

112TH CONGRESS
1ST SESSION

S. 843

To establish outer Continental Shelf lease and permit processing coordination offices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish outer Continental Shelf lease and permit processing coordination offices, 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 “Outer Continental
5 Shelf Permit Processing Coordination Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **COORDINATION OFFICE.**—The term “coordi-
9 nation office” means a regional joint outer Conti-

1 mental Shelf lease and permit processing coordina-
2 tion office established under section 3(a).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 3. OUTER CONTINENTAL SHELF PERMIT PROCESSING**
6 **COORDINATION OFFICES.**

7 (a) ESTABLISHMENT.—The Secretary shall estab-
8 lish—

9 (1) a regional joint outer Continental Shelf
10 lease and permit processing coordination office for
11 the Alaska region of the outer Continental Shelf;
12 and

13 (2) subject to subsection (c)—

14 (A) a regional joint outer Continental Shelf
15 lease and permit processing coordination office
16 for the Atlantic region of the outer Continental
17 Shelf; and

18 (B) a regional joint outer Continental
19 Shelf lease and permit processing coordination
20 office for the Pacific region of the outer Conti-
21 nental Shelf.

22 (b) MEMORANDUM OF UNDERSTANDING.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of enactment of this Act, the Secretary

1 shall enter into a memorandum of understanding for
2 the purposes of carrying out this section with—

3 (A) the Secretary of Commerce;

4 (B) the Chief of Engineers;

5 (C) the Administrator of the Environ-
6 mental Protection Agency;

7 (D) the head of any other Federal agency
8 that may have a role in permitting activities;
9 and

10 (E) in the case of the coordination office
11 described in subsection (a)(1), the head of each
12 borough government that is located adjacent to
13 any active lease area.

14 (2) STATE PARTICIPATION.—The Secretary
15 shall request that the Governor of a State adjacent
16 to the applicable outer Continental Shelf region be
17 a signatory to the memorandum of understanding.

18 (c) DATE OF ESTABLISHMENT.—A coordination of-
19 fice described in subparagraph (A) or (B) of subsection
20 (a)(2) shall not be established until the date on which a
21 proposed lease sale is conducted for the Atlantic or Pacific
22 region of the outer Continental Shelf, as applicable.

23 (d) DESIGNATION OF QUALIFIED STAFF.—

24 (1) IN GENERAL.—Each Federal signatory
25 party shall, if appropriate, assign to each of the co-

1 ordination offices an employee who has expertise in
2 the regulatory issues administered by the office in
3 which the employee is employed relating to leasing
4 and the permitting of oil and gas activities on the
5 outer Continental Shelf by the date that is—

6 (A) in the case of the coordination office
7 described in subsection (a)(1), not later than 30
8 days after the date of the signing of the memo-
9 randum of understanding relating to the appli-
10 cable coordination office under subsection (b);

11 or

12 (B) in the case of a coordination office es-
13 tablished under subsection (a)(2), not later
14 than 30 days after the date of establishment of
15 the applicable coordination office under sub-
16 section (c).

17 (2) DUTIES.—An employee assigned under
18 paragraph (1) shall—

19 (A) not later than 90 days after the date
20 of assignment, report to the applicable coordi-
21 nation office;

22 (B) be responsible for all issues relating to
23 the jurisdiction of the home office or agency of
24 the employee; and

1 (C) participate as part of the applicable
2 team of personnel working on proposed oil and
3 gas leasing and permitting, including planning
4 and environmental analyses.

5 (e) TRANSFER OF FUNDS.—For the purposes of co-
6 ordination and processing of oil and gas use authorizations
7 for the applicable outer Continental Shelf region, the Sec-
8 retary may authorize the expenditure or transfer of such
9 funds as are necessary to—

10 (1) the Secretary of Commerce;

11 (2) the Chief of Engineers;

12 (3) the Administrator of the Environmental
13 Protection Agency;

14 (4) the head of any other Federal agency hav-
15 ing a role in permitting activities;

16 (5) any State adjacent to the applicable outer
17 Continental Shelf region; and

18 (6) in the case of the coordination office de-
19 scribed in subsection (a)(1), the head of each bor-
20 ough government that is located adjacent to any ac-
21 tive lease area.

22 (f) EFFECT.—Nothing in this section—

23 (1) authorizes the establishment of a regional
24 joint outer Continental Shelf lease and permit proc-

1 essing coordination office for the Gulf of Mexico re-
2 gion of the outer Continental Shelf;

3 (2) affects the operation of any Federal or
4 State law; or

5 (3) affects any delegation of authority made by
6 the head of a Federal agency for employees that are
7 assigned to a coordination office.

8 (g) FUNDING.—

9 (1) IN GENERAL.—There is authorized to be
10 appropriated \$2,000,000 for the coordination office
11 described in subsection (a)(1) for each of fiscal years
12 2011 through 2021, to remain available until ex-
13 pended.

14 (2) OTHER COORDINATION OFFICES.—Notwith-
15 standing any other provision of law—

16 (A) of the amounts received by the Sec-
17 retary from the sale of bonus bids in the Atlan-
18 tic region of the outer Continental Shelf Conti-
19 nental Shelf region, \$2,000,000 shall be made
20 available for the applicable coordination office
21 described in subsection (A)(2)(A) for the fiscal
22 year; and

23 (B) of the amounts received by the Sec-
24 retary from the sale of bonus bids in the Pacific
25 region of the outer Continental Shelf Conti-

1 mental Shelf region, \$2,000,000 shall be made
2 available for the applicable coordination office
3 described in subsection (A)(2)(B) for the fiscal
4 year.

5 **SEC. 4. JUDICIAL REVIEW.**

6 (a) **EXCLUSIVE JURISDICTION.**—Except for review by
7 the Supreme Court on writ of certiorari, the United States
8 Court of Appeals for the District of Columbia Circuit shall
9 have original and exclusive jurisdiction to review any claim
10 relating to an action by the Administrator of the Environ-
11 mental Protection Agency or the Secretary of the Interior
12 with respect to the review, approval, denial, or issuance
13 of an oil or natural gas lease or permit in the area of
14 the outer Continental Shelf described in section 3(a)(1).

15 (b) **DEADLINE FOR FILING CLAIM.**—A claim de-
16 scribed in subsection (a) may be brought not later than
17 60 days after the date of the action giving rise to the
18 claim.

19 (c) **EXPEDITED CONSIDERATION.**—The United
20 States Court of Appeals for the District of Columbia Cir-
21 cuit shall set any action brought under subsection (a) for
22 expedited consideration, taking into account the national
23 interest of enhancing national energy security by providing
24 access to the significant oil and natural gas resources in
25 the area of the outer Continental Shelf described in section

- 1 3(a)(1) that are needed to meet the anticipated demand
- 2 for oil and natural gas.

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