly known as the Townsite Act; 16 U.S.C.
17 478a; 7 U.S.C. 1012a) is amended—

18 (1) by striking “When” and inserting the fol-
19 lowing:

20 **“SEC. 1. CONVEYANCE OF NATIONAL FOREST SYSTEM**
21 **LANDS TO LOCAL COMMUNITIES FOR PUBLIC**
22 **PURPOSES.**

23 “(a) **CONVEYANCES AUTHORIZED.**—When”;

24 (2) by striking “in Alaska or in the eleven con-
25 tiguous Western States”;



1 (3) by striking “he may” and inserting “the
2 Secretary may”;

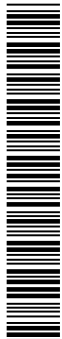
3 (4) by striking “an area of not to exceed six
4 hundred and forty acres” and inserting “for public
5 purposes an area of not more than 640 acres”;

6 (5) by striking “value thereof” and all that fol-
7 lows through “conveyances of townsites” and insert-
8 ing the following: “value thereof, plus the direct
9 costs of processing the sale.

10 “(b) CONDITIONS ON CONVEYANCES.—The Secretary
11 may condition the conveyance of National Forest System
12 lands under this section with such covenants and reserva-
13 tions as the Secretary considers in the public interest
14 and”; and

15 (6) by adding at the end the following new sub-
16 section:

17 “(c) TREATMENT AND USE OF PROCEEDS.—Fifty
18 percent of the proceeds received from the conveyance of
19 a tract of land under this section shall be deposited in
20 the general fund of the Treasury. The remainder of the
21 proceeds from the conveyance shall be deposited into the
22 fund established by Public Law 90–171 (commonly known
23 as the Sisk Act; 16 U.S.C. 484a). The proceeds deposited
24 into the Sisk Act fund shall remain available to the Sec-
25 retary, until expended and without further appropriation,



1 for the acquisition of lands and interests in land for Na-
2 tional Forest System purposes.”.

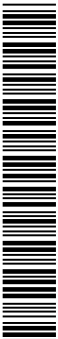
3 (b) APPLICABILITY.—The amendments made by this
4 section shall apply only to those units of the National For-
5 est System that were created from the public domain.
6 Public Law 85–569 (commonly known as the Townsite
7 Act; 16 U.S.C. 478a; 7 U.S.C. 1012a), as in effect on
8 the day before the date of the enactment of this Act, shall
9 continue to apply to other units of the National Forest
10 System.

11 **SEC. 6573. RELEASE OF REVERSIONARY INTERESTS AND**
12 **OTHER ENCUMBRANCES RETAINED ON**
13 **LANDS ACQUIRED UNDER BANKHEAD-JONES**
14 **FARM TENANT ACT.**

15 Title III of the Bankhead-Jones Farm Tenant Act
16 (7 U.S.C. 1010 et seq.) is amended by inserting after sec-
17 tion 32 the following new section:

18 **“SEC. 32A. RELEASE OF REVERSIONARY INTERESTS AND**
19 **OTHER ENCUMBRANCES RETAINED ON AC-**
20 **QUIRED LANDS.**

21 “(a) RELEASE AUTHORIZED.—The Secretary of Ag-
22 riculture may release and quitclaim any encumbrance con-
23 stituting a covenant or reversionary or other future inter-
24 est retained by the United States on land that was ac-
25 quired under the program provided for in section 31 and



1 subsequently conveyed, subject to that encumbrance, to
2 another public authority or agency if the Secretary deter-
3 mines that the land so encumbered is no longer suitable
4 for the public purposes for which the land was originally
5 conveyed.

6 “(b) CONSIDERATION.—As consideration for the re-
7 lease of an encumbrance under subsection (a) on land de-
8 scribed in such subsection, the Secretary shall receive an
9 amount equal to not less than the difference between the
10 market value of the land unencumbered and the market
11 value of the land encumbered, as determined by an ap-
12 praisal done in conformity with the latest edition of the
13 Uniform Appraisal Standards for Federal Land Acquisi-
14 tions.

15 “(c) ADMINISTRATIVE COSTS.—The grantee of the
16 release and quitclaim shall also cover the administrative
17 costs associated with the transaction, including the cost
18 of any appraisal required under subsection (b).

19 “(d) TREATMENT AND USE OF PROCEEDS.—Fifty
20 percent of the proceeds received from the release of an
21 encumbrance under subsection (a) shall be deposited in
22 the general fund of the Treasury. The remainder of the
23 proceeds shall be deposited into the fund established by
24 Public Law 90–171 (commonly known as the Sisk Act;
25 16 U.S.C. 484a). The proceeds deposited into the Sisk Act



1 fund shall remain available to the Secretary, until ex-
2 pended and without further appropriation, for the acquisi-
3 tion of lands and interests in land for National Forest Sys-
4 tem purposes.”.

5 **SEC. 6574. DISTRIBUTION OF PROCEEDS FROM FUTURE**
6 **SALES OF PUBLIC LANDS IN SOUTHERN NE-**
7 **VADA.**

8 (a) DISTRIBUTION OF FUTURE PROCEEDS.—Section
9 4(e)(1) of the Southern Nevada Public Land Management
10 Act of 1998 (Public Law 105–263; 112 Stat. 2345) is
11 amended—

12 (1) in subparagraph (A), by striking “5 per-
13 cent” and inserting “35 percent”;

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

16 (3) in subparagraph (C)—

17 (A) by striking “the remainder” and in-
18 serting “15 percent”; and

19 (B) by striking the period at the end of the
20 subparagraph and inserting “; and”; and

21 (4) by inserting after subparagraph (C) the fol-
22 lowing new subparagraph:

23 “(D) 40 percent shall be deposited in the
24 general fund of the Treasury.”.



1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to any sale of land
3 conducted under section 4 of the Southern Nevada Public
4 Land Management Act of 1998 after September 30, 2005.

5 (c) REDISTRIBUTION OF EXISTING FUNDS IN SPE-
6 CIAL ACCOUNT.—In the case of amounts in the special
7 account in the Treasury established pursuant to para-
8 graph (1)(C) of section 4(e) of the Southern Nevada Pub-
9 lic Land Management Act of 1998 on the date of the en-
10 actment of this Act that are not allocated as of that date
11 for an authorized purpose specified in paragraph (3)(A)
12 of such section, the Secretary of the Treasury shall trans-
13 fer such unallocated amounts to the general fund of the
14 Treasury.

15 **Subtitle G—Subcommittee on**
16 **Fisheries and Oceans**

17 **CHAPTER 1—MISCELLANEOUS FEES**

18 **SEC. 6701. FEES FOR NATIONAL OCEANIC AND ATMOS-**
19 **PHERIC ADMINISTRATION CHARTS.**

20 (a) REQUIREMENT.—The Secretary of Commerce
21 shall, in accordance with this section and section 9701(b)
22 of title 31, United States Code, increase, establish, and
23 collect in fiscal years 2006 through 2010 fees for naviga-
24 tional charts distributed by the National Oceanic and At-
25 mospheric Administration.



1 (b) NET ADDITIONAL FEES.—The Secretary shall
2 ensure that the total amount received by the United States
3 as a result of increases and establishment of fees under
4 this section is not less than \$30,000,000.

5 (c) FEES FOR ELECTRONIC CHARTS.—To carry out
6 this section the Secretary shall establish, assess, and col-
7 lect fees for electronic charts distributed by the National
8 Oceanic and Atmospheric Administration.

9 **SEC. 6702. FEES FOR INDIVIDUAL QUOTAS UNDER LIMITED**
10 **ACCESS SYSTEMS FOR FISHERIES.**

11 Section 304(d) of the Magnuson-Stevens Fishery
12 Conservation and Management Act (16 U.S.C. 1854(d))
13 is amended—

14 (1) in paragraph (2)(A) by striking “any” and
15 all that follows through “(ii)” and inserting “any”;
16 and

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

18 “(3)(A) Notwithstanding paragraph (1), the Sec-
19 retary shall collect from a person that holds or transfers
20 an individual quota issued under a limited access system
21 established under section 303(b)(6) fees established by the
22 Secretary in accordance with this section and section
23 9701(b) of title 31, United States Code.

24 “(B) The fees required to be established and collected
25 by the Secretary under this paragraph are the following:



1 “(i) With respect to any initial allocation under
2 a limited access system established after the date of
3 the enactment of this paragraph, an initial allocation
4 fee in the amount equal to 1 percent of the ex-vessel
5 value of fish authorized in one year under an indi-
6 vidual quota, that shall be collected from the person
7 to whom the individual quota is first issued.

8 “(ii) An annual fee in the amount equal to 4
9 percent of the ex-vessel value of fish authorized each
10 year under an individual quota share, that shall be
11 collected from the holder of the individual quota
12 share.

13 “(iii) A transfer fee in the amount equal to 1
14 percent of the ex-vessel value of fish authorized each
15 year under an individual quota share, that shall be
16 collected from a person who permanently transfers
17 the individual quota share to another person.

18 “(C) In determining the amount of a fee under this
19 paragraph, the Secretary shall ensure that the amount is
20 commensurate with the cost of managing the fishery with
21 respect to which the fee is collected, including reasonable
22 costs for salaries, data analysis, and other costs directly
23 related to fishery management and enforcement.

24 “(D) The Secretary may treat up to 1/2 of the fees
25 collected under this paragraph from holders of individual



1 quotas in a fishery as an offsetting collection, and may
2 use amounts so treated for the purposes of administering
3 and implementing this Act with respect to that fishery.”.

4 **SEC. 6703. FEES FOR FEDERAL MIGRATORY BIRD HUNTING**
5 **STAMPS.**

6 The Act of March 16, 1934 (chapter 71; 16 U.S.C.
7 718a et seq.), popularly known as the Duck Stamp Act,
8 is amended—

9 (1) in section 2(a) (16 U.S.C. 718b(a)) in the
10 second sentence by striking “in the migratory bird
11 conservation fund”;

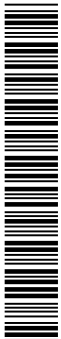
12 (2) in section 2(b) (16 U.S.C. 718b(b))—

13 (A) by striking “and \$15.00 for each hunt-
14 ing year thereafter” and inserting “\$15 for
15 each of hunting years 1991 through 2005, and
16 \$20 for hunting year 2006 and each hunting
17 year thereafter”;

18 (B) in paragraph (2) by inserting a semi-
19 colon after “such fiscal year”; and

20 (C) by moving the text immediately after
21 such semicolon so as to appear on the line im-
22 mediately below such semicolon, with a left-
23 hand margin that aligns with the left-hand
24 margin of subsection (b); and

25 (3) in section 4 (16 U.S.C. 718d)—



1 (A) by redesignating subsections (a) and
2 (b) as paragraphs (1) and (2);

3 (B) by inserting “(a) IN GENERAL—”
4 after “**SEC. 4.**”;

5 (C) in the first sentence of subsection (a)
6 (as designated by the amendment made by sub-
7 paragraph (B) of this paragraph) by striking
8 “All moneys” and inserting “Except as pro-
9 vided in subsection (b), all moneys”;

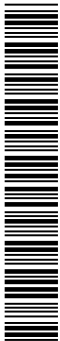
10 (D) by inserting after subsection (a)(2) (as
11 designated by the amendments made by sub-
12 paragraphs (A) and (B) of this paragraph) the
13 following new subsection:

14 “(b) DEPOSIT INTO GENERAL FUND.—Of the
15 amount collected for each stamp sold under section 2 in
16 hunting year 2006 and each hunting year thereafter, \$5
17 shall be deposited into the general fund of the Treasury.”;
18 and

19 (E) in subsection (c)—

20 (i) by inserting “WATERFOWL PRO-
21 Duction AREAS.—” before the first sen-
22 tence; and

23 (ii) by striking “subsection (b)” and
24 inserting “subsection (a)(2)”.



1 **SEC. 6704. FISHING PERMIT FEES.**

2 (a) REQUIREMENT.—The Secretary of Commerce
3 shall, in accordance with this section and section 9701(b)
4 of title 31, United States Code, increase or establish (or
5 both) and collect in fiscal years 2006 through 2010 fees
6 for permits administered by the Secretary that are re-
7 quired for engaging in fishing in the exclusive economic
8 zone of the United States.

9 (b) NET ADDITIONAL FEES.—The Secretary shall
10 ensure that the total amount received by the United States
11 as a result of increases and establishment of fees under
12 this section is not less than \$30,000,000.

13 **SEC. 6705. HUNTING PERMITS FOR SPECIES LISTED IN**
14 **CITES APPENDICES.**

15 (a) REQUIREMENT.—The amount of the fee required
16 to be paid for a permit required under section 11(f) of
17 the Endangered Species Act of 1973 (16 U.S.C. 1540(f))
18 for a species listed in Appendix I or Appendix II of the
19 Convention on International Trade in Endangered Species
20 of Wild Fauna and Flora is increased to the amount speci-
21 fied for such species in subsection (b).

22 (b) AMOUNT OF FEES.—The amount of such a fee—

23 (1) with respect to a species included in Appen-
24 dix I of such Convention, shall be \$5,000; and

25 (2) with respect to a species included in Appen-
26 dix II of such Convention, shall be \$1,000.



1 (c) DEPOSIT OF ADDITIONAL AMOUNTS.—Amounts
2 received by the United States that are attributable to in-
3 creases in fees under this section shall be deposited into
4 the general fund of the Treasury.

5 **CHAPTER 2—AMENDMENTS TO MARINE**
6 **MAMMAL PROTECTION ACT OF 1972**

7 **SEC. 6721. SHORT TITLE.**

8 This chapter may be cited as the “Marine Mammal
9 Protection Act Amendments of 2005”.

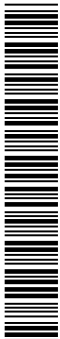
10 **SEC. 6722. AMENDMENT REFERENCES.**

11 Except as otherwise expressly provided, whenever in
12 this chapter an amendment or repeal is expressed in terms
13 of an amendment to, or repeal of, a section or other provi-
14 sion, the reference shall be considered to be made to such
15 section or other provision of the Marine Mammal Protec-
16 tion Act of 1972 (16 U.S.C. 1361 et seq.).

17 **SEC. 6723. TECHNICAL CORRECTIONS.**

18 (a) COMMITTEE REFERENCES.—The Marine Mam-
19 mal Protection Act of 1972 (16 U.S.C. 1361 et seq.) is
20 amended by striking “Committee on Merchant Marine and
21 Fisheries” each place it appears and inserting “Committee
22 on Resources”.

23 (b) OBSOLETE REFERENCE TO SECTION.—Section
24 118(c)(3)(A)(i) (16 U.S.C. 1387(c)(3)(A)(i)) is amended



1 by striking “, except that” and all that follows through
2 “is valid”.

3 **SEC. 6724. LIMITED AUTHORITY TO EXPORT MARINE MAM-**
4 **MAL PRODUCTS.**

5 (a) IN GENERAL.—Section 101(a)(6) (16 U.S.C.
6 1371(a)(6)) is amended by redesignating subparagraph
7 (B) as subparagraph (C), and by inserting after subpara-
8 graph (A) the following:

9 “(B) A marine mammal product may be ex-
10 ported from the United States if the product—

11 “(i) is legally possessed, and exported by,
12 a citizen of the United States for noncommer-
13 cial purposes in conjunction with travel outside
14 the United States and the product is imported
15 into the United States by the same person upon
16 the termination of travel;

17 “(ii) is legally possessed, and exported by,
18 a person that is not a citizen of the United
19 States for noncommercial purposes;

20 “(iii) is legally possessed and exported as
21 part of a cultural exchange, by an Indian,
22 Aleut, or Eskimo residing in Alaska; or

23 “(iv) is owned by a Native inhabitant of
24 Russia, Canada, or Greenland and is exported
25 for noncommercial purposes—



1 “(I) in conjunction with, and upon the
2 completion of, travel within the United
3 States; or

4 “(II) as part of a cultural exchange
5 with an Indian, Aleut, or Eskimo residing
6 in Alaska.”.

7 (b) CONFORMING AMENDMENT.—Section
8 101(a)(6)(A)(i) (16 U.S.C. 1371(a)(6)(A)(i)) is amended
9 by inserting “for noncommercial purposes” after “United
10 States” the first place it appears.

11 **SEC. 6725. CAPTIVE RELEASE PROHIBITION.**

12 Section 102(a) (16 U.S.C. 1372(a)) is amended—

13 (1) in paragraph (4) by striking “subsection
14 104(c); and” and inserting “section 104(c);”;

15 (2) in paragraph (5) by striking the period and
16 inserting “; and”; and

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

18 “(6) for any person that is subject to the juris-
19 diction of the United States to release any captive
20 marine mammal unless specifically authorized to do
21 so under section 104(c)(3)(A), 104(c)(4)(A), or
22 109(h), except that this paragraph shall not apply to
23 the temporary release of any marine mammal that
24 is maintained in captivity under section 7524 of title



1 10, United States Code (including any progeny of a
2 marine mammal maintained under that section).”.

3 **SEC. 6726. ANNUAL REPORT REQUIREMENT.**

4 Section 103 (16 U.S.C. 1373(f)) is amended—

5 (1) in subsection (f) in the first sentence, by in-
6 serting “and notwithstanding Public Law 104–66,”
7 after “thereafter”; and

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

9 “(g) The head of each Federal agency that conducts
10 and provides funds for research on marine mammals shall
11 report annually to the Committee on Resources of the
12 House of Representatives and the Committee on Com-
13 merce, Science, and Transportation of the Senate on fund-
14 ing provided and research conducted regarding marine
15 mammals during the preceding year.”.

16 **SEC. 6727. PERMIT CLARIFICATIONS.**

17 (a) CLARIFICATIONS.—Section 104 (16 U.S.C. 1374)
18 is amended as follows:

19 (1) Subsection (c)(7) is amended by inserting
20 “notwithstanding any other provision of law” after
21 “requesting the permit”.

22 (2) Subsection (c)(9) is amended to read as fol-
23 lows:

24 “(9)(A) No marine mammal may be exported—



1 “(i) for the purpose of public display,
2 unless the Secretary of Agriculture evalu-
3 ates and verifies, and thereafter notifies
4 the Secretary, that the receiving facility
5 meets standards that are comparable to
6 the requirements that a person must meet
7 to receive a permit under this subsection
8 for that purpose; or

9 “(ii) for the purpose of scientific re-
10 search or enhancing the survival or recov-
11 ery of a species or stock, unless the receiv-
12 ing facility meets standards that are com-
13 parable to the requirements that a person
14 must meet to receive a permit under this
15 subsection for that purpose.

16 “(B) The Secretary may not require or request,
17 through comity or any other means, that any marine
18 mammal or its progeny remain subject to the juris-
19 diction of the United States when located in waters
20 or on lands that are subject to the jurisdiction of an-
21 other country.”.

22 (3) Subsection (c)(10) is amended—

23 (A) in the first sentence by inserting “held
24 within the lands and waters of the United



1 States” after “marine mammals” each place it
2 appears;

3 (B) by inserting after the first sentence
4 the following: “The Secretary shall update the
5 inventory on an annual basis.”; and

6 (C) in subparagraph (D) by inserting
7 “ownership, or other” after “date of”.

8 (b) REVIEW AND REPORT REGARDING INVEN-
9 TORY.—

10 (1) REVIEW.—The Secretaries of Commerce
11 and the Interior shall, by not later than 12 months
12 after date of the enactment of this Act, jointly con-
13 duct a review of the inventory maintained under sec-
14 tion 104(c)(10) of the Marine Mammal Protection
15 Act of 1972 (16 U.S.C. 1374(c)(10)), the use of the
16 information in the inventory, and the costs, benefits,
17 and issues associated with the development of an on-
18 line inventory.

19 (2) CONSULTATION.—In conducting the review,
20 the Secretary shall consult and solicit input from
21 persons who are required to provide information for
22 the inventory.

23 (3) REPORT.—The Secretary shall submit a re-
24 port to Committee on Resources of the House of
25 Representatives and the Committee on Commerce,



1 Science, and Transportation of the Senate on the
2 findings of the review under this subsection. The re-
3 port shall include the following:

4 (A) Recommendations on whether the in-
5 ventory should be maintained by the Secretary
6 or by another person under contract.

7 (B) How the Secretary would oversee
8 maintenance of the inventory carried out under
9 contract.

10 (C) How public access and access by Fed-
11 eral agencies to the inventory can be main-
12 tained if the inventory is maintained under con-
13 tract.

14 (D) How the Secretary can minimize dupli-
15 cation on the information the Secretary receives
16 from public display facilities and reduce the
17 paper work burden on those facilities.

18 (E) An estimate of the cost of maintaining
19 the inventory.

20 (F) A description of how the Secretary will
21 ensure the secure maintenance of the data in
22 the inventory.

23 (G) An analysis of the potential that online
24 availability of the information in the inventory
25 could adversely affect the safety of the animals.



1 (c) LIMITATION ON NOTIFICATION REQUIRE-
2 MENTS.—Section 104(c) (16 U.S.C. 1374(c)) is amended
3 in paragraph (2)(E) in the first sentence, and in para-
4 graph (8)(B)(II), by inserting before the period at the end
5 the following: “, except that if the transport is for pur-
6 poses of public display and the transfer is between facili-
7 ties where the ownership and care of the marine mammal
8 will be under the same license or registration issued under
9 the Animal Welfare Act (7 U.S.C. 2131 et seq.) then only
10 a notice of transport is required”.

11 **SEC. 6728. FINES AND PENALTIES.**

12 (a) FINES AND PENALTIES, GENERALLY.—Section
13 105 (16 U.S.C. 1375) is amended—

14 (1) in subsection (a)(1) by striking “\$10,000”
15 and inserting “\$20,000”; and

16 (2) in subsection (b) by striking “\$20,000” and
17 inserting “\$30,000”.

18 (b) VESSEL PENALTY.—Section 106(b) (16 U.S.C.
19 1376(b)) is amended by striking “\$25,000” and inserting
20 “\$35,000”.

21 **SEC. 6729. MARINE MAMMAL RESEARCH GRANTS.**

22 Section 110 (16 U.S.C. 1380) is amended—

23 (1) by amending subsection (a) to read as fol-
24 lows:



1 “(a) AUTHORIZATION OF ASSISTANCE; ANNUAL RE-
2 PORT.—

3 “(1) AUTHORIZATION OF ASSISTANCE.—The
4 Secretary may make grants, or provide financial as-
5 sistance in such other form as the Secretary con-
6 siders appropriate, to any Federal or State agency,
7 public or private institution, or other person for the
8 purpose of assisting such agency, institution, or per-
9 son to undertake research in subjects that are rel-
10 evant to the protection and conservation of marine
11 mammals.

12 “(2) INCLUSION OF INFORMATION IN RE-
13 PORTS.—The Secretary shall include a description of
14 the annual results of research carried out with as-
15 sistance under this section in the report required
16 under section 103(f).

17 “(3) CONTRIBUTIONS.—For purposes of car-
18 rying out this section, the Secretary may accept, so-
19 licit, receive, hold, administer, and use gifts, devises,
20 and bequests.”; and

21 (2) by striking subsections (c) and (d) and in-
22 sserting the following:

23 “(c) AUTHORIZATION OF APPROPRIATIONS.—To
24 carry out this section there is authorized to be appro-



1 priated to the Secretary \$1,500,000 for each of fiscal
2 years 2006 through 2010.”.

3 **SEC. 6730. FISHERIES GEAR DEVELOPMENT.**

4 Section 111 (16 U.S.C. 1381) is amended as follows:

5 (1) Subsection (a) is amended to read as fol-
6 lows:

7 “(a) RESEARCH AND DEVELOPMENT PROGRAM.—

8 “(1) IN GENERAL.—The Secretary of Com-
9 merce (in this section referred to as the ‘Secretary’)
10 shall—

11 “(A) carry out a program of research and
12 development for the purpose of devising im-
13 proved fishing methods and gear so as to re-
14 duce to the maximum extent practicable the in-
15 cidental taking of marine mammals in connec-
16 tion with fishing operations; and

17 “(B) make every practicable effort to de-
18 velop, evaluate, and make available to owners
19 and operators of fishing vessels such gear and
20 fishing method improvements as quickly as pos-
21 sible.

22 “(2) COORDINATION WITH OTHER COUN-
23 TRIES.—The Secretary may coordinate with other
24 countries to foster gear technology transfer initia-
25 tives to reduce to the maximum extent practicable



1 the incidental mortality and serious injury of marine
2 mammals throughout the full extent of their range.”.

3 (2) By adding at the end the following:

4 “(e) GEAR RESEARCH MINI-GRANT PROGRAM.—

5 “(1) IN GENERAL.—Subject to the availability
6 of appropriations, the Secretary may establish a
7 grant program to provide financial assistance for de-
8 veloping, manufacturing, testing, or designing new
9 types of fishing gear designed to reduce to the max-
10 imum extent practicable the incidental taking (in-
11 cluding incidental mortality and serious injury) of
12 marine mammals.

13 “(2) GRANT AMOUNT AND PURPOSES.—The
14 amount of a grant under this subsection may not ex-
15 ceed \$20,000.

16 “(3) GRANT APPLICATIONS.—To receive a
17 grant under this section, an applicant must submit
18 an application in such form and manner as the Sec-
19 retary may prescribe.

20 “(4) CONSULTATION REGARDING CRITERIA.—
21 The Secretary shall consult with the Secretary of the
22 Interior and the Marine Mammal Commission re-
23 garding the development of criteria for the awarding
24 of grants under this subsection.



1 “(5) ADMINISTRATIVE COSTS.—Of amounts
2 available each fiscal year to carry out this sub-
3 section, the Secretary may expend not more than
4 \$40,000 to pay the administrative expenses nec-
5 essary to carry out this subsection.

6 “(6) CONTRIBUTIONS.—For purposes of car-
7 rying out this section, the Secretary may accept, so-
8 licit, receive, hold, administer, and use gifts, devises,
9 and bequests.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section there is authorized to be appro-
12 priated to the Secretary \$1,500,000 for each of fiscal
13 years 2006 through 2010.”.

14 **SEC. 6731. TROPICAL TREATY CONFORMING AMENDMENT.**

15 Subsection (c) of the Dolphin Protection Consumer
16 Information Act (16 U.S.C. 1385) is amended in para-
17 graph (2) by striking “160 degrees west longitude” and
18 inserting “150 degrees west longitude”.

19 **SEC. 6732. TAKE REDUCTION PLANS.**

20 (a) IN GENERAL.—Section 118 (16 U.S.C. 1387) is
21 amended as follows:

22 (1) In subsection (a) by striking “commercial”
23 each place it appears in paragraphs (1) and (5).



1 (2) In subsection (c)(1) by striking so much as
2 precedes subparagraph (B) and inserting the fol-
3 lowing:

4 “(c) REGISTRATION AND AUTHORIZATION.—(1) The
5 Secretary shall, within 90 days after the date of enactment
6 of the Marine Mammal Protection Act Amendments of
7 2005—

8 “(A) publish in the Federal Register for public
9 comment, for a period of not less than 90 days, any
10 necessary changes to the Secretary’s list of fisheries
11 published under section 114(b)(1) in the Federal
12 Register on August 24, 1994 (along with an expla-
13 nation of such changes and a statement describing
14 the marine mammal stocks interacting with, and the
15 approximate number of vessels or persons actively
16 involved in, each such fishery), with respect to—

17 “(i) commercial and recreational fisheries
18 that have frequent incidental mortality and seri-
19 ous injury of marine mammals;

20 “(ii) commercial and recreational fisheries
21 that have occasional incidental mortality and
22 serious injury of marine mammals; or

23 “(iii) commercial fisheries that have a re-
24 mote likelihood of or no known incidental mor-
25 tality or serious injury of marine mammals;”.



1 (3) In subsection (c)(1) in subparagraphs (B)
2 and (C) by striking “commercial”.

3 (4) In subsection (c)(2)(A) by striking “com-
4 mercial”.

5 (5) In subsection (c)(3)(A) in the matter pre-
6 ceding clause (i) by striking “a commercial fishery”
7 and inserting “that fishery”.

8 (6) In subsection (c)(3)(E) by inserting “com-
9 mercial” after “any”.

10 (7) In subsection (c)(5)(B) by striking “com-
11 mercial”.

12 (8) In subsection (d)(1) in the matter preceding
13 subparagraph (A) by striking “commercial fishing
14 operations” and inserting “fishing operations in a
15 fishery listed under subsection (c)(1)(A)(i) or (ii)”.

16 (9) In subsection (d)(3) in the matter preceding
17 subparagraph (A) by striking “commercial fisheries”
18 and inserting “fisheries listed under subsection
19 (c)(1)(A)(i) or (ii)”.

20 (10) In subsection (d)(4) as follows:

21 (A) In the matter preceding subparagraph
22 (A) by striking “commercial fisheries” and in-
23 serting “fisheries listed under subsection
24 (c)(1)(A)(i) or (ii)”.



1 (B) In subparagraph (A) by striking “com-
2 mercial fisheries” and inserting “fisheries listed
3 under subsection (c)(1)(A)(i) or (ii)”.

4 (C) In subparagraph (B) by striking “com-
5 mercial fisheries” and inserting “fisheries listed
6 under subsection (c)(1)(A)(i) or (ii)”.

7 (D) In subparagraph (C) by striking “com-
8 mercial fisheries” and inserting “fisheries listed
9 under subsection (c)(1)(A)(i) or (ii)”.

10 (11) In subsection (d)(5) by striking “commer-
11 cial fishing operations” and inserting “fishing oper-
12 ations in fisheries listed under subsection
13 (c)(1)(A)(i) or (ii)”.

14 (12) In subsection (e) in the matter preceding
15 paragraph (1)—

16 (A) by striking “commercial” each place it
17 appears; and

18 (B) by striking “this Act” and inserting
19 “this section”.

20 (13) In subsection (f) by striking so much as
21 precedes paragraph (2) and inserting the following:

22 “(f) TAKE REDUCTION PLANS.—(1) The Secretary
23 shall develop and implement a take reduction plan de-
24 signed to assist in the recovery or prevent the depletion
25 of each strategic stock which interacts with a fishery listed



1 under subsection (c)(1)(A)(i) or (ii), unless the Secretary
2 determines, after notice and opportunity for public com-
3 ment, that the level of fishery related mortality and seri-
4 ous injury is having a negligible impact on that stock. The
5 Secretary may develop and implement a take reduction
6 plan for any other marine mammal stocks which interact
7 with a fishery listed under subsection (c)(1)(A)(i) which
8 the Secretary determines, after notice and opportunity for
9 public comment, has a high level of mortality and serious
10 injury across a number of such marine mammal stocks.”.

11 (14) In subsection (f)(2)—

12 (A) by striking “6 months” and inserting
13 “9 months”; and

14 (B) by striking “commercial fishing oper-
15 ations” each place it appears and inserting
16 “fishing operations in fisheries listed under sub-
17 section (c)(1)(A)(i) or (ii)”.

18 (15) In subsection (f)(3) by striking “commer-
19 cial”.

20 (16) In subsection (f)(4)(B) by striking “com-
21 mercial fishing operations” and inserting “fishing
22 operations in fisheries listed under subsection
23 (c)(1)(A)(i) or (ii)”.

24 (17) In subsection (f)(5)—



1 (A) in subparagraph (A) by striking “6
2 months” and inserting “9 months”; and

3 (B) in subparagraphs (A) and (B) by
4 striking “commercial” each place it appears.

5 (18) In subsection (f)(6)(A)—

6 (A) by striking “(not later than 30 days)”;
7 and

8 (B) in clause (ii) by striking “commercial
9 fisheries” and inserting “fisheries listed under
10 subsection (c)(1)(A)(i) or (ii)”.

11 (19) In subsection (f)(6)(C) in the second sen-
12 tence, by inserting before “, and others” the fol-
13 lowing: “, where appropriate a representative of the
14 office of General Counsel of the National Oceanic
15 and Atmospheric Administration, a representative of
16 the National Marine Fisheries Service having re-
17 sponsibilities related to fisheries science, a represent-
18 ative of the National Marine Fisheries Service hav-
19 ing responsibilities related to law enforcement, and
20 a representative of the appropriate National Marine
21 Fisheries Service Regional Administrator”.

22 (20) In subsection (f)(7)—

23 (A) in subparagraph (A)(i) by striking “6
24 months” and inserting “9 months”;

25 (B) in subparagraph (B)(i)—



1 (i) by striking “not later than 60
2 days” and inserting “not later than 120
3 days”; and

4 (ii) by adding at the end the fol-
5 lowing: “Before publishing any plan that is
6 different than the draft plan proposed by
7 a take reduction team, the Secretary shall
8 reconvene the team and explain to the
9 team the differences between the published
10 plan and the draft plan proposed by the
11 team.”; and

12 (C) in subparagraph (B)(ii)—

13 (i) by striking “6 months” and insert-
14 ing “9 months”; and

15 (ii) by striking “not later than 8
16 months” and inserting “not later than 11
17 months”.

18 (21) In subsection (f)(7)(C) by striking “Not
19 later than 60 days” and inserting “Not later than
20 90 days”.

21 (22) In subsection (f)(7)(D) by striking “com-
22 mercial”.

23 (23) In subsection (f)(8)—



1 (A) in subparagraph (C) by striking “Not
2 later than 60 days” and inserting “Not later
3 than 180 days”; and

4 (B) by striking “commercial” each place it
5 appears.

6 (24) In subsection (f)(9) as follows:

7 (A) In subparagraph (A) by striking “com-
8 mercial fisheries or restrict commercial fish-
9 eries” and inserting “fisheries listed under sub-
10 section (c)(1)(A)(i) or (ii) or restrict such fish-
11 eries”.

12 (B) In subparagraphs (B) and (C) by
13 striking “commercial” each place it appears.

14 (C) In subparagraph (D) by striking “com-
15 mercial fishing operations” and inserting “par-
16 ticipation in a fishery listed under subsection
17 (c)(1)(A)(i) or (ii)”.

18 (25) In subsection (g)(1) by striking “commer-
19 cial fisheries” and inserting “fisheries listed under
20 subsection (c)(1)(A)(i) or (ii)”.

21 (26) In subsection (g)(3)(B) by striking “com-
22 mercial”.

23 (27) In subsection (g)(4) by striking “commer-
24 cial fishery” and inserting “fishery listed under sub-
25 section (c)(1)(A)(i) or (ii)”.



1 (28) In subsection (j) by inserting “including
2 observer, research, and education and outreach pro-
3 grams,” after “For purposes of carrying out this
4 section,”.

5 (29) By amending subsection (d)(1)(C) to read
6 as follows:

7 “(C) identify current fishery regulations and
8 changes in fishing methods or technology that may
9 increase or decrease incidental mortality and serious
10 injury.”.

11 (30) In subsection (f)(2) in the last sentence by
12 inserting “conservation benefits of” before “State or
13 regional fishery management plans.”.

14 (31) By amending subsection (f)(4)(A) to read
15 as follows:

16 “(A) a review of the information in the final
17 stock assessment published under section 117(b),
18 any substantial new information, a review of the
19 conservation benefits from current State and re-
20 gional fishery management regulations;”.

21 (b) STOCK ASSESSMENTS.—Section 117(a)(4) is
22 amended—

23 (1) by striking “and” at the end of subpara-
24 graph (C);



1 (2) by inserting “and” at the end of subpara-
2 graph (D); and

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

4 “(E) potential conservation benefits pro-
5 vided by State and regional fishery manage-
6 ment regulations;”.

7 (c) **ZERO MORTALITY RATE GOAL AMENDMENTS.**—
8 Section 118 (16 U.S.C. 1387) is amended in subsections
9 (a)(1) and (b)(1) by striking “within 7 years after the date
10 of enactment of this section” each place it appears.

11 (d) **CONFORMING AMENDMENT.**—Section
12 101(a)(5)(E) (16 U.S.C. 1371(a)(5)(E)) is amended by
13 inserting “or recreational” after “commercial” each place
14 it appears.

15 **SEC. 6733. PINNIPED RESEARCH.**

16 Section 120 (16 U.S.C. 1389) is amended by adding
17 at the end the following:

18 “(k) **RESEARCH ON NONLETHAL REMOVAL AND**
19 **CONTROL.**—(1) The Secretary shall conduct research on
20 the nonlethal removal and control of nuisance pinnipeds.
21 The research shall include a review of measures that have
22 been taken to effect such removal and control, the effec-
23 tiveness of these measures, and the development of new
24 technologies to deter nuisance pinnipeds.



1 “(2) The Secretary shall include, among the individ-
2 uals that develop the research program under this sub-
3 section, representatives of the commercial and recreational
4 fishing industries.

5 “(3) The Secretary is encouraged, where appropriate,
6 to use independent marine mammal research institutions
7 in developing and in conducting the research program.

8 “(4) The Secretary shall, by December 31 of each
9 year, submit an annual report on the results of research
10 under this subsection to the Committee on Resources of
11 the House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate.

13 “(1) QUALIFIED NONLETHAL CONTROL PROJECTS.—

14 “(1) IN GENERAL.—The Secretary may, to the
15 extent amounts are available to carry out this sub-
16 section, provide a grant to any eligible applicant to
17 carry out a qualified nonlethal control project in ac-
18 cordance with this subsection.

19 “(2) APPLICATIONS.—The Secretary shall—

20 “(A) publish guidelines for and solicit ap-
21 plications for grants under this subsection not
22 later than 6 months after the date of enactment
23 of this subsection; and

24 “(B) receive, review, evaluate, and approve
25 applications for grants under this subsection.



1 “(3) ELIGIBLE APPLICANT.—To be an eligible
2 applicant for purposes of paragraph (1), an appli-
3 cant must—

4 “(A) be a State, local government, or
5 interstate or regional agency; and

6 “(B) have adequate personnel, funding,
7 and authority to carry out and monitor or
8 maintain a nonlethal control of nuisance
9 pinnipeds project.

10 “(4) QUALIFIED CONTROL PROJECT.—To be a
11 qualified control project under this subsection, a
12 project must—

13 “(A) by humane and nonlethal means, re-
14 move, deter, and control nuisance pinnipeds in
15 areas where they are a recurrent and persistent
16 threat to public health and safety; and

17 “(B) encourage public notice, education,
18 and outreach on project activities in the af-
19 fected community.

20 “(5) GRANT DURATION.—Each grant under
21 this subsection shall be to provide funding for the
22 Federal share of the cost of a project carried out
23 with the grant for up to 2 fiscal years.

24 “(6) REPORTING BY GRANTEE.—



1 “(A) IN GENERAL.—A grantee carrying
2 out a control project with a grant under this
3 subsection shall report to the Secretary at the
4 expiration of the grant.

5 “(B) REPORT CONTENTS.—Each report
6 under this subsection shall include specific in-
7 formation on the methods and techniques used
8 to control nuisance pinniped species in the
9 project area, and on the ensuing results.

10 “(7) COST SHARING.—

11 “(A) FEDERAL SHARE.—Except as pro-
12 vided in paragraphs (2) and (3), the Federal
13 share of the cost of a project carried out with
14 a grant under this subsection shall not exceed
15 75 percent of such cost.

16 “(B) APPLICATION OF IN-KIND CONTRIBU-
17 TIONS.—The Secretary may apply to the non-
18 Federal share of costs of a control project car-
19 ried out with a grant under this subsection the
20 fair market value of services or any other form
21 of in-kind contribution to the project made by
22 non-Federal interests that the Secretary deter-
23 mines to be an appropriate contribution equiva-
24 lent to the monetary amount required for the
25 non-Federal share of the activity.



1 “(C) DERIVATION OF NON-FEDERAL
2 SHARE.—The non-Federal share of the cost of
3 a control project carried out with a grant under
4 this subsection may not be derived from a Fed-
5 eral grant program or other Federal funds.

6 “(8) AUTHORIZATION OF APPROPRIATIONS.—
7 There are authorized to be appropriated to the Sec-
8 retary \$1,500,000 for each of fiscal years 2006
9 through 2010.

10 “(9) CLARIFICATION.—Nothing in this sub-
11 section shall be interpreted as suspending or waiving
12 any requirement under any other provision of this
13 Act.”.

14 **SEC. 6734. MARINE MAMMAL COMMISSION.**

15 (a) NUMBER OF EMPLOYEES.—Section 206(5) (16
16 U.S.C. 1406(5)) is amended by striking “; except that no
17 fewer than 11 employees must be employed under para-
18 graph (1) at any time”.

19 (b) ADMINISTRATION.—Section 206 (16 U.S.C.
20 1406) is amended—

21 (1) in paragraph (4) by striking “(but at rates
22 for individuals not to exceed \$100 per diem)”; and

23 (2) in paragraph (5) by striking “Financial”
24 and all that follows through the end of that sen-
25 tence.



1 **SEC. 6735. STRANDING AND ENTANGLEMENT RESPONSE.**

2 (a) COLLECTION AND UPDATING OF INFORMA-
3 TION.—Section 402(b)(1)(A) (16 U.S.C. 1421a(b)(1)(A))
4 is amended by inserting “or entangled” after “stranded”.

5 (b) ENTANGLEMENT RESPONSE AGREEMENTS.—

6 (1) IN GENERAL.—Section 403 (16 U.S.C.
7 1421b) is amended—

8 (A) by amending the section heading to
9 read as follows:

10 **“SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE**
11 **AGREEMENTS.”**; and

12 (B) in subsection (a) by inserting “or en-
13 tanglement” before the period.

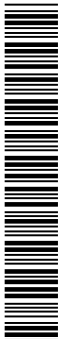
14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents at the end of the first section is amended by
16 striking the item relating to section 403 and insert-
17 ing the following:

“403. Stranding or entanglement response agreements.”.

18 (c) LIABILITY.—Section 406(a) (16 U.S.C. 1421e(a))
19 is amended by inserting “or entanglement” after “strand-
20 ing”.

21 (d) ENTANGLEMENT DEFINED.—

22 (1) IN GENERAL.—Section 410 (16 U.S.C.
23 1421h) is amended—



1 (A) by redesignating paragraphs (1)
2 through (6) in order as paragraphs (2) through
3 (7); and

4 (B) by inserting before paragraph (2) (as
5 so redesignated) the following:

6 “(1) The term ‘entanglement’ means an event
7 in the wild in which a living or dead marine mammal
8 has gear, rope, line, net, or other material wrapped
9 around or attached to it and is—

10 “(A) on a beach or shore of the United
11 States; or

12 “(B) in waters under the jurisdiction of
13 the United States.”.

14 (2) CONFORMING AMENDMENT.—Section
15 408(a)(2)(B)(i) (16 U.S.C. 1421f–1(a)(2)(B)(i)) is
16 amended by striking “section 410(6)” and inserting
17 “section 410(7)”.

18 (e) JOHN H. PRESCOTT MARINE MAMMAL RESCUE
19 ASSISTANCE GRANT PROGRAM.—

20 (1) AUTHORIZATION OF APPROPRIATIONS FOR
21 GRANT PROGRAM.—Section 408(h) (16 U.S.C.
22 1421f–1(h)) is amended—

23 (A) by striking “\$5,000,000 for each of
24 fiscal years 2001 through 2003” and inserting



1 “\$7,000,000 for each of fiscal years 2006
2 through 2010”; and

3 (B) in paragraph (1) by striking
4 “\$4,000,000” and inserting “\$6,000,000” .

5 (2) ADMINISTRATIVE COSTS AND EXPENSES.—
6 Section 408 (16 U.S.C. 1421f-1) is amended—

7 (A) by adding at the end of subsection
8 (a)(1) the following: “All funds available to im-
9 plement this section shall be distributed to eligi-
10 ble stranding network participants for the pur-
11 poses set forth in this paragraph and paragraph
12 (2), except as provided in subsection (f).”; and

13 (B) by amending subsection (f) to read as
14 follows:

15 “(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of
16 the amounts available each fiscal year to carry out this
17 section, the Secretary may expend not more than 5 per-
18 cent or \$80,000, whichever is greater, to pay the adminis-
19 trative costs and administrative expenses to implement the
20 grant program under subsection (a). Any such funds re-
21 tained by the Secretary for a fiscal year for such costs
22 and expenses that are not used for such costs and ex-
23 penses before the end of the fiscal year shall be provided
24 as grants under subsection (a).”.



1 (3) EMERGENCY ASSISTANCE.—Section 408 (16
2 U.S.C. 1421f–1) is amended—

3 (A) in subsection (a) by redesignating
4 paragraphs (2) and (3) as paragraph (3) and
5 (4), respectively, and by inserting after para-
6 graph (1) the following:

7 “(2) Subject to the availability of appropriations, the
8 Secretary may also enter into cooperative agreements, con-
9 tracts, or such other agreements or arrangements as the
10 Secretary considers appropriate to address stranding
11 events requiring emergency assistance.”;

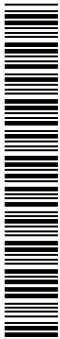
12 (B) in subsection (d) by inserting “(1)”
13 before the first sentence, and by adding at the
14 end the following:

15 “(2) Funding for emergency stranding projects shall
16 not be subject to the funding limit established in para-
17 graph (1).”;

18 (C) in subsection (e)—

19 (i) in paragraph (1) by striking “The
20 non-Federal” and inserting “Except as
21 provided in paragraph (2), the non-Fed-
22 eral”;

23 (ii) by redesignating paragraph (2) as
24 paragraph (3); and



1 (iii) by inserting after paragraph (1)
2 the following:

3 “(2) EMERGENCY ASSISTANCE.—No non-Fed-
4 eral contribution shall be required for funding for a
5 response to an emergency stranding event.”; and

6 (D) in subsection (g) by redesignating
7 paragraph (2) as paragraph (3) and inserting
8 after paragraph (1) the following:

9 “(2) EMERGENCY ASSISTANCE.—The term
10 ‘emergency assistance’ means assistance provided for
11 a stranding event that—

12 “(A) is not an unusual mortality event as
13 defined in section 409(6);

14 “(B) leads to an immediate increase in re-
15 quired costs for stranding response, recovery, or
16 rehabilitation in excess of regularly scheduled
17 costs;

18 “(C) may be cyclical or endemic; and

19 “(D) may involve out-of-habitat animals.”.

20 (4) CONTRIBUTIONS.—Section 408 (16 U.S.C.
21 1421f–1) is amended by adding at the end the fol-
22 lowing:

23 “(i) CONTRIBUTIONS.—For purposes of carrying out
24 this section, the Secretary may solicit, accept, receive,
25 hold, administer, and use gifts, devises, and bequests.”.



1 (f) AUTHORIZATION OF APPROPRIATIONS FOR MA-
2 RINE MAMMAL UNUSUAL MORTALITY EVENT FUND.—
3 Section 409(3) (16 U.S.C. 1421g(3)) is amended by strik-
4 ing “\$500,000 for fiscal year 1993” and inserting
5 “\$125,000 for each of fiscal years 2006 through 2010”.

6 **SEC. 6736. SCRIMSHAW EXEMPTION.**

7 Any valid certificate of exemption referred to in sec-
8 tion 18 of Public Law 103–238 (16 U.S.C. 1539 note)
9 that was valid under that section on April 29, 1999, shall
10 be valid during the 11-year period beginning October 31,
11 1999.

12 **SEC. 6737. FEES.**

13 (a) REQUIREMENT.—The Secretary of Commerce
14 and the Secretary of the Interior shall each, in accordance
15 with this section and section 9701(b) of title 31, United
16 States Code, increase or establish (or both) and collect in
17 fiscal years 2006 through 2010 fees for permits adminis-
18 tered by such Secretary that are required under the Ma-
19 rine Mammal Protection Act of 1972 (16 U.S.C. 1361 et
20 seq.).

21 (b) NET ADDITIONAL FEES.—

22 (1) SECRETARY OF COMMERCE.—The Secretary
23 of Commerce shall ensure that the total amount re-
24 ceived by the United States as a result of increase



1 and establishment of fees by such Secretary under
2 this section is not less than \$150,000.

3 (2) SECRETARY OF THE INTERIOR.—The Sec-
4 retary of the Interior shall ensure that the total
5 amount received by the United States as a result of
6 increase and establishment of fees by such Secretary
7 under this section is not less than \$9,500

8 (c) USE FOR ADMINISTRATION.—Of the amount re-
9 ceived by the United States as a result of increase and
10 establishment of fees by each of the Secretary of Com-
11 merce and the Secretary of the Interior under this section,
12 such Secretary may use up to 3 percent for administering
13 activities under the Marine Mammal Protection Act of
14 1972 (16 U.S.C. 1361 et seq.) with respect to which such
15 fees were collected.

