

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To provide for a renewable energy leasing program on the outer Continental Shelf, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. KING introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide for a renewable energy leasing program on the outer Continental Shelf, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Renewable Energy on  
5 Outer Continental Shelf Lands Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **AFFECTED STATE.**—The term “affected  
9 State” means, with respect to any program, plan,

1 lease sale, or other activity proposed, conducted, or  
2 approved under this Act, any State—

3 (A) the laws of which are declared, pursu-  
4 ant to section 4(a)(2) of the Outer Continental  
5 Shelf Lands Act (43 U.S.C. 1333(a)(2)), to be  
6 the law of the United States for the portion of  
7 the outer Continental Shelf on which the activ-  
8 ity is, or is proposed to be, conducted;

9 (B) that is, or is proposed to be, directly  
10 connected by transportation facilities to any ar-  
11 tificial island or structure authorized under the  
12 leasing program authorized under this Act;

13 (C) that is receiving, or in accordance with  
14 the proposed activity will receive, renewable en-  
15 ergy produced on the outer Continental Shelf  
16 and transported directly to the State;

17 (D) that is designated by the Secretary  
18 as—

19 (i) a State in which there is a sub-  
20 stantial probability of significant impact  
21 on, or damage to, the coastal environment,  
22 marine environment, or human environ-  
23 ment; or

24 (ii) a State in which there will be sig-  
25 nificant changes in the social, govern-

1                   mental, or economic infrastructure result-  
2                   ing from the construction, operations, and  
3                   decommissioning of renewable energy on  
4                   the outer Continental Shelf; or

5                   (E) in which the Secretary finds that, be-  
6                   cause of the proposed activity, there is, or will  
7                   be, a significant risk of serious damage, due to  
8                   factors such as prevailing winds and currents,  
9                   to the marine environment or coastal environ-  
10                  ment in the event of any major accident, such  
11                  as structural collapse, debris, electrical fires, or  
12                  release of oil or gas from transport vessels.

13                  (2) ANTITRUST LAW.—The term “antitrust  
14                  law” means—

15                         (A) the Sherman Act (15 U.S.C. 1 et seq.);

16                         (B) the Clayton Act (15 U.S.C. 12 et  
17                         seq.);

18                         (C) the Federal Trade Commission Act (15  
19                         U.S.C. 41 et seq.);

20                         (D) the Wilson Tariff Act (15 U.S.C. 8 et  
21                         seq.); or

22                         (E) the Act of June 19, 1936 (15 U.S.C.  
23                         13a et seq.; 49 Stat. 1526, chapter 592) (com-  
24                         monly known as the “Robinson-Patman Act”).

1           (3) COASTAL ENVIRONMENT.—The term  
2 “coastal environment” means the physical atmos-  
3 pheric and biological components, conditions, and  
4 factors that interactively determine the productivity,  
5 state, condition, and quality of the terrestrial eco-  
6 system from the shoreline inward to the boundaries  
7 of the coastal zone.

8           (4) COASTAL ZONE.—The term “coastal  
9 zone”—

10           (A) means the coastal waters (including  
11 the land in and under the coastal waters) and  
12 the adjacent shorelands (including the waters in  
13 and under the adjacent shorelands) that are—

14                   (i) strongly influenced by each other;

15                   and

16                   (ii) in proximity to the shorelines of  
17 the several coastal States; and

18           (B) includes islands, transition and  
19 intertidal areas, salt marshes, wetlands, and  
20 beaches—

21                   (i) the zone of which extends seaward  
22 to the outer limit of the United States ter-  
23 ritorial sea and extends inland from the  
24 shorelines to the extent necessary to con-  
25 trol shorelands;

1 (ii) the uses of which have a direct  
2 and significant impact on the coastal  
3 waters; and

4 (iii) the inward boundaries of which  
5 may be identified by the several coastal  
6 States.

7 (5) CONSTRUCTION.—The term “construction”  
8 means any activity located in an area subject to a  
9 lease that is—

10 (A) carried out following a favorable site  
11 assessment of renewable energy potential; and

12 (B) for the purpose of ultimately pro-  
13 ducing renewable energy.

14 (6) ELIGIBLE STATE.—The term “eligible  
15 State” means a State a point on the coastline of  
16 which is located within 75 miles of the geographic  
17 center of an applicable leased tract.

18 (7) GOVERNOR.—The term “Governor”  
19 means—

20 (A) the Governor of a State; or

21 (B) the person or entity designated by, or  
22 pursuant to, State law to exercise the powers  
23 granted to the Governor pursuant to this Act.

24 (8) HUMAN ENVIRONMENT.—The term “human  
25 environment” means the physical, social, and eco-

1        nomic components, conditions, and factors that  
2        interactively determine the state, condition, and  
3        quality of living conditions, employment, and health  
4        of individuals affected, directly or indirectly, by ac-  
5        tivities occurring on the outer Continental Shelf.

6            (9) LEASE.—The term “lease” means any form  
7        of authorization issued under this Act that provides  
8        site control for site assessment and the potential  
9        construction and operations of renewable energy fa-  
10       cilities.

11           (10) MAJOR FEDERAL ACTION.—The term  
12        “major Federal action” means any action or pro-  
13        posal by the Secretary that is subject to the provi-  
14        sions of section 102(2)(C) of the National Environ-  
15        mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

16           (11) MARINE ENVIRONMENT.—The term “ma-  
17        rine environment” means the physical, atmospheric,  
18        and biological components, conditions, and factors  
19        that interactively determine the productivity, state,  
20        condition, and quality of the marine ecosystem, in-  
21        cluding the waters of the high seas, the contiguous  
22        zone, transitional and intertidal areas, salt marshes,  
23        and wetlands within the coastal zone and on the  
24        outer Continental Shelf.

1           (12) OPERATIONS.—The term “operations”  
2 means any activities located in an area subject to a  
3 lease that take place after the successful completion  
4 of the construction of renewable energy facilities.

5           (13) OUTER CONTINENTAL SHELF.—

6           (A) IN GENERAL.—The term “outer Conti-  
7 nental Shelf” means—

8                   (i) all submerged land lying seaward  
9 and outside of the area of lands beneath  
10 navigable waters (as defined in section 2 of  
11 the Submerged Lands Act (43 U.S.C.  
12 1301)), of which the subsoil and seabed  
13 appertain to the United States and are  
14 subject to the jurisdiction and control of  
15 the United States; and

16                   (ii) all submerged land within the ex-  
17 clusive economic zone of the United States  
18 and the outer Continental Shelf adjacent  
19 to any territory or possession of the United  
20 States.

21           (B) EXCLUSION.—The term “outer Conti-  
22 nental Shelf” does not include any area con-  
23 veyed by Congress to a territorial government  
24 for administration.

25           (14) PERSON.—The term “person” includes—

- 1 (A) a natural person;
- 2 (B) an association;
- 3 (C) a State;
- 4 (D) a political subdivision of a State; or
- 5 (E) a private, public, or municipal corpora-
- 6 tion.

7 (15) RENEWABLE ENERGY.—The term “renew-

8 able energy” includes—

- 9 (A) energy generated from a renewable en-
- 10 ergy source;
- 11 (B) the storage of energy generated from
- 12 a renewable energy source, including batteries
- 13 or hydrogen; and
- 14 (C) the transmission of energy generated
- 15 from a renewable energy source.

16 (16) RENEWABLE ENERGY SOURCE.—The term

17 “renewable energy source” means offshore wind, off-

18 shore solar, hydrokinetic energy, and other renew-

19 ably produced energy.

20 (17) SECRETARY.—The term “Secretary”

21 means—

- 22 (A) the Secretary of the Interior; or
- 23 (B) with respect to functions under this
- 24 Act that are transferred to, or vested in, the
- 25 Secretary of Energy or the Federal Energy

1 Regulatory Commission by or pursuant to the  
2 Department of Energy Organization Act (42  
3 U.S.C. 7101 et seq.), the Secretary of Energy  
4 or the Federal Energy Regulatory Commission,  
5 as applicable.

6 (18) SITE ASSESSMENT.—The term “site as-  
7 sessment” means the process of assessing the poten-  
8 tial of an area for renewable energy.

9 (19) SITE CHARACTERIZATION.—The term “site  
10 characterization” means the process of conducting  
11 surveys and studies that are needed—

12 (A) to delineate any development area;

13 (B) to enable a lessee to determine wheth-  
14 er to proceed with construction and operations;  
15 and

16 (C) for purposes of—

17 (i) the review by the lessor of any  
18 plans submitted by the lessee; and

19 (ii) any terms and conditions placed  
20 on any approval of a plan submitted by a  
21 lessee.

22 (20) STATE.—The term “State” means—

23 (A) each of the several States of the  
24 United States;

25 (B) the Commonwealth of Puerto Rico;

- 1 (C) Guam;
- 2 (D) American Samoa;
- 3 (E) the United States Virgin Islands; and
- 4 (F) the Commonwealth of the Northern
- 5 Mariana Islands.

6 (21) TRANSMISSION INFRASTRUCTURE.—The

7 term “transmission infrastructure” means the struc-

8 tures, equipment, and other facilities used to trans-

9 mit electric energy.

10 **SEC. 3. CONGRESSIONAL DECLARATION OF POLICY.**

11 It is the policy of the United States that—

12 (1) the subsoil and seabed of the outer Conti-

13 nental Shelf—

14 (A) appertain to the United States; and

15 (B) notwithstanding section 3(1) of the

16 Outer Continental Shelf Lands Act (43 U.S.C.

17 1332(1)), the jurisdiction, control, and power of

18 disposition of renewable energy on the outer

19 Continental Shelf shall be as provided in this

20 Act;

21 (2) the outer Continental Shelf is a vital source

22 of electricity generation and storage, which should

23 be made available for expeditious and orderly devel-

24 opment, subject to environmental safeguards and

25 while coexisting with other ocean users—

1 (A) to deploy renewable energy into the  
2 electric grid;

3 (B) to meet Federal and State energy  
4 mandates;

5 (C) to create domestic clean energy jobs  
6 and supply chain investment; and

7 (D) to ensure domestic energy independ-  
8 ence;

9 (3) offshore renewable lease areas should be de-  
10 termined by a robust and transparent stakeholder  
11 process that incorporates early engagement and  
12 input from—

13 (A) diverse user groups;

14 (B) the Federal Government; and

15 (C) State, Tribal, and local governments;

16 (4) permitting and cooperating agencies need to  
17 have sufficient resources to carry out or facilitate a  
18 robust and efficient renewable energy permitting  
19 process on the outer Continental Shelf; and

20 (5) renewable energy operations on the outer  
21 Continental Shelf should be conducted in a safe  
22 manner by well-trained personnel using technology,  
23 precautions, and techniques sufficient to minimize  
24 the likelihood of—

25 (A) pollution;

1 (B) physical obstruction to other users of  
2 the waters or subsoil and seabed; or

3 (C) other occurrences that may—

4 (i) cause damage to the environment  
5 or property; or

6 (ii) endanger human life or health.

7 **SEC. 4. LAWS AND REGULATIONS APPLICABLE TO OUTER**  
8 **CONTINENTAL SHELF.**

9 (a) LAWS AND REGULATIONS.—

10 (1) JURISDICTION OF THE UNITED STATES ON  
11 THE OUTER CONTINENTAL SHELF.—

12 (A) IN GENERAL.—The Constitution and  
13 laws and civil and political jurisdiction of the  
14 United States are extended, to the same extent  
15 as if the outer Continental Shelf were an area  
16 of exclusive Federal jurisdiction located within  
17 a State, to—

18 (i) the subsoil and seabed of the outer  
19 Continental Shelf;

20 (ii) all artificial islands on the outer  
21 Continental Shelf;

22 (iii) installations and other devices  
23 permanently or temporarily attached to the  
24 seabed, which may be erected thereon for

1 the purpose of construction or operations  
2 relating to renewable energy resources; or  
3 (iv) any such installation or other de-  
4 vice (other than a ship or vessel) for the  
5 purpose of transporting or transmitting  
6 such resources.

7 (B) LEASES ISSUED EXCLUSIVELY UNDER  
8 THIS ACT.—Renewable energy leases on the  
9 outer Continental Shelf shall be maintained or  
10 issued only under the provisions of this Act.

11 (2) LAWS OF ADJACENT STATES; PUBLICATION  
12 OF PROJECTED STATE LINES.—To the extent that  
13 they are applicable and not inconsistent with this  
14 Act or with other Federal laws and regulations of  
15 the Secretary now in effect or hereafter adopted, the  
16 civil and criminal laws of each adjacent State, now  
17 in effect or hereafter adopted, amended, or repealed  
18 are declared to be the law of the United States for  
19 that portion of the subsoil and seabed of the outer  
20 Continental Shelf, and artificial islands and fixed  
21 structures erected thereon, which would be within  
22 the area of the State if its boundaries were extended  
23 seaward to the outer margin of the outer Conti-  
24 nental Shelf, and the President shall determine and  
25 publish in the Federal Register such projected lines

1 extending seaward and defining each such area. All  
2 of such applicable laws shall be administered and en-  
3 forced by the appropriate officers and courts of the  
4 United States. State taxation laws shall not apply to  
5 the outer Continental Shelf.

6 (3) RESTRICTION ON STATE TAXATION AND JU-  
7 RISDICTION.—The provisions of this section for  
8 adoption of State law as the law of the United  
9 States shall never be interpreted as a basis for  
10 claiming any interest in or jurisdiction on behalf of  
11 any State for any purpose over the seabed and sub-  
12 soil of the outer Continental Shelf, or the property  
13 and natural resources thereof or the revenues there-  
14 from.

15 (b) LONGSHORE AND HARBOR WORKERS' COM-  
16 PENSATION ACT APPLICABLE; DEFINITIONS.—With re-  
17 spect to disability or death of an employee resulting from  
18 any injury occurring as the result of operations conducted  
19 on the outer Continental Shelf for the purpose of con-  
20 structing or operating renewable energy on the outer Con-  
21 tinental Shelf, compensation shall be payable under the  
22 provisions of the Longshore and Harbor Workers' Com-  
23 pensation Act (33 U.S.C. 901 et seq.). For the purposes  
24 of the extension of the provisions of that Act under this  
25 section—

1           (1) the term “employee” does not include a  
2           master or member of a crew of any vessel, or an of-  
3           ficer or employee of the United States or any agency  
4           thereof or of any State or foreign government, or of  
5           any political subdivision thereof;

6           (2) the term “employer” means an employer  
7           any of whose employees are employed in such oper-  
8           ations; and

9           (3) the term “United States” when used in a  
10          geographical sense includes the outer Continental  
11          Shelf and artificial islands and associated fixed and  
12          floating structures.

13          (c) NATIONAL LABOR RELATIONS ACT APPLICA-  
14          BLE.—For the purposes of the National Labor Relations  
15          Act (29 U.S.C. 151 et seq.), any unfair labor practice,  
16          as defined in such Act, occurring upon any artificial is-  
17          land, installation, or other device referred to in subsection  
18          (a) shall be deemed to have occurred within the judicial  
19          district of the State, the laws of which apply to such artifi-  
20          cial island, installation, or other device pursuant to such  
21          subsection, except that until the President determines the  
22          areas within which such State laws are applicable, the ju-  
23          dicial district shall be that of the State nearest the place  
24          of location of such artificial island, installation, or other  
25          device.

1 (d) COAST GUARD REGULATIONS; MARKING OF AR-  
2 TIFICIAL ISLANDS, INSTALLATIONS, AND OTHER DE-  
3 VICES; FAILURE OF OWNER SUITABLY TO MARK ACCORD-  
4 ING TO REGULATIONS.—

5 (1) The Secretary of the Department in which  
6 the Coast Guard is operating shall have authority to  
7 promulgate and enforce such reasonable regulations  
8 with respect to lights and other warning devices,  
9 safety equipment, and other matters relating to the  
10 promotion of safety of life and property on the arti-  
11 ficial islands, installations, and other devices re-  
12 ferred to in subsection (a) or on the waters adjacent  
13 thereto, as the Secretary may deem necessary.

14 (2) The Secretary of the Department in which  
15 the Coast Guard is operating may mark for the pro-  
16 tection of navigation any artificial island, installa-  
17 tion, or other device referred to in subsection (a)  
18 whenever the owner has failed suitably to mark such  
19 island, installation, or other device in accordance  
20 with regulations issued under this Act, and the  
21 owner shall pay the cost of such marking.

22 (e) AUTHORITY OF SECRETARY OF THE ARMY TO  
23 PREVENT OBSTRUCTION TO NAVIGATION.—The authority  
24 of the Secretary of the Army to prevent obstruction to  
25 navigation in the navigable waters of the United States

1 is extended to the artificial islands, installations, and other  
2 devices referred to in subsection (a).

3 (f) PROVISIONS AS NONEXCLUSIVE.—The specific  
4 application by this section of certain provisions of law to  
5 the subsoil and seabed of the outer Continental Shelf and  
6 the artificial islands, installations, and other devices re-  
7 ferred to in subsection (a) or to acts or offenses occurring  
8 or committed thereon shall not give rise to any inference  
9 that the application to such islands and structures, acts,  
10 or offenses of any other provision of law is not intended.

11 **SEC. 5. ADMINISTRATION OF LEASING.**

12 (a) IN GENERAL.—The Secretary shall administer  
13 the provisions of this Act relating to the leasing of the  
14 outer Continental Shelf, and shall prescribe such rules and  
15 regulations as may be necessary to carry out such provi-  
16 sions. The Secretary may at any time prescribe and amend  
17 such rules and regulations as the Secretary determines to  
18 be necessary and proper in order to provide for the preven-  
19 tion of waste and conservation of the natural resources  
20 of the outer Continental Shelf, and the protection of cor-  
21 relative rights therein, and, notwithstanding any other  
22 provisions herein, such rules and regulations shall, as of  
23 their effective date, apply to all operations conducted  
24 under a lease issued or maintained under the provisions  
25 of this Act. In the enforcement of safety, environmental,

1 and conservation laws and regulations, the Secretary shall  
2 cooperate with the relevant departments and agencies of  
3 the Federal Government and of the affected States. In the  
4 formulation and promulgation of regulations, the Sec-  
5 retary shall request and give due consideration to the  
6 views of the Attorney General with respect to matters  
7 which may affect competition. In considering any regula-  
8 tions and in preparing any such views, the Attorney Gen-  
9 eral shall consult with the Federal Trade Commission. The  
10 regulations prescribed by the Secretary under this sub-  
11 section shall include, but not be limited to, provisions—

12           (1) for the suspension or temporary prohibition  
13           of any operation or activity, including production,  
14           pursuant to any lease or permit (A) at the request  
15           of a lessee, in the national interest, to facilitate  
16           proper development of a lease or to allow for the  
17           construction or negotiation for use of transportation  
18           facilities, or (B) if there is a threat of serious, irrep-  
19           arable, or immediate harm or damage to life (includ-  
20           ing fish and other aquatic life), to property, to any  
21           mineral deposits (in areas leased or not leased), or  
22           to the marine, coastal, or human environment, and  
23           for the extension of any permit or lease affected by  
24           suspension or prohibition under subparagraph (A) or  
25           (B) by a period equivalent to the period of such sus-

1 pension or prohibition, except that no permit or  
2 lease shall be so extended when such suspension or  
3 prohibition is the result of gross negligence or willful  
4 violation of such lease or permit, or of regulations  
5 issued with respect to such lease or permit;

6 (2) with respect to cancellation of any lease or  
7 permit—

8 (A) that such cancellation may occur at  
9 any time, if the Secretary determines, after a  
10 hearing, that—

11 (i) continued activity pursuant to such  
12 lease or permit would probably cause seri-  
13 ous harm or damage to life (including fish  
14 and other aquatic life), to property, to any  
15 mineral (in areas leased or not leased), to  
16 the national security or defense, or to the  
17 marine, coastal, or human environment;

18 (ii) the threat of harm or damage will  
19 not disappear or decrease to an acceptable  
20 extent within a reasonable period of time;  
21 and

22 (iii) the advantages of cancellation  
23 outweigh the advantages of continuing  
24 such lease or permit in force;

1 (B) that such cancellation shall not occur  
2 unless and until operations under such lease or  
3 permit shall have been under suspension, or  
4 temporary prohibition, by the Secretary, with  
5 due extension of any lease or permit term con-  
6 tinuously for a period of 5 years, or for a lesser  
7 period upon request of the lessee; and

8 (C) that such cancellation shall entitle the  
9 lessee to receive such compensation as the les-  
10 see shows to the Secretary as being equal to the  
11 lesser of—

12 (i) the fair return of the canceled  
13 rights as of the date of cancellation, taking  
14 account of both anticipated revenues from  
15 the lease and anticipated costs, including  
16 costs of compliance with all applicable reg-  
17 ulations and operating orders, liability for  
18 cleanup costs or damages, and all other  
19 costs reasonably anticipated on the lease;  
20 and

21 (ii) the excess, if any, over the lessee's  
22 revenues, from the lease (plus interest  
23 thereon from the date of receipt to date of  
24 reimbursement) of all consideration paid  
25 for the lease and all direct expenditures

1           made by the lessee after the date of  
2           issuance of such lease and in connection  
3           with construction or operations, or both,  
4           pursuant to the lease (plus interest on  
5           such consideration and such expenditures  
6           from date of payment to date of reimburse-  
7           ment), except in the case of joint leases  
8           which are canceled due to the failure of 1  
9           or more partners to exercise due diligence,  
10          the innocent parties shall have the right to  
11          seek damages for such loss from the re-  
12          sponsible party or parties and the right to  
13          acquire the interests of the negligent party  
14          or parties and be issued the lease in ques-  
15          tion;

16           (3) for the assignment or relinquishment of a  
17          lease;

18           (4) for the storage of renewable energy from  
19          any source other than by the Federal Government;

20           (5) for easements necessary for construction  
21          and operations;

22           (6) for the prompt and efficient construction of  
23          a lease area; and

24           (7) for compliance with the national ambient air  
25          quality standards pursuant to the Clean Air Act (42

1 U.S.C. 7401 et seq.), to the extent that activities au-  
2 thORIZED under this Act significantly affect the air  
3 quality of any State.

4 (b) COMPLIANCE WITH REGULATIONS AS CONDITION  
5 FOR ISSUANCE, CONTINUATION, ASSIGNMENT, OR OTHER  
6 TRANSFER OF LEASES.—The issuance and continuance in  
7 effect of any lease, or of any assignment or other transfer  
8 of any lease, under the provisions of this Act shall be con-  
9 ditioned upon compliance with regulations issued under  
10 this Act.

11 (c) CANCELLATION OF NONPRODUCING LEASE.—  
12 Whenever the owner of a nonproducing lease fails to com-  
13 ply with any of the provisions of this Act, or of the lease,  
14 or of the regulations issued under this Act, such lease may  
15 be canceled by the Secretary, subject to the right of judi-  
16 cial review as provided in this Act, if such default con-  
17 tinues for the period of 30 days after mailing of notice  
18 by registered letter to the lease owner at the record post  
19 office address of the lease owner.

20 (d) CANCELLATION OF PRODUCING LEASE.—When-  
21 ever the owner of any producing lease fails to comply with  
22 any of the provisions of this Act, of the lease, or of the  
23 regulations issued under this Act, such lease may be for-  
24 feited and canceled by an appropriate proceeding in any

1 United States district court having jurisdiction under the  
2 provisions of this Act.

3 (e) TRANSMISSION INFRASTRUCTURE RIGHTS-OF-  
4 WAY; FORFEITURE OF GRANT.—Rights-of-way through  
5 the submerged lands of the outer Continental Shelf,  
6 whether or not such lands are included in a lease main-  
7 tained or issued pursuant to this Act, may be granted by  
8 the Secretary for transmission infrastructure purposes or  
9 under such regulations and upon such conditions as may  
10 be prescribed by the Secretary, or where appropriate the  
11 Secretary of Transportation, including (as provided in sec-  
12 tion 14(a)) ensuring maximum environmental protection  
13 by utilization of the best available and safest technologies,  
14 including the safest practices for transmission line burial  
15 and upon the express condition that transmission infra-  
16 structure shall transport or purchase without discrimina-  
17 tion, renewable energy produced from submerged lands or  
18 outer Continental Shelf lands in the vicinity of the trans-  
19 mission infrastructure in such proportionate amounts as  
20 the Federal Energy Regulatory Commission, in consulta-  
21 tion with the Secretary of Energy, may, after a full hear-  
22 ing with due notice thereof to the interested parties, deter-  
23 mine to be reasonable, taking into account, among other  
24 things, conservation and the prevention of waste. Failure  
25 to comply with the provisions of this section or the regula-

1 tions and conditions prescribed under this section shall be  
2 grounds for forfeiture of the grant in an appropriate judi-  
3 cial proceeding instituted by the United States in any  
4 United States district court having jurisdiction under the  
5 provisions of this Act.

6 (f) OPERATION AND EXPANSION OF TRANSMISSION  
7 INFRASTRUCTURE.—Each permit, license, easement,  
8 right-of-way, and other grant of authority for transmission  
9 infrastructure on or across the outer Continental Shelf  
10 under this Act shall require that the transmission infra-  
11 structure provide—

12 (1) open and nondiscriminatory access to all  
13 transmission customers; and

14 (2) on the specific request of 1 or more trans-  
15 mission customers able to provide a guaranteed  
16 schedule of throughput, and on the condition that  
17 the 1 or more transmission customers requesting the  
18 expansion shall be responsible for bearing the pro-  
19 portionate share of the costs and related risks, the  
20 Federal Energy Regulatory Commission may, on  
21 finding, after a full hearing with due notice provided  
22 to the interested parties, that the expansion is with-  
23 in technological limits and economic feasibility, order  
24 a subsequent expansion of any transmission infra-  
25 structure for which the permit, license, easement,

1 right-of-way, or other grant of authority is approved  
2 or issued after the date of enactment of this Act.

3 (g) FEDERAL ACTION AFFECTING OUTER CONTI-  
4 NENTAL SHELF; NOTIFICATION; RECOMMENDED  
5 CHANGES.—The head of any Federal department or agen-  
6 cy who takes any action which has a direct and significant  
7 effect on the outer Continental Shelf or its development  
8 shall promptly notify the Secretary of such action and the  
9 Secretary shall thereafter notify the Governor of any af-  
10 fected State and the Secretary may thereafter recommend  
11 such changes in such action as are considered appropriate.

12 (h) COOPERATIVE DEVELOPMENT OF COMMON HIGH  
13 POTENTIAL RENEWABLE ENERGY AREAS.—The Sec-  
14 retary shall prevent, through cooperative construction in  
15 an area subject to a lease, the harmful effects of over-  
16 crowding of a lease area in a common high energy poten-  
17 tial area encompassing Federal land and State land.

18 **SEC. 6. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE**

19 **OUTER CONTINENTAL SHELF.**

20 (a) RENEWABLE ENERGY LEASES.—

21 (1) GRANT OF LEASE.—In accordance with reg-  
22 ulations issued by the Secretary, the Secretary shall  
23 carry out an outer Continental Shelf renewable en-  
24 ergy leasing program under which the Secretary—

1 (A) shall hold auctions under which the  
2 Secretary shall grant to 1 or more highest re-  
3 sponsible qualified bidders, by competitive bid-  
4 ding, a lease that authorizes site assessment for  
5 and construction and operation of renewable en-  
6 ergy facilities; and

7 (B) may grant leases, easements, or rights-  
8 of-way in accordance with subsection (k).

9 (2) AUTHORIZED BIDDING FORMATS.—For pur-  
10 poses of an auction authorized under paragraph  
11 (1)(A), the Secretary may use any of the following  
12 formats for bidding:

13 (A) Sealed bidding, which shall consist of  
14 1 sealed cash bonus or operating fee rate bid  
15 per company per lease or packaged bidding  
16 unit.

17 (B) Ascending bidding, which shall consist  
18 of continuous cash bonus or operating fee rate  
19 bidding per lease.

20 (C) 2-stage bidding, which—

21 (i) shall consist of—

22 (I) stage 1 ascending or sealed  
23 bidding, which shall continue until  
24 such time as—

1 (aa) only 2 bidders remain;

2 or

3 (bb) more than 1 bidder of-

4 fers to pay the maximum bid

5 amount; and

6 (II) stage 2 ascending or sealed

7 bidding, which begins at the conclu-

8 sion of stage 1 bidding; and

9 (ii) allows the bid variable to be a  
10 cash bonus or operating fee rate in both  
11 stages, neither stage, or only 1 of the  
12 stages.

13 (D) Multiple-factor bidding, which—

14 (i) shall consist of 1 proposal per  
15 lease or packaged bidding unit; and

16 (ii) may include any of the following  
17 factors:

18 (I) Technical merit.

19 (II) Timeliness.

20 (III) Financing and economics.

21 (IV) Environmental consider-  
22 ations.

23 (V) Compatibility with State and  
24 local needs.

25 (VI) Cash bonus.

28

1 (VII) Rental rate.

2 (VIII) An operating fee rate.

3 (3) AUTHORIZED BIDDING SYSTEMS.—For pur-  
4 poses of an auction authorized under paragraph  
5 (1)(A), the Secretary may use any of the following  
6 systems for bidding:

7 (A) Cash bonus with a constant fee rate.

8 (B) Constant operating fee rate with fixed  
9 cash bonus.

10 (C) Sliding operating fee with fixed cash  
11 bonus.

12 (D) Cash bonus and constant operating  
13 rate fee.

14 (E) Cash bonus and sliding operating rate  
15 fee.

16 (F) A multiple-factor combination of mone-  
17 tary and nonmonetary factors.

18 (4) NOTICE.—Before holding an auction au-  
19 thorized under paragraph (1)(A), the Secretary shall  
20 submit to Congress and publish in the Federal Reg-  
21 ister a notice that includes the following information:

22 (A) Information on—

23 (i) the format of the auction; and

24 (ii) the bidding system to be used.

1 (B) A description of area available for leas-  
2 ing under the auction.

3 (C) Lease provisions and conditions.

4 (D) The official lease form to be used or  
5 a reference to the form.

6 (E) A description of the criteria to be used  
7 to evaluate competing bids or applications.

8 (F) A description of the manner in which  
9 the criteria described under subparagraph (E)  
10 will be used in the decisionmaking process for  
11 granting a lease.

12 (G) Award procedures.

13 (H) Procedures for appealing the lease  
14 issuance decision.

15 (I) Information on the execution of the  
16 lease instrument.

17 (b) **TERMS AND PROVISIONS OF RENEWABLE EN-**  
18 **ERGY LEASES.**—A lease granted under an auction con-  
19 ducted under subsection (a)(1)(A) shall—

20 (1) be for a tract consisting of a compact area  
21 that is determined by the Secretary to be the appro-  
22 priate size necessary to comprise a reasonable eco-  
23 nomic production unit;

24 (2) include—

1 (A) a 5-year term, during which the lessee  
2 shall—

3 (i) conduct site assessment activities;

4 and

5 (ii) submit to the Secretary a con-  
6 struction and operations plan; and

7 (B) a term for operations of a duration  
8 that is—

9 (i) determined by the Secretary; or

10 (ii) negotiated by the parties;

11 (3) require the payment of an amount, as deter-  
12 mined by 1 of the bidding systems described in the  
13 final sale notice with respect to the applicable auc-  
14 tion;

15 (4) entitle the lessee to submit plans for con-  
16 struction and operations to produce the renewable  
17 energy within the lease area, subject to—

18 (A) due diligence requirements; and

19 (B) the approval of the construction and  
20 operations plan required under this Act;

21 (5) provide for renewal of the lease during the  
22 initial lease term or any time thereafter; and

23 (6) contain any rental and other provisions that  
24 the Secretary may require.

25 (c) ANTITRUST REVIEW OF LEASE SALES.—

1           (1) IN GENERAL.—Following each notice of a  
2 proposed lease sale and before the acceptance of bids  
3 and the issuance of leases based on such bids, the  
4 Secretary shall allow the Attorney General, in con-  
5 sultation with the Federal Trade Commission, 30  
6 days to review the results of such lease sale, except  
7 that the Attorney General, after consultation with  
8 the Federal Trade Commission, may agree to a  
9 shorter review period.

10           (2) REQUIREMENTS.—The Attorney General  
11 may, in consultation with the Federal Trade Com-  
12 mission, conduct such antitrust review on the likely  
13 effects the issuance of such leases would have on  
14 competition as the Attorney General, after consulta-  
15 tion with the Federal Trade Commission, deems ap-  
16 propriate and shall advise the Secretary with respect  
17 to such review. The Secretary shall provide such in-  
18 formation as the Attorney General, after consulta-  
19 tion with the Federal Trade Commission, may re-  
20 quire in order to conduct any antitrust review pursu-  
21 ant to this paragraph and to make recommendations  
22 pursuant to paragraph (3).

23           (3) RECOMMENDATIONS.—The Attorney Gen-  
24 eral, after consultation with the Federal Trade Com-  
25 mission, may make such recommendations to the

1 Secretary, including the nonacceptance of any bid,  
2 as may be appropriate to prevent any situation in-  
3 consistent with the antitrust laws. If the Secretary  
4 determines, or if the Attorney General advises the  
5 Secretary, after consultation with the Federal Trade  
6 Commission and prior to the issuance of any lease,  
7 that such lease may create or maintain a situation  
8 inconsistent with the antitrust laws, the Secretary  
9 may—

10 (A) refuse—

11 (i) to accept an otherwise qualified bid  
12 for such lease; or

13 (ii) to issue such lease, notwith-  
14 standing subsection (a); or

15 (B) issue such lease, and notify the lessee  
16 and the Attorney General of the reason for such  
17 decision.

18 (4) EFFECT.—

19 (A) IN GENERAL.—Nothing in this sub-  
20 section shall restrict the power under any other  
21 Act or the common law of the Attorney Gen-  
22 eral, the Federal Trade Commission, or any  
23 other Federal department or agency to secure  
24 information, conduct reviews, make rec-  
25 ommendations, or seek appropriate relief.

1 (B) PRIVATE RIGHT OF ACTION UNDER  
2 ANTITRUST LAWS.—Neither the issuance of a  
3 lease nor anything in this subsection shall mod-  
4 ify or abridge any private right of action under  
5 the antitrust laws.

6 (d) DUE DILIGENCE.—No bid for a lease may be sub-  
7 mitted under this section if the Secretary finds, after no-  
8 tice and hearing, that the bidder is not meeting due dili-  
9 gence requirements on other leases.

10 (e) SECRETARY'S APPROVAL FOR SALE, EXCHANGE,  
11 ASSIGNMENT, OR OTHER TRANSFER OF LEASES.—No  
12 lease issued under this Act may be sold, exchanged, as-  
13 signed, or otherwise transferred except with the approval  
14 of the Secretary. Prior to any such approval, the Secretary  
15 shall consult with and give due consideration to the views  
16 of the Attorney General.

17 (f) ANTITRUST IMMUNITY OR DEFENSES.—Nothing  
18 in this Act conveys to any person, association, corporation,  
19 or other business organization immunity from civil or  
20 criminal liability, or creates defenses to actions, under any  
21 antitrust law.

22 (g) STATE CLAIMS TO JURISDICTION OVER SUB-  
23 MERGED LANDS.—Nothing in this section alters, limits,  
24 or modifies any claim of any State to any jurisdiction over,  
25 or any right, title, or interest in, any submerged lands.

1 (h) PUBLICATION OF NOTICES OF SALE AND TERMS  
2 OF BIDDING.—Notice of an auction of leases, and the  
3 terms of bidding, authorized under subsection (a)(1)(A)  
4 shall be published not less than 30 days before the date  
5 of the auction in accordance with any rules and regula-  
6 tions issued by the Secretary.

7 (i) GRANTING OF LEASE AS NONPREJUDICIAL TO  
8 ULTIMATE SETTLEMENT OR ADJUDICATION OF CON-  
9 TROVERSIES.—The granting of any lease by the Secretary  
10 under this Act shall not prejudice the ultimate settlement  
11 or adjudication of the question as to whether the area in-  
12 volved is on the outer Continental Shelf.

13 (j) CANCELLATION OF LEASES FOR FRAUD.—The  
14 Secretary may cancel any lease obtained under this section  
15 by fraud or misrepresentation.

16 (k) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR  
17 ENERGY AND RELATED PURPOSES.—The Secretary, in  
18 consultation with the Secretary of the department in  
19 which the Coast Guard is operating and other relevant de-  
20 partments and agencies of the Federal Government, may  
21 grant a lease, easement, or right-of-way on the outer Con-  
22 tinental Shelf for activities not otherwise authorized under  
23 this Act, the Outer Continental Shelf Lands Act (43  
24 U.S.C. 1331 et seq.), the Deepwater Port Act of 1974 (33  
25 U.S.C. 1501 et seq.), the Ocean Thermal Energy Conver-

1 sion Act of 1980 (42 U.S.C. 9101 et seq.), or other appli-  
2 cable law, if those activities—

3 (1) support construction, operation, or storage  
4 of renewable energy;

5 (2) produce or support production, storage, or  
6 transmission of energy from renewable sources; and

7 (3) use, for energy-related purposes or for other  
8 authorized marine-related purposes, facilities cur-  
9 rently or previously used for activities authorized  
10 under this Act.

11 (l) PAYMENTS AND REVENUES.—The Secretary shall  
12 establish royalties, fees, rentals, bonuses, or other pay-  
13 ments to ensure a fair return to the United States for  
14 any lease, easement, or right-of-way granted under this  
15 section.

16 (m) COMPETITIVE OR NONCOMPETITIVE BASIS.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (2), the Secretary shall grant a lease, ease-  
19 ment, or right-of-way under subsection (k) on a  
20 competitive basis.

21 (2) EXCEPTIONS.—Paragraph (1) shall not  
22 apply—

23 (A) in a case in which the Secretary deter-  
24 mines, after public notice of a proposed lease,  
25 easement, or right-of-way, that there is no com-

1           petitive interest in the proposed lease, ease-  
2           ment, or right-of-way; or

3                   (B) in the case of a research lease per-  
4           mitted under subsection (s).

5           (n) REQUIREMENTS.—The Secretary shall ensure  
6 that the granting of a lease, easement, or right-of-way  
7 under this section, or final approval of activities conducted  
8 pursuant to a lease, easement, or right-of-way granted  
9 under this section, is carried out in a manner that provides  
10 for—

11                   (1) safety;

12                   (2) protection of the environment, including fa-  
13           cilitation of zero-emission energy generation;

14                   (3) satisfaction of any applicable Federal or  
15           State offshore renewable energy mandates, targets,  
16           or goals;

17                   (4) efficient use of the renewable energy source  
18           in the leased area;

19                   (5) conservation of the natural resources of the  
20           outer Continental Shelf;

21                   (6) coordination with relevant Federal agencies;

22                   (7) protection of national security interests of  
23           the United States;

24                   (8) protection of the correlative rights on the  
25           outer Continental Shelf, including the energy gen-

1           eration potential of other offshore renewable energy  
2           leases;

3           (9) a fair return to the United States for the  
4           lease, easement, or right-of-way;

5           (10) consideration of—

6           (A) the location of, and any schedule relat-  
7           ing to, the lease, easement, or right-of-way; and

8           (B) any other use of the sea or seabed, in-  
9           cluding use for a fishery, a sealane, a potential  
10          site of a deepwater port, or navigation;

11          (11) public notice and comment on any pro-  
12          posal submitted for the lease, easement, or right-of-  
13          way; and

14          (12) oversight, inspection, research, monitoring,  
15          and enforcement relating to the lease, easement, or  
16          right-of-way.

17          (o) LEASE, EASEMENT, OR RIGHT-OF-WAY DURA-  
18          TION, SUSPENSION, AND CANCELLATION.—The Secretary  
19          shall provide for the duration, granting, transfer, renewal,  
20          suspension, and cancellation of a lease, easement, or right-  
21          of-way under this section.

22          (p) SECURITY.—The Secretary shall require the hold-  
23          er of a lease, easement, or right-of-way granted under this  
24          section—

1           (1) to furnish a surety bond or other form of  
2 security, as prescribed by the Secretary;

3           (2) to comply with such other requirements as  
4 the Secretary considers necessary to protect the in-  
5 terests of the public and the United States; and

6           (3) to provide for the restoration of the lease,  
7 easement, or right-of-way.

8 (q) COORDINATION AND CONSULTATION.—

9           (1) STATE AND LOCAL GOVERNMENTS.—The  
10 Secretary shall provide for coordination and con-  
11 sultation with the Governor of any State or the exec-  
12 utive of any local government that may be affected  
13 by a lease, easement, or right-of-way granted under  
14 this section.

15           (2) FEDERAL AGENCIES.—The Secretary shall  
16 provide for coordination and consultation with the  
17 Secretary of Defense, the Secretary of the depart-  
18 ment in which the Coast Guard is operating, the  
19 Secretary of Commerce, and any heads of other rel-  
20 evant departments and agencies of the Federal Gov-  
21 ernment to ensure effective implementation of the  
22 policy objectives described in section 3.

23 (r) REGULATIONS.—Not later than 180 days after  
24 the date of enactment of this Act—

25           (1) the Secretary shall—

1 (A) review any existing regulations applica-  
2 ble to activities carried out under this Act; and

3 (B) issue any necessary regulations to  
4 carry out this Act; and

5 (2) the Secretary of Defense, the Secretary of  
6 the department in which the Coast Guard is oper-  
7 ating, the Secretary of Commerce, and the heads of  
8 other relevant departments and agencies of the Fed-  
9 eral Government shall each review existing regula-  
10 tions and issue any necessary regulations to support  
11 the Secretary in giving effect to the policy objectives  
12 described in section 3.

13 (s) RESEARCH LEASES.—

14 (1) IN GENERAL.—The Secretary may permit  
15 research leases of fewer than 10,000 acres to be  
16 issued noncompetitively—

17 (A) to streamline the leasing process; and

18 (B) to allow cutting-edge technologies to be  
19 tested under this Act.

20 (2) REQUIREMENT.—A project eligible for non-  
21 competitive lease issuance under paragraph (1) shall  
22 be required to have research as its primary purpose.

23 (t) EFFECT OF SECTION.—Nothing in this section  
24 displaces, supersedes, limits, or modifies the jurisdiction,

1 responsibility, or authority of any Federal or State agency  
2 under any other Federal law.

3 (u) APPLICABILITY.—

4 (1) IN GENERAL.—Subject to paragraph (2)—

5 (A) this Act is the sole and exclusive  
6 means by which renewable energy development  
7 may be authorized on the outer Continental  
8 Shelf; and

9 (B) nothing in this Act applies to any area  
10 on the outer Continental Shelf within the exte-  
11 rior boundaries of any unit of the National  
12 Park System, the National Wildlife Refuge Sys-  
13 tem, the National Marine Sanctuary System, or  
14 a National Monument.

15 (2) NATIONAL MARINE SANCTUARIES.—If oth-  
16 erwise permitted under the National Marine Sanc-  
17 tuaries Act (16 U.S.C. 1431 et seq.), the Secretary  
18 may issue easements and rights-of-way on the outer  
19 Continental Shelf within units of the National Ma-  
20 rine Sanctuary System for the transmission of re-  
21 newable energy (including electrical substations),  
22 and may approve and regulate as necessary the con-  
23 struction and operation of such renewable energy  
24 transmission. Permits for activities issued under the  
25 National Marine Sanctuaries Act (16 U.S.C. 1431 et

1 seq.) shall be issued for the duration of the oper-  
2 ations term of the relevant easement or right-of-way.

3 **SEC. 7. AMOUNTS RECEIVED AS A RESULT OF FORFEITURE**  
4 **BY OUTER CONTINENTAL SHELF PERMITTEE,**  
5 **LESSEE, OR RIGHT-OF-WAY HOLDER; RETURN**  
6 **OF EXCESS AMOUNTS.**

7 (a) IN GENERAL.—Subject to subsection (b), not-  
8 withstanding section 3302 of title 31, United States Code,  
9 beginning on the date of enactment of this Act, any  
10 amounts received as a result of the forfeiture of a bond  
11 or other security by an outer Continental Shelf permittee,  
12 lessee, or right-of-way holder that does not fulfill the re-  
13 quirements of the applicable permit, lease, or right-of-way  
14 or does not comply with applicable regulations of the Sec-  
15 retary shall be credited to the royalty and offshore min-  
16 erals management account of the Office of Natural Re-  
17 sources Revenue to cover the cost to the United States  
18 of any improvement or protection or rehabilitation work  
19 that is required as a result of the action or inaction that  
20 led to the forfeiture, to remain available until expended.

21 (b) RETURN OF EXCESS AMOUNTS.—Of the amounts  
22 credited under subsection (a), the Secretary shall return  
23 to the applicable lessee, permittee, or right-of-way holder,  
24 as applicable—

1           (1) if the amount forfeited exceeds the amount  
2           expended by the Federal Government for the im-  
3           provement or protection or rehabilitation work ne-  
4           cessitated by the action or inaction that led to the  
5           forfeiture, the amount equal to the difference be-  
6           tween—

7                   (A) the amount forfeited; and

8                   (B) the amount expended by the Federal  
9           Government; or

10          (2) if the amount forfeited exceeds the amount  
11          of the civil penalty imposed, the amount equal to the  
12          difference between—

13                   (A) the amount forfeited; and

14                   (B) the amount of the civil penalty im-  
15          posed.

16 **SEC. 8. SITE ASSESSMENT AND CHARACTERIZATION.**

17          The Secretary shall determine whether and to what  
18          extent to regulate site assessment and site characteriza-  
19          tion activities under a lease issued under this Act beyond  
20          currently applicable requirements imposed by other Fed-  
21          eral agencies, including through the implementation of  
22          lease stipulations.

23 **SEC. 9. RESERVATION OF LAND AND RIGHTS.**

24          (a) **FIRST REFUSAL OF RENEWABLE ENERGY PUR-**  
25          **CHASES.**—In time of war, or when the President shall so

1 prescribe, the United States shall have the right of first  
2 refusal to purchase at the market price all or any portion  
3 of any renewable energy produced from the outer Conti-  
4 nental Shelf.

5 (b) NATIONAL SECURITY CLAUSE.—All leases issued  
6 under this Act, and leases, the maintenance and operation  
7 of which are authorized under this Act, shall contain or  
8 be construed to contain a provision whereby authority is  
9 vested in the Secretary, upon a recommendation of the  
10 Secretary of Defense, during a state of war or national  
11 emergency declared by the Congress or the President of  
12 the United States, to suspend operations under any lease;  
13 and all such leases shall contain or be construed to contain  
14 provisions for the payment of just compensation to the les-  
15 see whose operations are thus suspended.

16 (c) NATIONAL DEFENSE AREAS; SUSPENSION OF OP-  
17 ERATIONS; EXTENSION OF LEASES.—The United States  
18 reserves and retains the right to designate by and through  
19 the Secretary of Defense, with the approval of the Presi-  
20 dent, as areas restricted from construction and operations  
21 that part of the outer Continental Shelf needed for na-  
22 tional defense; and so long as such designation remains  
23 in effect no construction or operations may be conducted  
24 on any part of the surface of such area except with the  
25 concurrence of the Secretary of Defense; and if construc-

1 tion or operations under any lease theretofore issued on  
2 lands within any such restricted area shall be suspended,  
3 any payments prescribed by such lease likewise shall be  
4 suspended during such period of suspension of construc-  
5 tion or operations and the term of such lease shall be ex-  
6 tended by adding thereto any such suspension period, and  
7 the United States shall be liable to the lessee for such com-  
8 pensation as is required to be paid under the Constitution  
9 of the United States.

10 **SEC. 10. PRIOR CLAIMS NOT AFFECTED.**

11 (a) IN GENERAL.—Subject to subsection (b), nothing  
12 in this Act shall affect such rights, if any, as may have  
13 been acquired under any law of the United States by any  
14 person in lands subject to this Act and such rights, if any,  
15 shall be governed by the law in effect at the time they  
16 may have been acquired.

17 (b) LIMITATION.—Nothing in this Act is intended or  
18 shall be construed as a finding, interpretation, or con-  
19 struction by the Congress that the law under which the  
20 rights described in subsection (a) may be claimed in fact  
21 applies to the lands subject to this Act or authorizes or  
22 compels the granting of such rights in such lands, and  
23 that the determination of the applicability or effect of such  
24 law shall be unaffected by anything in this Act.

1 **SEC. 11. OUTER CONTINENTAL SHELF LEASING PLAN.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of enactment of this Act, and every 3 years there-  
4 after, the Secretary shall prepare, publish for public com-  
5 ment, and maintain a renewable energy leasing plan to  
6 implement the policies of this Act.

7 (b) REQUIREMENT.—A leasing plan prepared under  
8 subsection (a) shall include a schedule of proposed lease  
9 sales indicating, as precisely as practicable, the size, tim-  
10 ing, and location of leasing activity that the Secretary de-  
11 termines will best meet national energy needs for the 5-  
12 year period following the approval or reapproval of the  
13 leasing plan.

14 (c) PRINCIPLES.—A leasing plan prepared under sub-  
15 section (a) shall be prepared and maintained in a manner  
16 consistent with—

17 (1) the policy objectives described in section 3;

18 and

19 (2) national policies fostering the use of renew-  
20 able energy resources.

21 (d) TIMING AND LOCATION.—The Secretary shall se-  
22 lect the timing and location of leasing under a leasing plan  
23 prepared under subsection (a), to the maximum extent  
24 practicable, to obtain a proper balance among—

25 (1) the potential for environmental damage;

1           (2) the potential for renewable energy produc-  
2           tion;

3           (3) the potential for adverse impacts on the  
4           coastal zone; and

5           (4) the potential for slowing down the effects of  
6           climate change.

7 **SEC. 12. COORDINATION AND CONSULTATION WITH AF-**  
8 **FECTED STATE AND LOCAL GOVERNMENTS.**

9           (a) IN GENERAL.—Any Governor of any affected  
10 State or the executive of any affected local government  
11 in such State may submit recommendations to the Sec-  
12 retary regarding the size, timing, or location of a proposed  
13 lease sale or with respect to a proposed construction and  
14 operations plan. Prior to submitting recommendations to  
15 the Secretary, the executive of any affected local govern-  
16 ment in any affected State must forward their rec-  
17 ommendations to the Governor of such State.

18           (b) TIME FOR SUBMISSION OF RECOMMENDA-  
19 TIONS.—Such recommendations shall be submitted within  
20 45 days after notice of such proposed lease sale or after  
21 receipt of such development and production plan.

22           (c) ACCEPTANCE OR REJECTION OF RECOMMENDA-  
23 TIONS.— The Secretary shall accept recommendations of  
24 the Governor and may accept recommendations of the ex-  
25 ecutive of any affected local government if the Secretary

1 determines, after having provided the opportunity for con-  
2 sultation, that they provide for a reasonable balance be-  
3 tween the national interest and the well-being of the citi-  
4 zens of the affected State. For purposes of this subsection,  
5 a determination of the national interest shall be based on  
6 the desirability of obtaining renewable energy in a bal-  
7 anced manner and on the findings, purposes, and policies  
8 of this Act. The Secretary shall communicate to the Gov-  
9 ernor, in writing, the reasons for the determination of the  
10 Secretary to accept or reject such Governor's rec-  
11 ommendations, or to implement any alternative means  
12 identified in consultation with the Governor to provide for  
13 a reasonable balance between the national interest and the  
14 well-being of the citizens of the affected State.

15 (d) FINALITY OF ACCEPTANCE OR REJECTION OF  
16 RECOMMENDATIONS.—The Secretary's determination  
17 that recommendations provide, or do not provide, for a  
18 reasonable balance between the national interest and the  
19 well-being of the citizens of the affected State shall be  
20 final and shall not, alone, be a basis for invalidation of  
21 a proposed lease sale or a proposed construction and oper-  
22 ations plan in any suit or judicial review pursuant to sec-  
23 tion 16, unless found to be arbitrary or capricious.

24 (e) COOPERATIVE AGREEMENTS.—The Secretary is  
25 authorized to enter into cooperative agreements with af-

1 fected States for purposes which are consistent with this  
2 Act and other applicable Federal law. Such agreements  
3 may include, but need not be limited to, the sharing of  
4 information (in accordance with the provisions of section  
5 19), the joint utilization of available expertise, the facili-  
6 tating of permitting procedures, joint planning and review,  
7 and the formation of joint surveillance and monitoring ar-  
8 rangements to carry out applicable Federal and State  
9 laws, regulations, and stipulations relevant to outer Conti-  
10 nental Shelf operations both onshore and offshore.

11 **SEC. 13. ENVIRONMENTAL STUDIES.**

12 (a) INFORMATION FOR ASSESSMENT AND MANAGE-  
13 MENT OF IMPACTS ON ENVIRONMENT.—

14 (1) STUDY.—The Secretary shall conduct a  
15 study of any area or region included in any lease  
16 sale under this Act to establish information needed  
17 for assessment and management of environmental  
18 impacts on—

19 (A) the human environment, marine envi-  
20 ronment, and coastal environment of the outer  
21 Continental Shelf; and

22 (B) the coastal areas that may be affected  
23 by renewable energy construction and oper-  
24 ations in the area or region.

1           (2) DEADLINE.—Each study required under  
2 paragraph (1) shall be initiated not later than 180  
3 days before the date on which a lease sale is held  
4 with respect to any area or region in which no lease  
5 sale under this Act has been previously held or  
6 scheduled.

7           (3) PRIOR STUDIES.—For purposes of a study  
8 required under paragraph (1), the Secretary may  
9 use information collected in any study conducted be-  
10 fore the date of enactment of this Act.

11           (4) PREDICTIONS.—In addition to developing  
12 environmental information, any study of an area or  
13 region conducted under paragraph (1) shall, to the  
14 extent practicable, be designed to predict impacts on  
15 the marine biota that may result from renewable en-  
16 ergy construction and operations.

17           (b) ADDITIONAL STUDIES SUBSEQUENT TO LEASING  
18 AND DEVELOPMENT OF AREA.—Subsequent to the leasing  
19 and developing of any area or region, the Secretary shall  
20 conduct such additional studies to establish environmental  
21 information as the Secretary deems necessary and shall  
22 monitor the human, marine, and coastal environments of  
23 such area or region in a manner designed to provide time-  
24 series and data trend information which can be used for  
25 comparison with any previously collected data for the pur-

1 pose of identifying any significant changes in the quality  
2 and productivity of such environments, for establishing  
3 trends in the areas studied and monitored, and for design-  
4 ing experiments to identify the causes of such changes.

5 (c) PROCEDURAL REGULATIONS FOR CONDUCT OF  
6 STUDIES; COOPERATION WITH AFFECTED STATES; UTI-  
7 LIZATION OF INFORMATION FROM FEDERAL, STATE AND  
8 LOCAL GOVERNMENTS AND AGENCIES.—The Secretary  
9 shall, by regulation, establish procedures for carrying out  
10 the duties of the Secretary under this section, and shall  
11 plan and carry out such duties in full cooperation with  
12 affected States. To the extent that other Federal agencies  
13 have prepared environmental impact statements, are con-  
14 ducting studies, or are monitoring the affected human,  
15 marine, or coastal environment, the Secretary may utilize  
16 the information derived therefrom in lieu of directly con-  
17 ducting such activities. The Secretary may also utilize in-  
18 formation obtained from any State or local government,  
19 or from any person, for the purposes of this section. For  
20 the purpose of carrying out the responsibilities of the Sec-  
21 retary under this section, the Secretary may by agreement  
22 utilize, with or without reimbursement, the services, per-  
23 sonnel, or facilities of any Federal, State, or local govern-  
24 ment agency.

1 (d) CONSIDERATION OF RELEVANT ENVIRONMENTAL  
2 INFORMATION IN DEVELOPING REGULATIONS, LEASE  
3 CONDITIONS, AND OPERATING ORDERS.—The Secretary  
4 shall consider available relevant environmental informa-  
5 tion in making decisions (including those relating to drill-  
6 ing permits and construction and operations plans), in de-  
7 veloping appropriate regulations and lease conditions, and  
8 in issuing operating orders.

9 (e) ASSESSMENT OF CUMULATIVE EFFECTS OF AC-  
10 TIVITIES ON ENVIRONMENT; SUBMISSION TO CON-  
11 GRESS.—As soon as practicable after the end of every 3  
12 fiscal years, the Secretary shall submit to the Congress  
13 and make available to the general public an assessment  
14 of the cumulative effect of activities conducted under this  
15 Act on the human, marine, and coastal environments.

16 (f) UTILIZATION OF CAPABILITIES OF DEPARTMENT  
17 OF COMMERCE.—In executing the responsibilities of the  
18 Secretary under this section, the Secretary shall, to the  
19 maximum extent practicable, enter into appropriate ar-  
20 rangements to utilize on a reimbursable basis the capabili-  
21 ties of the Department of Commerce. In carrying out such  
22 arrangements, the Secretary of Commerce is authorized  
23 to enter into contracts or grants with any person, organi-  
24 zation, or entity with funds appropriated to the Secretary  
25 of the Interior pursuant to this Act.

1 **SEC. 14. SAFETY AND HEALTH REGULATIONS.**

2 (a) USE OF BEST AVAILABLE AND SAFEST ECO-  
3 NOMICALLY FEASIBLE TECHNOLOGIES.—In exercising  
4 their respective responsibilities for the artificial islands,  
5 installations, and other devices referred to in section  
6 4(a)(1), the Secretary, and the Secretary of the Depart-  
7 ment in which the Coast Guard is operating, shall require,  
8 on all new construction and operations and, wherever  
9 practicable, on existing operations, the use of the best  
10 available and safest technologies which the Secretary de-  
11 termines to be economically feasible, wherever failure of  
12 equipment would have a significant effect on safety,  
13 health, or the environment, except where the Secretary de-  
14 termines that the incremental benefits are clearly insuffi-  
15 cient to justify the incremental costs of utilizing such tech-  
16 nologies.

17 (b) REGULATIONS RELATING TO UNREGULATED  
18 HAZARDOUS WORKING CONDITIONS.—The Secretary of  
19 the department in which the Coast Guard is operating  
20 may from time to time modify any interim or final regula-  
21 tions relating to hazardous working conditions with re-  
22 spect to renewable energy operations on the outer Conti-  
23 nental Shelf.

24 (c) APPLICATION OF OTHER LAWS.—Nothing in this  
25 Act shall affect the authority provided by law to the Sec-  
26 retary of Labor for the protection of occupational safety

1 and health, the authority provided by law to the Adminis-  
2 trator of the Environmental Protection Agency for the  
3 protection of the environment, or the authority provided  
4 by law to the Bureau of Safety and Environmental En-  
5 forcement with respect to transmission infrastructure  
6 safety.

7 (d) COORDINATION AND CONSULTATION WITH FED-  
8 ERAL DEPARTMENTS AND AGENCIES.—In administering  
9 the provisions of this section, the Secretary shall consult  
10 and coordinate with the heads of other appropriate Fed-  
11 eral departments and agencies for purposes of ensuring  
12 that, to the maximum extent practicable, inconsistent or  
13 duplicative requirements are not imposed.

14 **SEC. 15. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL**  
15 **REGULATIONS.**

16 (a) IN GENERAL.—The Secretary, the Secretary of  
17 the Department in which the Coast Guard is operating,  
18 and the Secretary of the Army shall enforce safety and  
19 environmental regulations promulgated pursuant to this  
20 Act. Each such Federal department may by agreement  
21 utilize, with or without reimbursement, the services, per-  
22 sonnel, or facilities of other Federal departments and  
23 agencies for the enforcement of their respective regula-  
24 tions.

1 (b) DUTIES OF HOLDERS OF LEASE OR PERMIT.—

2 It shall be the duty of any holder of a lease or permit  
3 under this Act to—

4 (1) maintain all places of employment within  
5 the lease area or within the area covered by such  
6 permit in compliance with occupational safety and  
7 health standards and, in addition, free from recog-  
8 nized hazards to employees of the lease holder or  
9 permit holder or of any contractor or subcontractor  
10 operating within such lease area or within the area  
11 covered by such permit on the outer Continental  
12 Shelf;

13 (2) maintain all operations within such lease  
14 area or within the area covered by such permit in  
15 compliance with regulations intended to protect per-  
16 sons, property, and the environment on the outer  
17 Continental Shelf; and

18 (3) allow prompt access, at the site of any oper-  
19 ation subject to safety regulations, to any inspector,  
20 and to provide such documents and records which  
21 are pertinent to occupational or public health, safe-  
22 ty, or environmental protection, as may be re-  
23 quested.

24 (c) ONSITE INSPECTION OF FACILITIES.—The Sec-  
25 retary and the Secretary of the Department in which the

1 Coast Guard is operating shall individually, or jointly if  
2 they so agree, promulgate regulations to provide for—

3 (1) scheduled onsite inspection, at least once a  
4 year, of each facility on the outer Continental Shelf  
5 which is subject to any environmental or safety regu-  
6 lation promulgated pursuant to this Act, which in-  
7 spection shall include all safety equipment designed  
8 to prevent or ameliorate major accidents; and

9 (2) periodic onsite inspection without advance  
10 notice to the operator of such facility to assure com-  
11 pliance with such environmental or safety regula-  
12 tions.

13 (d) INVESTIGATION AND REPORT ON MAJOR ACCI-  
14 DENTS, DEATH, OR SERIOUS INJURY.—

15 (1) MAJOR ACCIDENT.—

16 (A) IN GENERAL.—The Secretary or the  
17 Secretary of the department in which the Coast  
18 Guard is operating shall conduct an investiga-  
19 tion and prepare a public report on each major  
20 accident, as identified by the Secretary, occur-  
21 ring as a result of operations conducted under  
22 this Act.

23 (B) COOPERATION REQUIRED.—Any hold-  
24 er of a lease or permit issued or maintained  
25 under this Act shall cooperate with the appro-

1            appropriate Secretary in the course of any investiga-  
2            tion conducted under subparagraph (A).

3            (2) DEATH OR SERIOUS INJURY.—

4                   (A) DEFINITION OF SERIOUS INJURY.—In  
5            this paragraph, the term “serious injury”  
6            means an injury resulting in substantial impair-  
7            ment of any bodily unit or function.

8                   (B) INVESTIGATION; REPORT.—The Sec-  
9            retary or the Secretary of the department in  
10          which the Coast Guard is operating—

11                    (i) shall conduct an investigation and  
12                    issue a public report on any death or seri-  
13                    ous injury occurring as a result of oper-  
14                    ations conducted under this Act; and

15                    (ii) may, in the discretion of the Sec-  
16                    retary, conduct an investigation of, and  
17                    issue a report on, any injury occurring as  
18                    a result of activities conducted under this  
19                    Act.

20                   (C) COOPERATION REQUIRED.—Any holder  
21            of a lease or permit issued or maintained under  
22            this Act shall cooperate with the appropriate  
23            Secretary in the course of an investigation  
24            under subparagraph (B).

1 (e) REVIEW OF ALLEGATIONS OF VIOLATIONS.—The  
2 Secretary, or, in the case of occupational safety and  
3 health, the Secretary of the Department in which the  
4 Coast Guard is operating, may review any allegation from  
5 any person of the existence of a violation of a safety regu-  
6 lation issued under this Act.

7 (f) SUMMONING OF WITNESSES AND PRODUCTION  
8 OF EVIDENCE.—In any investigation conducted pursuant  
9 to this section, the Secretary or the Secretary of the De-  
10 partment in which the Coast Guard is operating shall have  
11 power to summon witnesses and to require the production  
12 of books, papers, documents, and any other evidence. At-  
13 tendance of witnesses or the production of books, papers,  
14 documents, or any other evidence shall be compelled by  
15 a similar process, as in the district courts of the United  
16 States. Such Secretary, or a designee, shall administer all  
17 necessary oaths to any witnesses summoned before such  
18 investigation.

19 **SEC. 16. CITIZENS SUITS, JURISDICTION, AND JUDICIAL RE-**  
20 **VIEW.**

21 (a) PERSONS WHO MAY BRING ACTIONS; PERSONS  
22 AGAINST WHOM ACTION MAY BE BROUGHT; TIME OF  
23 ACTION; INTERVENTION BY ATTORNEY GENERAL; COSTS  
24 AND FEES; PROCEDURES; RIGHT TO APPROPRIATE RE-  
25 LIEF.—

1           (1) IN GENERAL.—Except as provided in this  
2 section, any person having a valid legal interest  
3 which is or may be adversely affected may commence  
4 a civil action on their own behalf to compel compli-  
5 ance with this Act against any person, including the  
6 United States, and any other government instrumen-  
7 tality or agency (to the extent permitted by the elev-  
8 enth amendment to the Constitution) for any alleged  
9 violation of any provision of this Act or any regula-  
10 tion promulgated under this Act, or of the terms of  
11 any permit or lease issued by the Secretary under  
12 this Act.

13           (2) TIME OF ACTION.—Except as provided in  
14 paragraph (3), no action may be commenced under  
15 paragraph (1)—

16           (A) prior to 60 days after the plaintiff has  
17 given notice of the alleged violation, in writing  
18 under oath, to the Secretary and any other ap-  
19 propriate Federal official, to the State in which  
20 the violation allegedly occurred or is occurring,  
21 and to any alleged violator; or

22           (B) if the Attorney General has com-  
23 menced and is diligently prosecuting a civil ac-  
24 tion in a court of the United States or a State  
25 with respect to such matter, but in any such ac-

1           tion in a court of the United States any person  
2           having a legal interest which is or may be ad-  
3           versely affected may intervene as a matter of  
4           right.

5           (3) IMMINENT THREATS.—An action may be  
6           brought under this subsection immediately after no-  
7           tification of the alleged violation in any case in  
8           which the alleged violation constitutes an imminent  
9           threat to the public health or safety or would imme-  
10          diately affect a legal interest of the plaintiff.

11          (4) INTERVENTION BY ATTORNEY GENERAL.—  
12          In any action commenced pursuant to this section,  
13          the Attorney General, upon the request of the Sec-  
14          retary or any other appropriate Federal official, may  
15          intervene as a matter of right.

16          (5) COSTS AND FEES.—A court, in issuing any  
17          final order in any action brought pursuant to para-  
18          graph (1) or subsection (c), may award costs of liti-  
19          gation, including reasonable attorney and expert wit-  
20          ness fees, to any party, whenever such court deter-  
21          mines such award is appropriate. The court may, if  
22          a temporary restraining order or preliminary injunc-  
23          tion is sought, require the filing of a bond or equiva-  
24          lent security in a sufficient amount to compensate

1 for any loss or damage suffered, in accordance with  
2 the Federal Rules of Civil Procedure.

3 (6) PROCEDURES; RIGHT TO APPROPRIATE RE-  
4 LIEF.—Except as provided in subsection (c), all  
5 suits challenging actions or decisions allegedly in vio-  
6 lation of, or seeking enforcement of, the provisions  
7 of this Act, or any regulation promulgated under  
8 this Act, or the terms of any permit or lease issued  
9 by the Secretary under this Act, shall be undertaken  
10 in accordance with the procedures described in this  
11 subsection. Nothing in this section shall restrict any  
12 right which any person or class of persons may have  
13 under any other Act or common law to seek appro-  
14 priate relief.

15 (b) JURISDICTION AND VENUE OF ACTIONS.—

16 (1) IN GENERAL.—Except as provided in sub-  
17 section (c), the district courts of the United States  
18 shall have jurisdiction of cases and controversies  
19 arising out of, or in connection with—

20 (A) any operation conducted on the outer  
21 Continental Shelf which involves construction or  
22 operations of the renewable energy, of the sub-  
23 soil and seabed of the outer Continental Shelf,  
24 or which involves rights to such renewable en-  
25 ergy resources; or

1 (B) the cancellation, suspension, or termi-  
2 nation of a lease or permit under this Act.

3 (2) VENUE.—Proceedings with respect to any  
4 such case or controversy described in paragraph (1)  
5 may be instituted in the judicial district in which  
6 any defendant resides or may be found, or in the ju-  
7 dicial district of the State nearest the place the  
8 cause of action arose.

9 (3) REQUIREMENT.—Any resident of the  
10 United States who is injured in any manner through  
11 the failure of any operator to comply with any rule,  
12 regulation, order, or permit issued pursuant to this  
13 Act may bring an action for damages (including rea-  
14 sonable attorney and expert witness fees) only in the  
15 judicial district having jurisdiction under paragraph  
16 (1).

17 (c) JUDICIAL REVIEW OF LEASING PLAN; REVIEW  
18 OF APPROVAL, MODIFICATION, OR DISAPPROVAL OF CON-  
19 STRUCTION AND OPERATIONS PLAN; PERSONS WHO MAY  
20 SEEK REVIEW; SCOPE OF REVIEW; CERTIORARI TO SU-  
21 PREME COURT.—

22 (1) IN GENERAL.—Any action of the Secretary  
23 with respect to the preparation and maintenance of  
24 a leasing plan pursuant to section 11 shall be sub-

1       ject to judicial review only in the United States  
2       Court of Appeal for the District of Columbia.

3               (2) REVIEW OF APPROVAL, MODIFICATION, OR  
4       DISAPPROVAL OF CONSTRUCTION AND OPERATIONS  
5       PLAN.—Any action of the Secretary to approve, re-  
6       quire modification of, or disapprove any construction  
7       and operations plan, or any final plan or lease issued  
8       pursuant to section 6, and any related final Federal  
9       agency actions, shall be subject to judicial review  
10      only in a United States court of appeals for a circuit  
11      in which an affected State is located.

12              (3) PERSONS WHO MAY SEEK REVIEW.—The  
13      judicial review specified in paragraphs (1) and (2)  
14      shall be available only to a person who—

15              (A) participated in the administrative pro-  
16      ceedings related to the actions specified in such  
17      paragraphs;

18              (B) is adversely affected or aggrieved by  
19      such action;

20              (C) files a petition for review of the Sec-  
21      retary's action within 45 days after the date of  
22      such action; and

23              (D) promptly transmits copies of the peti-  
24      tion to the Secretary and to the Attorney Gen-  
25      eral.

1           (4) SCOPE OF REVIEW.—Any action of the Sec-  
2           retary specified in paragraph (1) or (2) shall only be  
3           subject to review pursuant to the provisions of this  
4           subsection, and shall be specifically excluded from  
5           citizen suits that are permitted pursuant to sub-  
6           section (a).

7           (5) RECORD.—The Secretary shall file in the  
8           appropriate court the record of any public hearings  
9           required by this Act and any additional information  
10          upon which the Secretary based the decision of the  
11          Secretary, as required by section 2112 of title 28,  
12          United States Code. Specific objections to the action  
13          of the Secretary shall be considered by the court  
14          only if the issues upon which such objections are  
15          based have been submitted to the Secretary during  
16          the administrative proceedings related to the actions  
17          involved.

18          (6) REVIEW SOLELY ON THE RECORD.—The  
19          court of appeals conducting a proceeding pursuant  
20          to this subsection shall consider the matter under re-  
21          view solely on the record made before the Secretary.  
22          The findings of the Secretary, if supported by sub-  
23          stantial evidence on the record considered as a  
24          whole, shall be conclusive. The court may affirm, va-  
25          cate, or modify any order or decision or may remand

1 the proceedings to the Secretary for such further ac-  
2 tion as it may direct.

3 (7) CERTIORARI TO SUPREME COURT.—Upon  
4 the filing of the record with the court, pursuant to  
5 paragraph (5), the jurisdiction of the court shall be  
6 exclusive and its judgment shall be final, except that  
7 such judgment shall be subject to review by the Su-  
8 preme Court of the United States upon writ of cer-  
9 tiorari.

10 **SEC. 17. REMEDIES AND PENALTIES.**

11 (a) IN GENERAL.—At the request of the Secretary,  
12 the Secretary of the Army, or the Secretary of the Depart-  
13 ment in which the Coast Guard is operating, the Attorney  
14 General or a United States attorney shall institute a civil  
15 action in the district court of the United States for the  
16 district in which the affected operation is located for a  
17 temporary restraining order, injunction, or other appro-  
18 priate remedy to enforce any provision of this Act, any  
19 regulation or order issued under this Act, or any term of  
20 a lease, license, or permit issued pursuant to this Act.

21 (b) CIVIL PENALTIES.—

22 (1) IN GENERAL.—Except as provided in para-  
23 graph (2), if any person fails to comply with any  
24 provision of this Act, or any term of a lease, license,  
25 or permit issued pursuant to this Act, or any regula-

1       tion or order issued under this Act, after notice of  
2       such failure and expiration of any reasonable period  
3       allowed for corrective action, such person shall be  
4       liable for a civil penalty of not more than **【\$20,000】**  
5       for each day of the continuance of such failure. The  
6       Secretary may assess, collect, and compromise any  
7       such penalty. No penalty shall be assessed until the  
8       person charged with a violation has been given an  
9       opportunity for a hearing. The Secretary shall, by  
10      regulation at least every 3 years, adjust the penalty  
11      specified in this paragraph to reflect any increases  
12      in the Consumer Price Index (all items, United  
13      States city average) as prepared by the Department  
14      of Labor.

15           (2) CIVIL PENALTY.—If a failure described in  
16      paragraph (1) constitutes or constituted a threat of  
17      serious, irreparable, or immediate harm or damage  
18      to life (including fish and other aquatic life), prop-  
19      erty, any mineral deposit, or the marine, coastal, or  
20      human environment, a civil penalty may be assessed  
21      without regard to the requirement of expiration of a  
22      period allowed for corrective action.

23      (c) CRIMINAL PENALTIES.—

24           (1) IN GENERAL.—Any person described in  
25      paragraph (2) shall, on conviction, be punished by a

1 fine of not more than **【\$100,000】**, or by imprison-  
2 ment for not more than **【10 years】**, or both.

3 (2) PERSON DESCRIBED.—A person referred to  
4 in paragraph (1) is a person who knowingly and  
5 willfully—

6 (A) violates any provision of this Act, any  
7 term of a lease, license, or permit issued pursu-  
8 ant to this Act, or any regulation or order  
9 issued under the authority of this Act designed  
10 to protect health, safety, or the environment or  
11 conserve natural resources;

12 (B) makes any false statement, representa-  
13 tion, or certification in any application, record,  
14 report, or other document filed or required to  
15 be maintained under this Act;

16 (C) falsifies, tampers with, or renders inac-  
17 curate any monitoring device or method of  
18 record required to be maintained under this  
19 Act; or

20 (D) reveals any data or information re-  
21 quired to be kept confidential by this Act

22 (3) SEPARATE VIOLATIONS.—Each day that a  
23 violation described in subparagraph (A) of para-  
24 graph (2) continues, or each day that any moni-  
25 toring device or data recorder remains inoperative or

1       inaccurate because of any activity described in sub-  
2       paragraph (C) of that paragraph, shall constitute a  
3       separate violation.

4       (d) **LIABILITY OF CORPORATE OFFICERS AND**  
5 **AGENTS FOR VIOLATIONS BY CORPORATION.**—Whenever  
6 a corporation or other entity is subject to prosecution  
7 under subsection (c), any officer or agent of such corpora-  
8 tion or entity who knowingly and willfully authorized, or-  
9 dered, or carried out the proscribed activity shall be sub-  
10 ject to the same fines or imprisonment, or both, as pro-  
11 vided for under that subsection.

12       (e) **CONCURRENT AND CUMULATIVE NATURE OF**  
13 **PENALTIES.**—The remedies and penalties prescribed in  
14 this Act shall be concurrent and cumulative and the exer-  
15 cise of one shall not preclude the exercise of the others.  
16 Further, the remedies and penalties prescribed in this Act  
17 shall be in addition to any other remedies and penalties  
18 afforded by any other law or regulation.

19 **SEC. 18. RENEWABLE ENERGY CONSTRUCTION AND OPER-**  
20 **ATIONS.**

21       (a) **CONSTRUCTION AND OPERATIONS PLANS.**—

22               (1) **IN GENERAL.**—Before construction and op-  
23 erations pursuant to a lease may be initiated, the  
24 lessee shall submit to the Secretary a construction

1 and operations plan (referred to in this section as a  
2 “plan”) for approval in accordance with this section.

3 (2) STATEMENT.—A plan shall be accompanied  
4 by a statement describing all facilities and oper-  
5 ations, other than those on the outer Continental  
6 Shelf, proposed by the lessee and known by the les-  
7 see (whether or not owned or operated by the lessee)  
8 that will be constructed or used in the construction  
9 and operations to produce renewable energy from  
10 the lease area, including—

11 (A) the location and site of the facilities  
12 and operations;

13 (B) the land, labor, material, and energy  
14 requirements associated with the facilities and  
15 operations; and

16 (C) any environmental and safety safe-  
17 guards to be implemented.

18 (3) SUBMISSION; AVAILABILITY.—Except for  
19 any privileged or proprietary information (as defined  
20 in regulations issued by the Secretary), not later  
21 than 10 days after the date of receipt of a plan and  
22 accompanying statement under paragraph (2), the  
23 Secretary shall—

24 (A) submit the plan and accompanying  
25 statement to—

1 (i) the Governor of each affected  
2 State; and

3 (ii) on request, the executive of any  
4 affected local government; and

5 (B) make the plan and statement available  
6 to—

7 (i) the public; and

8 (ii) any appropriate interstate regional  
9 entity.

10 (b) CONSTRUCTION AND OPERATIONS ACTIVITIES IN  
11 ACCORDANCE WITH PLAN AS LEASE REQUIREMENT.—All  
12 renewable energy construction and operations activities  
13 under a lease shall be carried out in accordance with a  
14 plan that complies with the requirements of this section.

15 (c) SCOPE AND CONTENTS OF PLAN.—A plan—

16 (1) may apply to more than 1 lease; and

17 (2) shall describe, in the degree of detail estab-  
18 lished by regulations issued by the Secretary—

19 (A) the specific work to be performed;

20 (B) a description of any facilities and oper-  
21 ations located on the outer Continental Shelf  
22 that are proposed by the lessee or known by the  
23 lessee (whether or not owned or operated by the  
24 lessee) to be directly related to the proposed  
25 construction; and

1 (C) any other relevant information that the  
2 Secretary may, by regulation, require.

3 (d) STATE CONCURRENCE IN LAND OR WATER ZONE  
4 USE IN COASTAL ZONE OF STATE.—The Secretary shall  
5 not grant any license or permit for any activity described  
6 in detail in a plan and affecting any land use or water  
7 use in the coastal zone of a State with a coastal zone man-  
8 agement program approved pursuant to section 306 of the  
9 Coastal Zone Management Act of 1972 (16 U.S.C. 1455),  
10 unless the State concurs or is conclusively presumed to  
11 concur with the consistency certification accompanying  
12 such plan pursuant to section 307(c)(3)(B)(i) or (ii) of  
13 such Act (16 U.S.C. 1456(c)(3)(B)(i) and (ii)), or the Sec-  
14 retary of Commerce makes the finding authorized by sec-  
15 tion 307(c)(3)(B)(iii) of such Act (16 U.S.C.  
16 1456(c)(3)(B)(iii)).

17 (e) DECLARATION OF APPROVAL OF DEVELOPMENT  
18 AND PRODUCTION PLAN AS MAJOR FEDERAL ACTION;  
19 SUBMISSION OF PRELIMINARY OR FINAL LEASE PLANS  
20 PRIOR TO COMMENCEMENT OF NATIONAL ENVIRON-  
21 MENTAL POLICY PROVISIONS PROCEDURES.—

22 (1) IN GENERAL.—At least once the Secretary  
23 shall declare the approval of a construction and op-  
24 erations plan in any area or region (as defined by

1 the Secretary) of the outer Continental Shelf to be  
2 a major Federal action.

3 (2) SUBMISSION OF PRELIMINARY OR FINAL  
4 LEASE PLANS PRIOR TO COMMENCEMENT OF NA-  
5 TIONAL ENVIRONMENTAL POLICY PROVISIONS PRO-  
6 CEDURES.—The Secretary may require lessees of  
7 tracts for which construction and operations plans  
8 have not been approved, to submit preliminary or  
9 final plans for their leases, prior to or immediately  
10 after a determination by the Secretary that the pro-  
11 cedures under the National Environmental Policy  
12 Act of 1969 (42 U.S.C. 4321 et seq.) shall com-  
13 mence.

14 (f) PLANS CONSIDERED MAJOR FEDERAL ACTIONS;  
15 SUBMISSION OF DRAFT ENVIRONMENTAL IMPACT STATE-  
16 MENT TO GOVERNORS OF AFFECTED STATES AND LOCAL  
17 GOVERNMENTS.—If approval of a construction and oper-  
18 ations plan is found to be a major Federal action, the Sec-  
19 retary shall transmit the draft environmental impact  
20 statement to the Governor of any affected State, and upon  
21 request, to the executive of any local government, and  
22 shall make such draft available to any appropriate inter-  
23 state regional entity and the public.

24 (g) PLANS CONSIDERED NONMAJOR FEDERAL AC-  
25 TIONS; COMMENTS AND RECOMMENDATIONS FROM

1 STATES.—If approval of a construction and operations  
2 plan is not found to be a major Federal action, the Gov-  
3 ernor of any affected State and the executive of any af-  
4 fected local government shall have 45 days from the date  
5 of receipt of the plan from the Secretary to submit com-  
6 ments and recommendations. Prior to submitting rec-  
7 ommendations to the Secretary, the executive of any af-  
8 fected local government must forward the recommenda-  
9 tions of the executive to the Governor of the State. Such  
10 comments and recommendations shall be made available  
11 to the public upon request. In addition, any interested per-  
12 son may submit comments and recommendations.

13 (h) APPROVAL, DISAPPROVAL, OR MODIFICATION OF  
14 PLAN; REAPPLICATION; PERIODIC REVIEW.—

15 (1) IN GENERAL.—After reviewing the record of  
16 any public hearing held with respect to the approval  
17 of a plan pursuant to the National Environmental  
18 Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the  
19 comments and recommendations submitted under  
20 subsection (g), the Secretary shall, within 45 days  
21 after the release of the final environmental impact  
22 statement prepared pursuant to the National Envi-  
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et  
24 seq.) in accordance with subsection (e), or 45 days  
25 after the period provided for comment under sub-

1 section (g), approve, disapprove, or require modifica-  
2 tions of the plan. The Secretary shall require modi-  
3 fication of a plan if the Secretary determines that  
4 the lessee has failed to make adequate provision in  
5 such plan for safe operations on the lease area or for  
6 protection of the human, marine, or coastal environ-  
7 ment, including compliance with the regulations pre-  
8 scribed by the Secretary pursuant to section 5(a)(7).  
9 Any modification required by the Secretary which in-  
10 volves activities for which a Federal license or per-  
11 mit is required and which affects any land use or  
12 water use in the coastal zone of a State with a  
13 coastal zone management program approved pursu-  
14 ant to section 306 of the Coastal Zone Management  
15 Act of 1972 (16 U.S.C. 1455) must receive concur-  
16 rence by such State with respect to the consistency  
17 certification accompanying such plan pursuant to  
18 section 307(c)(3)(B)(i) or (ii) of such Act (16  
19 U.S.C. 1456(c)(3)(B)(i) and (ii)) unless the Sec-  
20 retary of Commerce makes the finding authorized by  
21 section 307(c)(3)(B)(iii) of such Act (16 U.S.C.  
22 1456(c)(3)(B)(iii)). The Secretary shall disapprove a  
23 plan—

24 (A) if the lessee fails to demonstrate that  
25 the lessee can comply with the requirements of

1 this Act or other applicable Federal law, includ-  
2 ing the regulations prescribed by the Secretary  
3 pursuant to section 5(a)(7);

4 (B) if any of the activities described in de-  
5 tail in the plan for which a Federal license or  
6 permit is required and which affects any land  
7 use or water use in the coastal zone of a State  
8 with a coastal zone management program ap-  
9 proved pursuant to section 306 of the Coastal  
10 Zone Management Act of 1972 (16 U.S.C.  
11 1455) do not receive concurrence by such State  
12 with respect to the consistency certification ac-  
13 companying such plan pursuant to section  
14 307(c)(3)(B)(i) or (ii) of such Act (16 U.S.C.  
15 1456(c)(3)(B)(i) and (ii)) and the Secretary of  
16 Commerce does not make the finding author-  
17 ized by section 307(c)(3)(B)(iii) of such Act (16  
18 U.S.C. 1456(c)(3)(B)(iii));

19 (C) if operations threaten national security  
20 or national defense; or

21 (D) if the Secretary determines, because of  
22 exceptional geological conditions in the lease  
23 areas, exceptional resource values in the marine  
24 or coastal environment, or other exceptional cir-  
25 cumstances, that—

1 (i) implementation of the plan would  
2 probably cause serious harm or damage to  
3 life (including fish and other aquatic life),  
4 to property, to any mineral deposits (in  
5 areas leased or not leased), to the national  
6 security or defense, or to the marine,  
7 coastal or human environments;

8 (ii) the threat of harm or damage will  
9 not disappear or decrease to an acceptable  
10 extent within a reasonable period of time;  
11 and

12 (iii) the advantages of disapproving  
13 the plan outweigh the advantages of devel-  
14 opment and production.

15 (2) DISAPPROVAL.—

16 (A) IN GENERAL.—A lessee shall not be  
17 entitled to compensation because a plan is dis-  
18 approved if the plan is disapproved—

19 (i) under subparagraph (A) of para-  
20 graph (1); or

21 (ii) under subparagraph (B) of para-  
22 graph (1) with respect to a lease issued  
23 after approval of a coastal zone manage-  
24 ment program pursuant to the Coastal

1                   Zone Management Act of 1972 (16 U.S.C.  
2                   1451 et seq.).

3                   (B) EXTENSION; REAPPLICATION.—The  
4                   term of a lease shall be duly extended, and at  
5                   any time within 5 years after such disapproval,  
6                   the lessee may reapply for approval of the same  
7                   or a modified plan, and the Secretary shall ap-  
8                   prove, disapprove, or require modifications of  
9                   such plan in accordance with this subsection if  
10                  a plan is disapproved—

11                   (i) under subparagraph (C) or (D) of  
12                   paragraph (1); or

13                   (ii) under subparagraph (B) of para-  
14                   graph (1) with respect to a lease issued be-  
15                   fore approval of a coastal zone manage-  
16                   ment program pursuant to the Coastal  
17                   Zone Management Act of 1972 (16 U.S.C.  
18                   1451 et seq.), and such approval occurs  
19                   after the lessee has submitted a plan to the  
20                   Secretary.

21                   (C) CANCELLATION.—Upon expiration of  
22                   the 5-year period described in subparagraph  
23                   (B), or, in the Secretary's discretion, at an ear-  
24                   lier time upon request of a lessee, if the Sec-  
25                   retary has not approved a plan, the Secretary

1 shall cancel the lease and the lessee shall be en-  
2 titled to receive compensation in accordance  
3 with section 5(a)(2)(C). The Secretary may, at  
4 any time within the 5-year period described in  
5 subparagraph (B), require the lessee to submit  
6 a construction and operations plan for approval,  
7 disapproval, or modification. If the lessee fails  
8 to submit a required plan expeditiously and in  
9 good faith, the Secretary shall find that the les-  
10 see has not been duly diligent in pursuing the  
11 obligations of the lessee under the lease, and  
12 shall immediately initiate procedures to cancel  
13 such lease, without compensation, under the  
14 provisions of section 5(c).

15 (3) REVIEW.—The Secretary shall, from time  
16 to time, review each plan approved under this sec-  
17 tion. Such review shall be based upon changes in  
18 available information and other onshore or offshore  
19 conditions affecting or impacted by construction and  
20 operations pursuant to such plan. If the review indi-  
21 cates that the plan should be revised to meet the re-  
22 quirements of this subsection, the Secretary shall re-  
23 quire such revision.

24 (i) APPROVAL OF REVISION OF APPROVED PLAN.—  
25 The Secretary may approve any revision of an approved

1 plan proposed by the lessee if the Secretary determines  
2 that such revision will lead to greater renewable energy  
3 production, improve the efficiency, safety, and environ-  
4 mental protection of the operation, is the only means avail-  
5 able to avoid substantial economic hardship to the lessee,  
6 or is otherwise not inconsistent with the provisions of this  
7 Act, to the extent such revision is consistent with protec-  
8 tion of the human, marine, and coastal environments. Any  
9 revision of an approved plan which the Secretary deter-  
10 mines is significant shall be reviewed in accordance with  
11 subsections (d) through (f).

12 (j) CANCELLATION OF LEASE ON FAILURE TO SUB-  
13 MIT PLAN OR COMPLY WITH APPROVED PLAN.—When-  
14 ever the owner of any lease fails to submit a plan in ac-  
15 cordance with regulations issued under this section, or  
16 fails to comply with an approved plan, the lease may be  
17 canceled in accordance with subsections (c) and (d) of sec-  
18 tion 5. Termination of a lease because of failure to comply  
19 with an approved plan, including required modifications  
20 or revisions, shall not entitle a lessee to any compensation.

21 (k) TRANSMISSION OF RENEWABLE ENERGY; SUB-  
22 MISSION OF PLAN TO FEDERAL ENERGY REGULATORY  
23 COMMISSION; IMPACT STATEMENT.—If any construction  
24 and operations plan submitted to the Secretary pursuant  
25 to this section provides for the transmission of renewable

1 energy, the lessee shall contemporaneously submit to the  
2 Federal Energy Regulatory Commission that portion of  
3 such plan which relates to the facilities for transmission  
4 of renewable energy. The Secretary and the Federal En-  
5 ergy Regulatory Commission shall agree as to which of  
6 them shall prepare an environmental impact statement  
7 pursuant to the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4321 et seq.) applicable to such portion  
9 of such plan, or conduct studies as to the effect on the  
10 environment of implementing it. Thereafter, the findings  
11 and recommendations by the agency preparing such envi-  
12 ronmental impact statement or conducting such studies  
13 pursuant to such agreement shall be adopted by the other  
14 agency, and such other agency shall not independently  
15 prepare another environmental impact statement or dupli-  
16 cate such studies with respect to such portion of such plan.  
17 The Secretary, in consultation with the Federal Energy  
18 Regulatory Commission, shall promulgate rules to imple-  
19 ment this subsection, but the Federal Energy Regulatory  
20 Commission shall retain sole authority with respect to  
21 rules and procedures applicable to the filing of any appli-  
22 cation with the Commission and to all aspects of the Com-  
23 mission's review of, and action on, any such application.

24 **SEC. 19. RENEWABLE ENERGY INFORMATION PROGRAM.**

25 (a) DATA AND INFORMATION.—

1 (1) AVAILABILITY TO SECRETARY.—

2 (A) IN GENERAL.—Any lessee or permittee  
3 conducting any construction or operations of re-  
4 newable energy pursuant to this Act shall pro-  
5 vide the Secretary access to all data and infor-  
6 mation (including processed, analyzed, and in-  
7 terpreted information) obtained from such ac-  
8 tivity and shall provide copies of such data and  
9 information as the Secretary may request. Such  
10 data and information shall be provided in ac-  
11 cordance with regulations which the Secretary  
12 shall prescribe.

13 (B) GOOD FAITH INTERPRETATION.—If an  
14 interpretation provided pursuant to subpara-  
15 graph (A) is made in good faith by the lessee  
16 or permittee, such lessee or permittee shall not  
17 be held responsible for any consequence of the  
18 use of or reliance upon such interpretation.

19 (C) REQUIREMENTS.—Pursuant to such  
20 regulations as the Secretary may prescribe,  
21 whenever any data and information is provided  
22 to the Secretary, pursuant to subparagraph  
23 (A)—

24 (i) by a lessee, in the form and man-  
25 ner of processing which is utilized by such

1 lessee in the normal conduct of the busi-  
2 ness of the lessee, the Secretary shall pay  
3 the reasonable cost of reproducing such  
4 data and information;

5 (ii) by a lessee, in such other form  
6 and manner of processing as the Secretary  
7 may request, the Secretary shall pay the  
8 reasonable cost of processing and repro-  
9 ducing such data and information;

10 (iii) by a permittee, in the form and  
11 manner of processing which is utilized by  
12 such permittee in the normal conduct of  
13 the business of the permittee, the Sec-  
14 retary shall pay such permittee the reason-  
15 able cost of reproducing such data and in-  
16 formation for the Secretary and shall pay  
17 at the lowest rate available to any pur-  
18 chaser for processing such data and infor-  
19 mation the costs attributable to such proc-  
20 essing; and

21 (iv) by a permittee, in such other form  
22 and manner of processing as the Secretary  
23 may request, the Secretary shall pay such  
24 permittee the reasonable cost of processing

1                   and reproducing such data and informa-  
2                   tion for the Secretary.

3                   (2) DATA OBTAINED BY FEDERAL DEPART-  
4                   MENTS AND AGENCIES.—Each Federal department  
5                   and agency shall provide the Secretary with any  
6                   data obtained by such Federal department or agency  
7                   pursuant to section 9, and any other information  
8                   which may be necessary or useful to assist the Sec-  
9                   retary in carrying out the provisions of this Act.

10                  (b) PROCESSING, ANALYZING, AND INTERPRETING  
11 INFORMATION; AVAILABILITY OF SUMMARY OF DATA TO  
12 AFFECTED STATES AND LOCAL GOVERNMENT.—

13                  (1) IN GENERAL.—Data and information pro-  
14                  vided to the Secretary pursuant to subsection (a)  
15                  shall be processed, analyzed, and interpreted by the  
16                  Secretary for purposes of carrying out the duties of  
17                  the Secretary under this Act.

18                  (2) AVAILABILITY.—As soon as practicable  
19                  after information provided to the Secretary pursuant  
20                  to subsection (a) is processed, analyzed, and inter-  
21                  preted, the Secretary shall make available to the af-  
22                  fected States, and upon request, to any affected  
23                  local government, a summary of data designed to as-  
24                  sist them in planning for the onshore impacts of

1 possible renewable energy Such summary shall in-  
2 clude estimates of—

3 (A) the renewable energy potential in areas  
4 leased or to be leased;

5 (B) the size and timing of development;

6 (C) the location of transmission infrastruc-  
7 ture; and

8 (D) the general location and nature of on-  
9 shore facilities.

10 (c) CONFIDENTIALITY OF INFORMATION; REGULA-  
11 TIONS.—The Secretary shall prescribe regulations—

12 (1) to ensure that the confidentiality of privi-  
13 leged or proprietary information received by the Sec-  
14 retary under this section will be maintained; and

15 (2) to set forth the time periods and conditions  
16 which shall be applicable to the release of such infor-  
17 mation. Such regulations shall include a provision  
18 that no such information will be transmitted to any  
19 affected State unless the lessee, or the permittee and  
20 all persons to whom such permittee has sold such in-  
21 formation under promise of confidentiality, agree to  
22 such transmittal.

23 (d) TRANSMITTAL OF INFORMATION TO AFFECTED  
24 STATE; PROTECTION OF COMPETITIVE POSITION.—

1           (1) IN GENERAL.—The Secretary shall transmit  
2           to any affected State—

3                   (A) an index, and upon request copies of,  
4                   all relevant actual or proposed programs, plans,  
5                   reports, environmental impact statements, tract  
6                   nominations (including negative nominations)  
7                   and other lease sale information, any similar  
8                   type of relevant information, and all modifica-  
9                   tions and revisions thereof and comments there-  
10                  on, prepared or obtained by the Secretary pur-  
11                  suant to this Act, but no information trans-  
12                  mitted by the Secretary under this subsection  
13                  shall identify any particular tract with the  
14                  name or names of any particular party so as  
15                  not to compromise the competitive position of  
16                  any party or parties participating in the nomi-  
17                  nations;

18                   (B)(i) the summary of data prepared by  
19                   the Secretary pursuant to subsection (b); and

20                   (ii) any other processed, analyzed, or inter-  
21                   preted data prepared by the Secretary pursuant  
22                   to subsection (b)(1), unless the Secretary deter-  
23                   mines that transmittal of such data prepared  
24                   pursuant to that subsection would unduly dam-  
25                   age the competitive position of the lessee or per-

1           mittee who provided the Secretary with the in-  
2           formation which the Secretary had processed,  
3           analyzed, or interpreted; and

4           (C) any relevant information received by  
5           the Secretary pursuant to subsection (a), sub-  
6           ject to any applicable requirements as to con-  
7           fidentiality which are set forth in regulations  
8           prescribed under subsection (c).

9           (2) Notwithstanding the provisions of any regu-  
10          lation required pursuant to the second sentence of  
11          paragraph (2) of subsection (c), the Governor of any  
12          affected State may designate an appropriate State  
13          official to inspect, at a regional location which the  
14          Secretary shall designate, any privileged information  
15          received by the Secretary regarding any activity ad-  
16          jacent to such State, except that no such inspection  
17          shall take place prior to the sale of a lease covering  
18          the area in which such activity was conducted.  
19          Knowledge obtained by such State during such in-  
20          spection shall be subject to applicable requirements  
21          as to confidentiality which are set forth in regula-  
22          tions prescribed under subsection (c).

23          (e) AGREEMENT WITH STATE TO WAIVE DEFENSES  
24          AND HOLD UNITED STATES HARMLESS FROM FAILURE  
25          TO MAINTAIN CONFIDENTIALITY OF INFORMATION.—

1 Prior to transmitting any privileged information to any  
2 State, or granting such State access to such information,  
3 the Secretary shall enter into a written agreement with  
4 the Governor of such State in which such State agrees,  
5 as a condition precedent to receiving or being granted ac-  
6 cess to such information, to waive the defenses set forth  
7 in subsection (f)(2), and to hold the United States harm-  
8 less from any violations of the regulations prescribed pur-  
9 suant to subsection (c) that the State or its employees may  
10 commit.

11 (f) CIVIL ACTION AGAINST UNITED STATES OR  
12 STATE FOR FAILURE TO MAINTAIN CONFIDENTIALITY OF  
13 INFORMATION; CERTAIN DEFENSES UNAVAILABLE.—

14 (1) IN GENERAL.—Whenever any employee of  
15 the Federal Government or of any State reveals in-  
16 formation in violation of the regulations prescribed  
17 pursuant to subsection (c), the lessee or permittee  
18 who supplied such information to the Secretary or to  
19 any other Federal official, and any person to whom  
20 such lessee or permittee has sold such information  
21 under promise of confidentiality, may commence a  
22 civil action for damages in the appropriate district  
23 court of the United States against the Federal Gov-  
24 ernment or such State, as the case may be.

1           (2) CERTAIN DEFENSES UNAVAILABLE.—In  
2           any action commenced against the Federal Govern-  
3           ment or a State pursuant to paragraph (1), the Fed-  
4           eral Government or such State, as the case may be,  
5           may not raise as a defense—

6                   (A) any claim of sovereign immunity; or

7                   (B) any claim that the employee who re-  
8           vealed the privileged information which is the  
9           basis of such suit was acting outside the scope  
10          of their employment in revealing such informa-  
11          tion.

12          (g) PREEMPTION OF STATE LAW BY FEDERAL  
13          LAW.—Any provision of State or local law which provides  
14          for public access to any privileged information received or  
15          obtained by any person pursuant to this Act is expressly  
16          preempted by the provisions of this section, to the extent  
17          that it applies to such information.

18          (h) FAILURE BY STATE TO COMPLY WITH REGULA-  
19          TIONS; WITHHOLDING OF INFORMATION.—If the Sec-  
20          retary finds that any State cannot or does not comply with  
21          the regulations issued under subsection (c), the Secretary  
22          shall thereafter withhold transmittal and deny inspection  
23          of privileged information to such State until the Secretary  
24          finds that such State can and will comply with such regu-  
25          lations.

1 **SEC. 20. RESTRICTIONS ON EMPLOYMENT OF FORMER OF-**  
2 **FICERS OR EMPLOYEES OF DEPARTMENT OF**  
3 **THE INTERIOR.**

4 No full-time officer or employee of the Department  
5 of the Interior (referred to in this section as the “Depart-  
6 ment”) who directly or indirectly discharged duties or re-  
7 sponsibilities under this Act, and who was at any time dur-  
8 ing the 12 months preceding the termination of their em-  
9 ployment with the Department compensated under the Ex-  
10 ecutive Schedule or compensated at or above the annual  
11 rate of basic pay for grade GS–15 of the General Schedule  
12 shall—

13 (1) within 2 years after such employment with  
14 the Department has ceased—

15 (A) knowingly act as agent or attorney for,  
16 or otherwise represent, any other person (except  
17 the United States) in any formal or informal  
18 appearance before;

19 (B) with the intent to influence, make any  
20 oral or written communication on behalf of any  
21 other person (except the United States) to; or

22 (C) knowingly aid or assist in representing  
23 any other person (except the United States) in  
24 any formal or informal appearance before,

25 any department, agency, or court of the United  
26 States, or any officer or employee thereof, in connec-

1       tion with any judicial or other proceeding, applica-  
2       tion, request for a ruling or other determination,  
3       regulation, order, lease, permit, rulemaking, or other  
4       particular matter involving a specific party or par-  
5       ties in which the United States is a party or has a  
6       direct and substantial interest which was actually  
7       pending under their official responsibility as an offi-  
8       cer or employee within a period of 1 year prior to  
9       the termination of such responsibility or in which  
10      the officer or employee participated personally and  
11      substantially as an officer or employee; or

12           (2) within 1 year after such employment with  
13      the Department has ceased—

14           (A) knowingly act as agent or attorney for,  
15           or otherwise represent, any other person (except  
16           the United States) in any formal or informal  
17           appearance before; or

18           (B) with the intent to influence, make any  
19           oral or written communication on behalf of any  
20           other person (except the United States) to,  
21      the Department, or any officer or employee thereof,  
22      in connection with any judicial, rulemaking, regula-  
23      tion, order, lease, permit, regulation, or other par-  
24      ticular matter which is pending before the Depart-

1       ment or in which the Department has a direct and  
2       substantial interest.

3       **SEC. 21. DOCUMENTARY, REGISTRY, AND MANNING RE-**  
4       **QUIREMENTS.**

5       (a) REGULATIONS.—The Secretary of the Depart-  
6       ment in which the Coast Guard is operating shall review  
7       regulations that require that any vessel, rig, platform, or  
8       other vehicle or structure—

9               (1) which is used at any time after the 1-year  
10       period beginning on the effective date of such regu-  
11       lations for activities pursuant to this Act and which  
12       is built or rebuilt at any time after such 1-year pe-  
13       riod, when required to be documented by the laws of  
14       the United States, be documented under the laws of  
15       the United States;

16              (2) which is used for activities pursuant to this  
17       Act, comply, except as provided in subsection (b),  
18       with such minimum standards of design, construc-  
19       tion, alteration, and repair as the Secretary or the  
20       Secretary of the Department in which the Coast  
21       Guard is operating establishes; and

22              (3) which is used at any time after the 1-year  
23       period beginning on the effective date of such regu-  
24       lations for activities pursuant to this Act, be manned  
25       or crewed, except as provided in subsection (c), by

1 citizens of the United States or aliens lawfully ad-  
2 mitted to the United States for permanent residence.

3 (b) EXCEPTIONS FROM DESIGN, CONSTRUCTION,  
4 ALTERATION, AND REPAIR REQUIREMENTS.—The regula-  
5 tions issued under subsection (a)(2) shall not apply to any  
6 vessel, rig, platform, or other vehicle or structure built  
7 prior to the date of enactment of this Act, until such time  
8 after such date as such vehicle or structure is rebuilt.

9 (c) EXCEPTIONS FROM MANNING REQUIREMENTS.—  
10 The regulations issued under subsection (a)(3) shall not  
11 apply—

12 (1) to any vessel, rig, platform, or other vehicle  
13 or structure if—

14 (A) specific contractual provisions or na-  
15 tional registry manning requirements in effect  
16 on the date of enactment of this Act provide to  
17 the contrary;

18 (B) there are not a sufficient number of  
19 citizens of the United States, or aliens lawfully  
20 admitted to the United States for permanent  
21 residence, qualified and available for such work;  
22 or

23 (C) the President makes a specific finding,  
24 with respect to the particular vessel, rig, plat-  
25 form, or other vehicle or structure, that applica-

1           tion would not be consistent with the national  
2           interest; and

3           (2) to any vessel, rig, platform, or other vehicle  
4           or structure, over 50 percent of which is owned by  
5           citizens of a foreign nation or with respect to which  
6           the citizens of a foreign nation have the right effec-  
7           tively to control, except to the extent and to the de-  
8           gree that the President determines that the govern-  
9           ment of such foreign nation or any of its political  
10          subdivisions has implemented, by statute, regulation,  
11          policy, or practice, a national manning requirement  
12          for equipment engaged in the site assessment, con-  
13          struction, and operation of renewable energy in its  
14          offshore areas.

15 **SEC. 22. CONFORMING AMENDMENTS.**

16          (a) AMENDMENTS TO OCSLA.—Section 8(p) of the  
17 Outer Continental Shelf Lands Act (43 U.S.C. 1337(p))  
18 is amended—

19           (1) in paragraph (1)—

20               (A) by striking subparagraph (C); and

21               (B) by redesignating subparagraphs (D)  
22           and (E) as subparagraphs (C) and (D), respec-  
23           tively; and

1 (2) in paragraph (2) (as amended by section  
2 2(g) of the RISEE Act (Public Law 117–  
3 [\_\_\_\_\_] ))—

4 (A) in subparagraph (B), in the first sen-  
5 tence, by inserting “or section 6(l) of the Re-  
6 newable Energy on Outer Continental Shelf  
7 Lands Act” after “payments under this sec-  
8 tion”; and

9 (B) in subparagraph (C)(ii)(I), in the mat-  
10 ter preceding item (aa), by striking “under sub-  
11 paragraph (A)” and inserting “under section  
12 6(l) of the Renewable Energy on Outer Conti-  
13 nental Shelf Lands Act”.

14 (b) OTHER CONFORMING AMENDMENTS.—

15 (1) Section 8343(e)(2) of the William M. (Mac)  
16 Thornberry National Defense Authorization Act for  
17 Fiscal Year 2021(36 U.S.C. 70034 note; Public Law  
18 116–283) is amended by striking subparagraph (B)  
19 and inserting the following:

20 “(B) activities authorized under a lease  
21 issued or maintained under section 6 of the Re-  
22 newable Energy on Outer Continental Shelf  
23 Lands Act, on or near a fixed platform.”.

24 (2) Section 40307(c) of the Infrastructure In-  
25 vestment and Jobs Act (Public Law 117–58; 135

1 Stat. 1003) is amended by striking “subparagraph  
2 (E)” and inserting “subparagraph (D)”.

3 **SEC. 23. APPLICABLE LAW.**

4 Except as specifically provided in this Act, nothing  
5 in the Outer Continental Shelf Lands Act (43 U.S.C. 1331  
6 et seq.) shall apply to renewable energy.

7 **SEC. 24. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums  
9 as are necessary to carry out this Act.