

112TH CONGRESS
1ST SESSION

S. _____

To amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Outer Continental Shelf Reform Act of 2011”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. National policy for the outer Continental Shelf.

- Sec. 5. Structural reform of outer Continental Shelf program management.
- Sec. 6. Safety, environmental, and financial reform of the Outer Continental Shelf Lands Act.
- Sec. 7. Study on the effect of the moratoria on new deepwater drilling in the Gulf of Mexico on employment and small businesses.
- Sec. 8. Reform of other law.
- Sec. 9. Safer oil and gas production.
- Sec. 10. National Commission on Outer Continental Shelf Oil Spill Prevention.
- Sec. 11. Classification of offshore systems.
- Sec. 12. Savings provisions.
- Sec. 13. Budgetary effects.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to rationalize and reform the responsibilities
4 of the Secretary of the Interior with respect to the
5 management of the outer Continental Shelf in order
6 to improve the management, oversight, account-
7 ability, safety, and environmental protection of all
8 the resources on the outer Continental Shelf;

9 (2) to provide independent development and en-
10 forcement of safety and environmental laws (includ-
11 ing regulations) governing—

12 (A) energy development and mineral ex-
13 traction activities on the outer Continental
14 Shelf; and

15 (B) related offshore activities; and

16 (3) to ensure a fair return to the taxpayer
17 from, and independent management of, royalty and
18 revenue collection and disbursement activities from
19 mineral and energy resources.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”
4 means the Department of the Interior.

5 (2) OUTER CONTINENTAL SHELF.—The term
6 “outer Continental Shelf” has the meaning given the
7 term in section 2 of the Outer Continental Shelf
8 Lands Act (43 U.S.C. 1331).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 **SEC. 4. NATIONAL POLICY FOR THE OUTER CONTINENTAL**
12 **SHELF.**

13 Section 3 of the Outer Continental Shelf Lands Act
14 (43 U.S.C. 1332) is amended—

15 (1) by striking paragraph (3) and inserting the
16 following:

17 “(3) the outer Continental Shelf is a vital na-
18 tional resource reserve held by the Federal Govern-
19 ment for the public, which should be managed in a
20 manner that—

21 “(A) recognizes the need of the United
22 States for domestic sources of energy, food,
23 minerals, and other resources;

24 “(B) minimizes the potential impacts of
25 development of those resources on the marine

1 and coastal environment and on human health
2 and safety; and

3 “(C) acknowledges the long-term economic
4 value to the United States of the balanced and
5 orderly management of those resources that
6 safeguards the environment and respects the
7 multiple values and uses of the outer Conti-
8 nental Shelf;”;

9 (2) in paragraph (4)(C), by striking the period
10 at the end and inserting a semicolon;

11 (3) in paragraph (5), by striking “; and” and
12 inserting a semicolon;

13 (4) by redesignating paragraph (6) as para-
14 graph (7);

15 (5) by inserting after paragraph (5) the fol-
16 lowing:

17 “(6) exploration, development, and production
18 of energy and minerals on the outer Continental
19 Shelf should be allowed only when those activities
20 can be accomplished in a manner that provides rea-
21 sonable assurance of adequate protection against
22 harm to life, health, the environment, property, or
23 other users of the waters, seabed, or subsoil; and”;
24 and

25 (6) in paragraph (7) (as so redesignated)—

1 (A) by striking “should be” and inserting
2 “shall be”; and

3 (B) by adding “best available” after
4 “using”.

5 **SEC. 5. STRUCTURAL REFORM OF OUTER CONTINENTAL**
6 **SHELF PROGRAM MANAGEMENT.**

7 (a) IN GENERAL.—The Outer Continental Shelf
8 Lands Act (43 U.S.C. 1331 et seq.) is amended by adding
9 to the end the following:

10 **“SEC. 32. STRUCTURAL REFORM OF OUTER CONTINENTAL**
11 **SHELF PROGRAM MANAGEMENT.**

12 “(a) LEASING, PERMITTING, AND REGULATION BU-
13 REAUS.—

14 “(1) ESTABLISHMENT OF BUREAUS.—

15 “(A) IN GENERAL.—Subject to the discre-
16 tion granted by Reorganization Plan Number 3
17 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note),
18 the Secretary shall establish in the Department
19 of the Interior not more than 2 bureaus to
20 carry out the leasing, permitting, and safety
21 and environmental regulatory functions vested
22 in the Secretary by this Act and the Federal Oil
23 and Gas Royalty Management Act of 1982 (30
24 U.S.C. 1701 et seq.) related to the outer Conti-
25 nental Shelf.

1 “(B) CONFLICTS OF INTEREST.—In estab-
2 lishing the bureaus under subparagraph (A),
3 the Secretary shall ensure, to the maximum ex-
4 tent practicable, that any potential organiza-
5 tional conflicts of interest related to leasing,
6 revenue creation, environmental protection, and
7 safety are eliminated.

8 “(2) DIRECTOR.—Each bureau shall be headed
9 by a Director, who shall be appointed by the Presi-
10 dent, by and with the advice and consent of the Sen-
11 ate.

12 “(3) COMPENSATION.—Each Director shall be
13 compensated at the rate provided for level V of the
14 Executive Schedule under section 5316 of title 5,
15 United States Code.

16 “(4) QUALIFICATIONS.—Each Director shall be
17 a person who, by reason of professional background
18 and demonstrated ability and experience, is specially
19 qualified to carry out the duties of the office.

20 “(b) ROYALTY AND REVENUE OFFICE.—

21 “(1) ESTABLISHMENT OF OFFICE.—Subject to
22 the discretion granted by Reorganization Plan Num-
23 ber 3 of 1950 (64 Stat. 1262; 43 U.S.C. 1451 note),
24 the Secretary shall establish in the Department of
25 the Interior an office to carry out the royalty and

1 revenue management functions vested in the Sec-
2 retary by this Act and the Federal Oil and Gas Roy-
3 alty Management Act of 1982 (30 U.S.C. 1701 et
4 seq.).

5 “(2) DIRECTOR.—The office established under
6 paragraph (1) shall be headed by a Director, who
7 shall be appointed by the President, by and with the
8 advice and consent of the Senate.

9 “(3) COMPENSATION.—The Director shall be
10 compensated at the rate provided for level V of the
11 Executive Schedule under section 5316 of title 5,
12 United States Code.

13 “(4) QUALIFICATIONS.—The Director shall be a
14 person who, by reason of professional background
15 and demonstrated ability and experience, is specially
16 qualified to carry out the duties of the office.

17 “(c) OCS SAFETY AND ENVIRONMENTAL ADVISORY
18 BOARD.—

19 “(1) ESTABLISHMENT.—The Secretary shall es-
20 tablish, under the Federal Advisory Committee Act
21 (5 U.S.C. App.), an Outer Continental Shelf Safety
22 and Environmental Advisory Board (referred to in
23 this subsection as the ‘Board’), to provide the Sec-
24 retary and the Directors of the bureaus established
25 under this section with independent peer-reviewed

1 scientific and technical advice on safe and environ-
2 mentally compliant energy and mineral resource ex-
3 ploration, development, and production activities.

4 “(2) MEMBERSHIP.—

5 “(A) SIZE.—

6 “(i) IN GENERAL.—The Board shall
7 consist of not more than 12 members, cho-
8 sen to reflect a range of expertise in sci-
9 entific, engineering, management, and
10 other disciplines related to safe and envi-
11 ronmentally compliant energy and mineral
12 resource exploration, development, and
13 production activities.

14 “(ii) CONSULTATION.—The Secretary
15 shall consult with the National Academy of
16 Sciences and the National Academy of En-
17 gineering to identify potential candidates
18 for membership on the Board.

19 “(B) TERM.—The Secretary shall appoint
20 Board members to staggered terms of not more
21 than 4 years, and shall not appoint a member
22 for more than 2 consecutive terms.

23 “(C) CHAIR.—The Secretary shall appoint
24 the Chair for the Board.

25 “(3) MEETINGS.—The Board shall—

1 “(A) meet not less than 3 times per year;
2 and

3 “(B) at least once per year, shall host a
4 public forum to review and assess the overall
5 safety and environmental performance of outer
6 Continental Shelf energy and mineral resource
7 activities.

8 “(4) REPORTS.—Reports of the Board shall—

9 “(A) be submitted to Congress; and

10 “(B) made available to the public in an
11 electronically accessible form.

12 “(5) TRAVEL EXPENSES.—Members of the
13 Board, other than full-time employees of the Federal
14 Government, while attending a meeting of the Board
15 or while otherwise serving at the request of the Sec-
16 retary or the Director while serving away from their
17 homes or regular places of business, may be allowed
18 travel expenses, including per diem in lieu of subsist-
19 ence, as authorized by section 5703 of title 5,
20 United States Code, for individuals in the Federal
21 Government serving without pay.

22 “(d) SPECIAL PERSONNEL AUTHORITIES.—

23 “(1) DIRECT HIRING AUTHORITY FOR CRITICAL
24 PERSONNEL.—

1 “(A) IN GENERAL.—Notwithstanding sec-
2 tions 3104, 3304, and 3309 through 3318 of
3 title 5, United States Code, the Secretary may,
4 upon a determination that there is a severe
5 shortage of candidates or a critical hiring need
6 for particular positions, recruit and directly ap-
7 point highly qualified accountants, scientists,
8 engineers, or critical technical personnel into
9 the competitive service, as officers or employees
10 of any of the organizational units established
11 under this section.

12 “(B) REQUIREMENTS.—In exercising the
13 authority granted under subparagraph (A), the
14 Secretary shall ensure that any action taken by
15 the Secretary—

16 “(i) is consistent with the merit prin-
17 ciples of chapter 23 of title 5, United
18 States Code; and

19 “(ii) complies with the public notice
20 requirements of section 3327 of title 5,
21 United States Code.

22 “(2) CRITICAL PAY AUTHORITY.—

23 “(A) IN GENERAL.—Notwithstanding sec-
24 tion 5377 of title 5, United States Code, and
25 without regard to the provisions of that title

1 governing appointments in the competitive serv-
2 ice or the Senior Executive Service and chap-
3 ters 51 and 53 of that title (relating to classi-
4 fication and pay rates), the Secretary may es-
5 tablish, fix the compensation of, and appoint in-
6 dividuals to critical positions needed to carry
7 out the functions of any of the organizational
8 units established under this section, if the Sec-
9 retary certifies that—

10 “(i) the positions—

11 “(I) require expertise of an ex-
12 tremely high level in a scientific or
13 technical field; and

14 “(II) any of the organizational
15 units established in this section would
16 not successfully accomplish an impor-
17 tant mission without such an indi-
18 vidual; and

19 “(ii) exercise of the authority is nec-
20 essary to recruit an individual exceptionally
21 well qualified for the position.

22 “(B) LIMITATIONS.—The authority grant-
23 ed under subparagraph (A) shall be subject to
24 the following conditions:

1 “(i) The number of critical positions
2 authorized by subparagraph (A) may not
3 exceed 40 at any 1 time in either of the
4 bureaus established under this section.

5 “(ii) The term of an appointment
6 under subparagraph (A) may not exceed 4
7 years.

8 “(iii) An individual appointed under
9 subparagraph (A) may not have been an
10 employee of the Department of the Interior
11 during the 2-year period prior to the date
12 of appointment.

13 “(iv) Total annual compensation for
14 any individual appointed under subpara-
15 graph (A) may not exceed the highest total
16 annual compensation payable at the rate
17 determined under section 104 of title 3,
18 United States Code.

19 “(v) An individual appointed under
20 subparagraph (A) may not be considered
21 to be an employee for purposes of sub-
22 chapter II of chapter 75 of title 5, United
23 States Code.

24 “(C) NOTIFICATION.—Each year, the Sec-
25 retary shall submit to Congress a notification

1 that lists each individual appointed under this
2 paragraph.

3 “(3) REEMPLOYMENT OF CIVILIAN RETIR-
4 EES.—

5 “(A) IN GENERAL.—Notwithstanding part
6 553 of title 5, Code of Federal Regulations (re-
7 lating to reemployment of civilian retirees to
8 meet exceptional employment needs), or suc-
9 cessor regulations, the Secretary may approve
10 the reemployment of an individual to a par-
11 ticular position without reduction or termi-
12 nation of annuity if the hiring of the individual
13 is necessary to carry out a critical function of
14 any of the organizational units established
15 under this section for which suitably qualified
16 candidates do not exist.

17 “(B) LIMITATIONS.—An annuitant hired
18 with full salary and annuities under the author-
19 ity granted by subparagraph (A)—

20 “(i) shall not be considered an em-
21 ployee for purposes of subchapter III of
22 chapter 83 and chapter 84 of title 5,
23 United States Code;

1 “(ii) may not elect to have retirement
2 contributions withheld from the pay of the
3 annuitant;

4 “(iii) may not use any employment
5 under this paragraph as a basis for a sup-
6 plemental or recomputed annuity; and

7 “(iv) may not participate in the Thrift
8 Savings Plan under subchapter III of
9 chapter 84 of title 5, United States Code.

10 “(C) LIMITATION ON TERM.—The term of
11 employment of any individual hired under sub-
12 paragraph (A) may not exceed an initial term
13 of 2 years, with an additional 2-year appoint-
14 ment under exceptional circumstances.

15 “(e) CONTINUITY OF AUTHORITY.—Subject to the
16 discretion granted by Reorganization Plan Number 3 of
17 1950 (64 Stat. 1262; 43 U.S.C. 1451 note), any reference
18 in any law, rule, regulation, directive, or instruction, or
19 certificate or other official document, in force immediately
20 prior to the date of enactment of this section—

21 “(1) to the Minerals Management Service that
22 pertains to any of the duties and authorities de-
23 scribed in this section shall be deemed to refer and
24 apply to the appropriate bureaus and offices estab-
25 lished under this section;

1 “(2) to the Director of the Minerals Manage-
2 ment Service that pertains to any of the duties and
3 authorities described in this section shall be deemed
4 to refer and apply to the Director of the bureau or
5 office under this section to whom the Secretary has
6 assigned the respective duty or authority; and

7 “(3) to any other position in the Minerals Man-
8 agement Service that pertains to any of the duties
9 and authorities described in this section shall be
10 deemed to refer and apply to that same or equiva-
11 lent position in the appropriate bureau or office es-
12 tablished under this section.”.

13 (b) CONFORMING AMENDMENT.—Section 5316 of
14 title 5, United States Code, is amended by striking “Direc-
15 tor, Bureau of Mines, Department of the Interior” and
16 inserting the following:

17 “Bureau Directors, Department of the Interior
18 (2).

19 “Director, Royalty and Revenue Office, Depart-
20 ment of the Interior.”.

1 **SEC. 6. SAFETY, ENVIRONMENTAL, AND FINANCIAL RE-**
2 **FORM OF THE OUTER CONTINENTAL SHELF**
3 **LANDS ACT.**

4 (a) DEFINITIONS.—Section 2 of the Outer Conti-
5 nental Shelf Lands Act (43 U.S.C. 1331) is amended by
6 adding at the end the following:

7 “(r) SAFETY CASE.—The term ‘safety case’ means
8 a complete set of safety documentation that provides a
9 basis for determining whether a system is adequately safe
10 for a given application in a given environment.”.

11 (b) ADMINISTRATION OF LEASING.—Section 5(a) of
12 the Outer Continental Shelf Lands Act (43 U.S.C.
13 1334(a)) is amended in the second sentence—

14 (1) by striking “The Secretary may at any
15 time” and inserting “The Secretary shall”; and

16 (2) by inserting after “provide for” the fol-
17 lowing: “operational safety, the protection of the ma-
18 rine and coastal environment,”.

19 (c) MAINTENANCE OF LEASES.—Section 6 of the
20 Outer Continental Shelf Lands Act (43 U.S.C. 1335) is
21 amended by adding at the end the following:

22 “(f) REVIEW OF BOND AND SURETY AMOUNTS.—
23 Not later than May 1, 2011, and every 5 years thereafter,
24 the Secretary shall—

1 “(1) review the minimum financial responsi-
2 bility requirements for mineral leases under sub-
3 section (a)(11); and

4 “(2) adjust for inflation based on the Consumer
5 Price Index for all Urban Consumers published by
6 the Bureau of Labor Statistics of the Department of
7 Labor, and recommend to Congress any further
8 changes to existing financial responsibility require-
9 ments necessary to permit lessees to fulfill all obliga-
10 tions under this Act or the Oil Pollution Act of 1990
11 (33 U.S.C. 2701 et seq.).

12 “(g) PERIODIC FISCAL REVIEWS AND REPORTS.—

13 “(1) ROYALTY RATES.—

14 “(A) IN GENERAL.—Not later than 1 year
15 after the date of enactment of this subsection
16 and every 4 years thereafter, the Secretary shall
17 carry out a review of, and prepare a report that
18 describes—

19 “(i) the royalty and rental rates in-
20 cluded in new offshore oil and gas leases
21 and the rationale for the rates;

22 “(ii) whether, in the view of the Sec-
23 retary, the royalty and rental rates de-
24 scribed in subparagraph (A) would yield a
25 fair return to the public while promoting

1 the production of oil and gas resources in
2 a timely manner; and

3 “(iii) whether, based on the review,
4 the Secretary intends to modify the royalty
5 or rental rates.

6 “(B) PUBLIC PARTICIPATION.—In carrying
7 out a review and preparing a report under sub-
8 paragraph (A), the Secretary shall provide to
9 the public an opportunity to participate.

10 “(2) COMPARATIVE REVIEW OF FISCAL SYS-
11 TEM.—

12 “(A) IN GENERAL.—Not later than 1 year
13 after the date of enactment of this subsection
14 and every 4 years thereafter, the Secretary in
15 consultation with the Secretary of the Treasury,
16 shall carry out a comprehensive review of all
17 components of the Federal offshore oil and gas
18 fiscal system, including requirements for bonus
19 bids, rental rates, royalties, oil and gas taxes,
20 income taxes and other significant financial ele-
21 ments, and oil and gas fees.

22 “(B) INCLUSIONS.—The review shall in-
23 clude—

24 “(i) information and analyses com-
25 paring the offshore bonus bids, rents, roy-

1 alties, taxes, and fees of the Federal Gov-
2 ernment to the offshore bonus bids, rents,
3 royalties, taxes, and fees of other resource
4 owners (including States and foreign coun-
5 tries); and

6 “(ii) an assessment of the overall off-
7 shore oil and gas fiscal system in the
8 United States, as compared to foreign
9 countries.

10 “(C) INDEPENDENT ADVISORY COM-
11 MITTEE.—In carrying out a review under this
12 paragraph, the Secretary shall convene and seek
13 the advice of an independent advisory com-
14 mittee comprised of oil and gas and fiscal ex-
15 perts from States, Indian tribes, academia, the
16 energy industry, and appropriate nongovern-
17 mental organizations.

18 “(D) REPORT.—The Secretary shall pre-
19 pare a report that contains—

20 “(i) the contents and results of the re-
21 view carried out under this paragraph for
22 the period covered by the report; and

23 “(ii) any recommendations of the Sec-
24 retary and the Secretary of the Treasury

1 based on the contents and results of the
2 review.

3 “(E) COMBINED REPORT.—The Secretary
4 may combine the reports required by para-
5 graphs (1) and (2)(D) into 1 report.

6 “(3) REPORT DEADLINE.—Not later than 30
7 days after the date on which the Secretary completes
8 each report under this subsection, the Secretary
9 shall submit copies of the report to—

10 “(A) the Committee on Energy and Nat-
11 ural Resources of the Senate;

12 “(B) the Committee on Finance of the
13 Senate;

14 “(C) the Committee on Natural Resources
15 of the House of Representatives; and

16 “(D) the Committee on Ways and Means
17 of the House of Representatives.”.

18 (d) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—
19 Section 8 of the Outer Continental Shelf Lands Act (43
20 U.S.C. 1337) is amended by striking subsection (d) and
21 inserting the following:

22 “(d) DISQUALIFICATION FROM BIDDING.—No bid
23 for a lease may be submitted by any entity that the Sec-
24 retary finds, after prior public notice and opportunity for
25 a hearing—

1 “(1) is not meeting due diligence, safety, or en-
2 vironmental requirements on other leases; or

3 “(2)(A) is a responsible party for a vessel or a
4 facility from which oil is discharged, for purposes of
5 section 1002 of the Oil Pollution Act of 1990 (33
6 U.S.C. 2702); and

7 “(B) has failed to meet the obligations of the
8 responsible party under that Act to provide com-
9 pensation for covered removal costs and damages.”.

10 (e) EXPLORATION PLANS.—Section 11 of the Outer
11 Continental Shelf Lands Act (43 U.S.C. 1340) is amend-
12 ed—

13 (1) in subsection (c)—

14 (A) in the fourth sentence of paragraph
15 (1), by striking “within thirty days of its sub-
16 mission” and inserting “by the deadline de-
17 scribed in paragraph (5)”;

18 (B) by striking paragraph (3) and insert-
19 ing the following:

20 “(3) MINIMUM REQUIREMENTS.—

21 “(A) IN GENERAL.—An exploration plan
22 submitted under this subsection shall include,
23 in such degree of detail as the Secretary by reg-
24 ulation may require—

1 “(i) a complete description and sched-
2 ule of the exploration activities to be un-
3 dertaken;

4 “(ii) a description of the equipment to
5 be used for the exploration activities, in-
6 cluding—

7 “(I) a description of the drilling
8 unit;

9 “(II) a statement of the design
10 and condition of major safety-related
11 pieces of equipment;

12 “(III) a description of any new
13 technology to be used; and

14 “(IV) a statement demonstrating
15 that the equipment to be used meets
16 the best available technology require-
17 ments under section 21(b);

18 “(iii) a map showing the location of
19 each well to be drilled;

20 “(iv)(I) a scenario for the potential
21 blowout of the well involving the highest
22 expected volume of liquid hydrocarbons;
23 and

24 “(II) a complete description of a re-
25 sponse plan to control the blowout and

1 manage the accompanying discharge of hy-
2 drocarbons, including—

3 “(aa) the technology and timeline
4 for regaining control of the well; and

5 “(bb) the strategy, organization,
6 and resources to be used to avoid
7 harm to the environment and human
8 health from hydrocarbons; and

9 “(v) any other information determined
10 to be relevant by the Secretary.

11 “(B) DEEPWATER WELLS.—

12 “(i) IN GENERAL.—Before conducting
13 exploration activities in water depths
14 greater than 500 feet, the holder of a lease
15 shall submit to the Secretary for approval
16 a deepwater operations plan prepared by
17 the lessee in accordance with this subpara-
18 graph.

19 “(ii) TECHNOLOGY REQUIREMENTS.—

20 A deepwater operations plan under this
21 subparagraph shall be based on the best
22 available technology to ensure safety in
23 carrying out the exploration activity and
24 the blowout response plan.

1 necessary to complete any environmental,
2 safety, or other reviews.

3 “(B) EXISTING LEASES.—In the case of a
4 lease issued under a sale held on or before
5 March 17, 2010, the Secretary, with the con-
6 sent of the holder of the lease, may extend the
7 deadline applicable to the lease for such addi-
8 tional time as the Secretary determines is nec-
9 essary to complete any environmental, safety, or
10 other reviews.”;

11 (2) by redesignating subsections (e) through
12 (h) as subsections (f) through (i), respectively; and

13 (3) by striking subsection (d) and inserting the
14 following:

15 “(d) DRILLING PERMITS.—

16 “(1) IN GENERAL.—The Secretary shall, by
17 regulation, require that any lessee operating under
18 an approved exploration plan obtain a permit—

19 “(A) before the lessee drills a well in ac-
20 cordance with the plan; and

21 “(B) before the lessee significantly modi-
22 fies the well design originally approved by the
23 Secretary.

24 “(2) ENGINEERING REVIEW REQUIRED.—The
25 Secretary may not grant any drilling permit until

1 the date of completion of a full review of the well
2 system by not less than 2 agency engineers, includ-
3 ing a written determination that—

4 “(A) critical safety systems (including
5 blowout prevention) will use best available tech-
6 nology; and

7 “(B) blowout prevention systems will in-
8 clude redundancy and remote triggering capa-
9 bility.

10 “(3) MODIFICATION REVIEW REQUIRED.—The
11 Secretary may not approve any modification of a
12 permit without a determination, after an additional
13 engineering review, that the modification will not
14 compromise the safety of the well system previously
15 approved.

16 “(4) OPERATOR SAFETY AND ENVIRONMENTAL
17 MANAGEMENT REQUIRED.—The Secretary may not
18 grant any drilling permit or modification of the per-
19 mit until the date of completion and approval of a
20 safety and environmental management plan that—

21 “(A) is to be used by the operator during
22 all well operations; and

23 “(B) includes—

1 “(i) a description of the expertise and
2 experience level of crew members who will
3 be present on the rig; and

4 “(ii) designation of at least 2 environ-
5 mental and safety managers that—

6 “(I) are employees of the oper-
7 ator;

8 “(II) would be present on the rig
9 at all times; and

10 “(III) have overall responsibility
11 for the safety and environmental man-
12 agement of the well system and spill
13 response plan; and

14 “(C) not later than May 1, 2012, requires
15 that all employees on the rig meet the training
16 and experience requirements under section
17 21(b)(4).

18 “(e) DISAPPROVAL OF EXPLORATION PLAN.—

19 “(1) IN GENERAL.—The Secretary shall dis-
20 approve an exploration plan submitted under this
21 section if the Secretary determines that, because of
22 exceptional geological conditions in the lease areas,
23 exceptional resource values in the marine or coastal
24 environment, or other exceptional circumstances,
25 that—

1 “(A) implementation of the exploration
2 plan would probably cause serious harm or
3 damage to life (including fish and other aquatic
4 life), property, mineral deposits, national secu-
5 rity or defense, or the marine, coastal or human
6 environments;

7 “(B) the threat of harm or damage would
8 not disappear or decrease to an acceptable ex-
9 tent within a reasonable period of time; and

10 “(C) the advantages of disapproving the
11 exploration plan outweigh the advantages of ex-
12 ploration.

13 “(2) COMPENSATION.—If an exploration plan is
14 disapproved under this subsection, the provisions of
15 subparagraphs (B) and (C) of section 25(h)(2) shall
16 apply to the lease and the plan or any modified plan,
17 except that the reference in section 25(h)(2)(C) to a
18 development and production plan shall be considered
19 to be a reference to an exploration plan.”.

20 (f) OUTER CONTINENTAL SHELF LEASING PRO-
21 GRAM.—Section 18 of the Outer Continental Shelf Lands
22 Act (43 U.S.C. 1344) is amended—

23 (1) in subsection (a)—

24 (A) in the second sentence, by inserting
25 after “national energy needs” the following:

1 “and the need for the protection of the marine
2 and coastal environment and resources”;

3 (B) in paragraph (1), by striking “con-
4 siders” and inserting “gives equal consideration
5 to”; and

6 (C) in paragraph (3), by striking “, to the
7 maximum extent practicable,”;

8 (2) in subsection (b)—

9 (A) in paragraph (3), by striking “and” at
10 the end;

11 (B) in paragraph (4), by striking the pe-
12 riod at the end and inserting “; and”; and

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

14 “(5) provide technical review and oversight of
15 the exploration plan and a systems review of the
16 safety of the well design and other operational deci-
17 sions;

18 “(6) conduct regular and thorough safety re-
19 views and inspections, and;

20 “(7) enforce all applicable laws (including regu-
21 lations).”;

22 (3) in the second sentence of subsection (d)(2),
23 by inserting “, the head of an interested Federal
24 agency,” after “Attorney General”;

1 (4) in the first sentence of subsection (g), by in-
2 serting before the period at the end the following: “,
3 including existing inventories and mapping of ma-
4 rine resources previously undertaken by the Depart-
5 ment of the Interior and the National Oceanic and
6 Atmospheric Administration, information provided
7 by the Department of Defense, and other available
8 data regarding energy or mineral resource potential,
9 navigation uses, fisheries, aquaculture uses, rec-
10 reational uses, habitat, conservation, and military
11 uses on the outer Continental Shelf”; and

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

13 “(i) RESEARCH AND DEVELOPMENT.—

14 “(1) IN GENERAL.—The Secretary shall carry
15 out a program of research and development to en-
16 sure the continued improvement of methodologies for
17 characterizing resources of the outer Continental
18 Shelf and conditions that may affect the ability to
19 develop and use those resources in a safe, sound,
20 and environmentally responsible manner.

21 “(2) INCLUSIONS.—Research and development
22 activities carried out under paragraph (1) may in-
23 clude activities to provide accurate estimates of en-
24 ergy and mineral reserves and potential on the outer
25 Continental Shelf and any activities that may assist

1 in filling gaps in environmental data needed to de-
2 velop each leasing program under this section.

3 “(3) LEASING ACTIVITIES.—Research and de-
4 velopment activities carried out under paragraph (1)
5 shall not be considered to be leasing or pre-leasing
6 activities for purposes of this Act.”.

7 (g) ENVIRONMENTAL STUDIES.—Section 20 of the
8 Outer Continental Shelf Lands Act (43 U.S.C. 1346) is
9 amended—

10 (1) by redesignating subsections (a) through (f)
11 as subsections (b) through (g), respectively;

12 (2) by inserting before subsection (b) (as so re-
13 designated) the following:

14 “(a) COMPREHENSIVE AND INDEPENDENT STUD-
15 IES.—

16 “(1) IN GENERAL.—The Secretary shall develop
17 and carry out programs for the collection, evalua-
18 tion, assembly, analysis, and dissemination of envi-
19 ronmental and other resource data that are relevant
20 to carrying out the purposes of this Act.

21 “(2) SCOPE OF RESEARCH.—The programs
22 under this subsection shall include—

23 “(A) the gathering of baseline data in
24 areas before energy or mineral resource devel-
25 opment activities occur;

1 “(B) ecosystem research and monitoring
2 studies to support integrated resource manage-
3 ment decisions; and

4 “(C) the improvement of scientific under-
5 standing of the fate, transport, and effects of
6 discharges and spilled materials, including deep
7 water hydrocarbon spills, in the marine environ-
8 ment.

9 “(3) USE OF DATA.—The Secretary shall en-
10 sure that information from the studies carried out
11 under this section—

12 “(A) informs the management of energy
13 and mineral resources on the outer Continental
14 Shelf including any areas under consideration
15 for oil and gas leasing; and

16 “(B) contributes to a broader coordination
17 of energy and mineral resource development ac-
18 tivities within the context of best available
19 science.

20 “(4) INDEPENDENCE.—The Secretary shall cre-
21 ate a program within the appropriate bureau estab-
22 lished under section 32 that shall—

23 “(A) be programmatically separate and
24 distinct from the leasing program;

1 “(B) carry out the environmental studies
2 under this section;

3 “(C) conduct additional environmental
4 studies relevant to the sound management of
5 energy and mineral resources on the outer Con-
6 tinental Shelf;

7 “(D) provide for external scientific review
8 of studies under this section, including through
9 appropriate arrangements with the National
10 Academy of Sciences; and

11 “(E) subject to the restrictions of sub-
12 sections (g) and (h) of section 18, make avail-
13 able to the public studies conducted and data
14 gathered under this section.”; and

15 (3) in the first sentence of subsection (b)(1) (as
16 so redesignated), by inserting “every 3 years” after
17 “shall conduct”.

18 (h) SAFETY RESEARCH AND REGULATIONS.—Section
19 21 of the Outer Continental Shelf Lands Act (43 U.S.C.
20 1347) is amended—

21 (1) in the first sentence of subsection (a), by
22 striking “Upon the date of enactment of this sec-
23 tion,” and inserting “Not later than May 1, 2011,
24 and every 3 years thereafter,”;

1 (2) by striking subsection (b) and inserting the
2 following:

3 “(b) BEST AVAILABLE TECHNOLOGIES AND PRAC-
4 TICES.—

5 “(1) IN GENERAL.—In exercising respective re-
6 sponsibilities under this Act, the Secretary, and the
7 Secretary of the Department in which the Coast
8 Guard is operating, shall require, on all new drilling
9 and production operations and, to the maximum ex-
10 tent practicable, on existing operations, the use of
11 the best available and safest technologies and prac-
12 tices, if the failure of equipment would have a sig-
13 nificant effect on safety, health, or the environment.

14 “(2) IDENTIFICATION OF BEST AVAILABLE
15 TECHNOLOGIES.—Not later than May 1, 2011, and
16 not later than every 3 years thereafter, the Secretary
17 shall identify and publish an updated list of best
18 available technologies for key areas of well design
19 and operation, including blowout prevention and
20 blowout and oil spill response.

21 “(3) SAFETY CASE.—Not later than May 1,
22 2011, the Secretary shall promulgate regulations re-
23 quiring a safety case be submitted along with each
24 new application for a permit to drill on the outer
25 Continental Shelf.

1 “(4) EMPLOYEE TRAINING.—

2 “(A) IN GENERAL.—Not later than May 1,
3 2011, the Secretary shall promulgate regula-
4 tions setting standards for training for all
5 workers on offshore facilities (including mobile
6 offshore drilling units) conducting energy and
7 mineral resource exploration, development, and
8 production operations on the outer Continental
9 Shelf.

10 “(B) REQUIREMENTS.—The training
11 standards under this paragraph shall require
12 that employers of workers described in subpara-
13 graph (A)—

14 “(i) establish training programs ap-
15 proved by the Secretary; and

16 “(ii) demonstrate that employees in-
17 volved in the offshore operations meet
18 standards that demonstrate the aptitude of
19 the employees in critical technical skills.

20 “(C) EXPERIENCE.—The training stand-
21 ards under this section shall require that any
22 offshore worker with less than 5 years of ap-
23 plied experience in offshore facilities operations
24 pass a certification requirement after receiving
25 the appropriate training.

1 “(D) MONITORING TRAINING COURSES.—
2 The Secretary shall ensure that Department
3 employees responsible for inspecting offshore fa-
4 cilities monitor, observe, and report on training
5 courses established under this paragraph, in-
6 cluding attending a representative number of
7 the training sessions, as determined by the Sec-
8 retary.”; and

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

10 “(g) TECHNOLOGY RESEARCH AND RISK ASSESS-
11 MENT PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall carry
13 out a program of research, development, and risk as-
14 sessment to address technology and development
15 issues associated with outer Continental Shelf en-
16 ergy and mineral resource activities, with the pri-
17 mary purpose of informing the role of research, de-
18 velopment, and risk assessment relating to safety,
19 environmental protection, and spill response.

20 “(2) SPECIFIC AREAS OF FOCUS.—The program
21 under this subsection shall include research, develop-
22 ment, and other activities related to—

23 “(A) risk assessment, using all available
24 data from safety and compliance records both
25 within the United States and internationally;

1 “(B) analysis of industry trends in tech-
2 nology, investment, and interest in frontier
3 areas;

4 “(C) analysis of incidents investigated
5 under section 22;

6 “(D) reviews of best available technologies,
7 including technologies associated with pipelines,
8 blowout preventer mechanisms, casing, well de-
9 sign, and other associated infrastructure related
10 to offshore energy development;

11 “(E) oil spill response and mitigation;

12 “(F) risks associated with human factors;
13 and

14 “(G) renewable energy operations.

15 “(3) INFORMATION SHARING ACTIVITIES.—

16 “(A) DOMESTIC ACTIVITIES.—The Sec-
17 retary shall carry out programs to facilitate the
18 exchange and dissemination of scientific and
19 technical information and best practices related
20 to the management of safety and environmental
21 issues associated with energy and mineral re-
22 source exploration, development, and produc-
23 tion.

24 “(B) INTERNATIONAL COOPERATION.—

25 The Secretary shall carry out programs to co-

1 operate with international organizations and
2 foreign governments to share information and
3 best practices related to the management of
4 safety and environmental issues associated with
5 energy and mineral resource exploration, devel-
6 opment, and production.

7 “(4) REPORTS.—The program under this sub-
8 section shall provide to the Secretary, each Bureau
9 Director under section 32, and the public quarterly
10 reports that address—

11 “(A) developments in each of the areas
12 under paragraph (2); and

13 “(B)(i) any accidents that have occurred in
14 the past quarter; and

15 “(ii) appropriate responses to the acci-
16 dents.

17 “(5) INDEPENDENCE.—The Secretary shall cre-
18 ate a program within the appropriate bureau estab-
19 lished under section 32 that shall—

20 “(A) be programmatically separate and
21 distinct from the leasing program;

22 “(B) carry out the studies, analyses, and
23 other activities under this subsection;

24 “(C) provide for external scientific review
25 of studies under this section, including through

1 appropriate arrangements with the National
2 Academy of Sciences; and

3 “(D) make available to the public studies
4 conducted and data gathered under this section.

5 “(6) USE OF DATA.—The Secretary shall en-
6 sure that the information from the studies and re-
7 search carried out under this section inform the de-
8 velopment of safety practices and regulations as re-
9 quired by this Act and other applicable laws.”.

10 (i) ENFORCEMENT.—Section 22 of the Outer Conti-
11 nental Shelf Lands Act (43 U.S.C. 1348) is amended—

12 (1) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) in the first sentence, by inserting
15 “, each loss of well control, blowout, activa-
16 tion of the blowout preventer, and other
17 accident that presented a serious risk to
18 human or environmental safety,” after
19 “fire”; and

20 (ii) in the last sentence, by inserting
21 “as a condition of the lease” before the pe-
22 riod at the end;

23 (B) in the last sentence of paragraph (2),
24 by inserting “as a condition of lease” before the
25 period at the end;

1 (2) in subsection (e)—

2 (A) by striking “(e) The” and inserting the
3 following:

4 “(e) REVIEW OF ALLEGED SAFETY VIOLATIONS.—

5 “(1) IN GENERAL.—The”; and

6 (B) by adding at the end the following:

7 “(2) INVESTIGATION.—The Secretary shall in-
8 vestigate any allegation from any employee of the
9 lessee or any subcontractor of the lessee made under
10 paragraph (1).”; and

11 (3) by adding at the end of the section the fol-
12 lowing:

13 “(g) INDEPENDENT INVESTIGATION.—

14 “(1) IN GENERAL.—At the request of the Sec-
15 retary, the National Transportation Safety Board
16 may conduct an independent investigation of any ac-
17 cident, occurring in the outer Continental Shelf and
18 involving activities under this Act, that does not oth-
19 erwise fall within the definition of an accident or
20 major marine casualty, as those terms are used in
21 chapter 11 of title 49, United States Code.

22 “(2) TRANSPORTATION ACCIDENT.—For pur-
23 poses of an investigation under this subsection, the
24 accident that is the subject of the request by the
25 Secretary shall be determined to be a transportation

1 accident within the meaning of that term in chapter
2 11 of title 49, United States Code.

3 “(h) INFORMATION ON CAUSES AND CORRECTIVE
4 ACTIONS.—

5 “(1) IN GENERAL.—For each incident inves-
6 tigated under this section, the Secretary shall
7 promptly make available to all lessees and the public
8 technical information about the causes and correc-
9 tive actions taken.

10 “(2) PUBLIC DATABASE.—All data and reports
11 related to an incident described in paragraph (1)
12 shall be maintained in a database that is available
13 to the public.

14 “(i) INSPECTION FEE.—

15 “(1) IN GENERAL.—To the extent necessary to
16 fund the inspections described in this paragraph, the
17 Secretary shall collect a non-refundable inspection
18 fee, which shall be deposited in the Ocean Energy
19 Enforcement Fund established under paragraph (3),
20 from the designated operator for facilities subject to
21 inspection under subsection (c).

22 “(2) ESTABLISHMENT.—The Secretary shall es-
23 tablish, by rule, inspection fees—

24 “(A) at an aggregate level equal to the
25 amount necessary to offset the annual expenses

1 of inspections of outer Continental Shelf facili-
2 ties (including mobile offshore drilling units) by
3 the Department of the Interior; and

4 “(B) using a schedule that reflects the dif-
5 ferences in complexity among the classes of fa-
6 cilities to be inspected.

7 “(3) OCEAN ENERGY ENFORCEMENT FUND.—
8 There is established in the Treasury a fund, to be
9 known as the ‘Ocean Energy Enforcement Fund’
10 (referred to in this subsection as the ‘Fund’), into
11 which shall be deposited amounts collected under
12 paragraph (1) and which shall be available as pro-
13 vided under paragraph (4).

14 “(4) AVAILABILITY OF FEES.—Notwithstanding
15 section 3302 of title 31, United States Code, all
16 amounts collected by the Secretary under this sec-
17 tion—

18 “(A) shall be credited as offsetting collec-
19 tions;

20 “(B) shall be available for expenditure only
21 for purposes of carrying out inspections of
22 outer Continental Shelf facilities (including mo-
23 bile offshore drilling units) and the administra-
24 tion of the inspection program;

1 “(C) shall be available only to the extent
2 provided for in advance in an appropriations
3 Act; and

4 “(D) shall remain available until expended.

5 “(5) ANNUAL REPORTS.—

6 “(A) IN GENERAL.—Not later than 60
7 days after the end of each fiscal year beginning
8 with fiscal year 2011, the Secretary shall sub-
9 mit to the Committee on Energy and Natural
10 Resources of the Senate and the Committee on
11 Natural Resources of the House of Representa-
12 tives a report on the operation of the Fund dur-
13 ing the fiscal year.

14 “(B) CONTENTS.—Each report shall in-
15 clude, for the fiscal year covered by the report,
16 the following:

17 “(i) A statement of the amounts de-
18 posited into the Fund.

19 “(ii) A description of the expenditures
20 made from the Fund for the fiscal year, in-
21 cluding the purpose of the expenditures.

22 “(iii) Recommendations for additional
23 authorities to fulfill the purpose of the
24 Fund.

1 “(iv) A statement of the balance re-
2 maining in the Fund at the end of the fis-
3 cal year.”.

4 (j) REMEDIES AND PENALTIES.—Section 24 of the
5 Outer Continental Shelf Lands Act (43 U.S.C. 1350) is
6 amended—

7 (1) by striking subsection (b) and inserting the
8 following:

9 “(b) CIVIL PENALTY.—

10 “(1) IN GENERAL.—Subject to paragraphs (2)
11 through (3), if any person fails to comply with this
12 Act, any term of a lease or permit issued under this
13 Act, or any regulation or order issued under this
14 Act, the person shall be liable for a civil administra-
15 tive penalty of not more than \$75,000 for each day
16 of continuance of each failure.

17 “(2) ADMINISTRATION.—The Secretary may as-
18 sess, collect, and compromise any penalty under
19 paragraph (1).

20 “(3) HEARING.—No penalty shall be assessed
21 under this subsection until the person charged with
22 a violation has been given the opportunity for a
23 hearing.

24 “(4) ADJUSTMENT.—The penalty amount speci-
25 fied in this subsection shall increase each year to re-

1 flect any increases in the Consumer Price Index for
2 All Urban Consumers published by the Bureau of
3 Labor Statistics of the Department of Labor.”;

4 (2) in subsection (c)—

5 (A) in the first sentence, by striking
6 “\$100,000” and inserting “\$10,000,000”; and

7 (B) by adding at the end the following:
8 “The penalty amount specified in this sub-
9 section shall increase each year to reflect any
10 increases in the Consumer Price Index for All
11 Urban Consumers published by the Bureau of
12 Labor Statistics of the Department of Labor.”;
13 and

14 (3) in subsection (d), by inserting “, or with
15 reckless disregard,” after “knowingly and willfully”.

16 (k) OIL AND GAS DEVELOPMENT AND PRODUC-
17 TION.—Section 25 of the Outer Continental Shelf Lands
18 Act (43 U.S.C. 1351) is amended by striking “, other than
19 the Gulf of Mexico,” each place it appears in subsections
20 (a)(1), (b), and (e)(1).

21 (l) CONFLICTS OF INTEREST.—Section 29 of the
22 Outer Continental Shelf Lands Act (43 U.S.C. 1355) is
23 amended to read as follows:

1 **“SEC. 29. CONFLICTS OF INTEREST.**

2 “(a) RESTRICTIONS ON EMPLOYMENT.—No full-time
3 officer or employee of the Department of the Interior who
4 directly or indirectly discharges duties or responsibilities
5 under this Act shall—

6 “(1) within 2 years after his employment with
7 the Department has ceased—

8 “(A) knowingly act as agent or attorney
9 for, or otherwise represent, any other person
10 (except the United States) in any formal or in-
11 formal appearance before;

12 “(B) with the intent to influence, make
13 any oral or written communication on behalf of
14 any other person (except the United States) to;
15 or

16 “(C) knowingly aid, advise, or assist in—

17 “(i) representing any other person
18 (except the United States in any formal or
19 informal appearance before; or

20 “(ii) making, with the intent to influ-
21 ence, any oral or written communication
22 on behalf of any other person (except the
23 United States) to,

24 any department, agency, or court of the United
25 States, or any officer or employee thereof, in connec-
26 tion with any judicial or other proceeding, applica-

1 tion, request for a ruling or other determination,
2 regulation, order lease, permit, rulemaking, inspec-
3 tion, enforcement action, or other particular matter
4 involving a specific party or parties in which the
5 United States is a party or has a direct and sub-
6 stantial interest which was actually pending under
7 his official responsibility as an officer or employee
8 within a period of one year prior to the termination
9 of such responsibility or in which he participated
10 personally and substantially as an officer or em-
11 ployee;

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

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

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

22 “(C) knowingly aid , advise, or assist in —

23 “(i) representing any other person
24 (except the United States in any formal or
25 informal appearance before, or

1 “(ii) making, with the intent to influ-
2 ence, any oral or written communication
3 on behalf of any other person (except the
4 United States) to,
5 the Department of the Interior, or any officer or em-
6 ployee thereof, in connection with any judicial, rule-
7 making, regulation, order, lease, permit, regulation,
8 inspection, enforcement action, or other particular
9 matter which is pending before the Department of
10 the Interior or in which the Department has a direct
11 and substantial interest; or

12 “(3) accept employment or compensation, dur-
13 ing the 1-year period beginning on the date on which
14 employment with the Department has ceased, from
15 any person (other than the United States) that has
16 a direct and substantial interest—

17 “(A) that was pending under the official
18 responsibility of the employee as an officer or
19 employee of the Department during the 1-year
20 period preceding the termination of the respon-
21 sibility; or

22 “(B) in which the employee participated
23 personally and substantially as an officer or em-
24 ployee.

1 “(b) PRIOR EMPLOYMENT RELATIONSHIPS.—No
2 full-time officer or employee of the Department of the In-
3 terior who directly or indirectly discharges duties or re-
4 sponsibilities under this Act shall participate personally
5 and substantially as a Federal officer or employee,
6 through decision, approval, disapproval, recommendation,
7 the rendering of advice, investigation, or otherwise, in a
8 proceeding, application, request for a ruling or other de-
9 termination, contract, claim, controversy, charge, accusa-
10 tion, inspection, enforcement action, or other particular
11 matter in which, to the knowledge of the officer or em-
12 ployee—

13 “(1) the officer or employee or the spouse,
14 minor child, or general partner of the officer or em-
15 ployee has a financial interest;

16 “(2) any organization in which the officer or
17 employee is serving as an officer, director, trustee,
18 general partner, or employee has a financial interest;

19 “(3) any person or organization with whom the
20 officer or employee is negotiating or has any ar-
21 rangement concerning prospective employment has a
22 financial interest; or

23 “(4) any person or organization in which the of-
24 ficer or employee has, within the preceding 1-year
25 period, served as an officer, director, trustee, general

1 partner, agent, attorney, consultant, contractor, or
2 employee has a financial interest.

3 “(c) GIFTS FROM OUTSIDE SOURCES.—No full-time
4 officer or employee of the Department of the Interior who
5 directly or indirectly discharges duties or responsibilities
6 under this Act shall, directly or indirectly, solicit or accept
7 any gift in violation of subpart B of part 2635 of title
8 V, Code of Federal Regulations (or successor regulations).

9 “(d) EXEMPTIONS.—The Secretary may, by rule, ex-
10 empt from this section clerical and support personnel who
11 do not conduct inspections, perform audits, or otherwise
12 exercise regulatory or policy making authority under this
13 Act.

14 “(e) PENALTIES.—

15 “(1) CRIMINAL PENALTIES.—Any person who
16 violates paragraph (1) or (2) of subsection (a) or
17 subsection (b) shall be punished in accordance with
18 section 216 of title 18, United States Code.

19 “(2) CIVIL PENALTIES.—Any person who vio-
20 lates subsection (a)(3) or (c) shall be punished in ac-
21 cordance with subsection (b) of section 216 of title
22 18, United States Code.”.

1 **SEC. 7. STUDY ON THE EFFECT OF THE MORATORIA ON**
2 **NEW DEEPWATER DRILLING IN THE GULF OF**
3 **MEXICO ON EMPLOYMENT AND SMALL BUSI-**
4 **NESSES.**

5 (a) IN GENERAL.—The Secretary of Energy, acting
6 through the Energy Information Administration, shall
7 publish a monthly study evaluating the effect of the mora-
8 toria resulting from the blowout and explosion of the mo-
9 bile offshore drilling unit *Deepwater Horizon* that occurred
10 on April 20, 2010, and resulting hydrocarbon releases into
11 the environment, on employment and small businesses.

12 (b) REPORT.—Not later than 60 days after the date
13 of enactment of this Act and at the beginning of each
14 month thereafter during the effective period of the mora-
15 toria described in subsection (a), the Secretary of Energy,
16 acting through the Energy Information Administration,
17 shall submit to the Committee on Energy and Natural Re-
18 sources of the Senate and the Committee on Energy and
19 Commerce of the House of Representatives a report re-
20 garding the results of the study conducted under sub-
21 section (a), including—

22 (1) a survey of the effect of the moratoria on
23 deepwater drilling on employment in the industries
24 directly involved in oil and natural gas exploration in
25 the outer Continental Shelf;

1 (2) a survey of the effect of the moratoria on
2 employment in the industries indirectly involved in
3 oil and natural gas exploration in the outer Conti-
4 nental Shelf, including suppliers of supplies or serv-
5 ices and customers of industries directly involved in
6 oil and natural gas exploration;

7 (3) an estimate of the effect of the moratoria
8 on the revenues of small business located near the
9 Gulf of Mexico and, to the maximum extent prac-
10 ticable, throughout the United States; and

11 (4) any recommendations to mitigate possible
12 negative effects on small business concerns resulting
13 from the moratoria.

14 **SEC. 8. REFORM OF OTHER LAW.**

15 Section 388(b) of the Energy Policy Act of 2005 (43
16 U.S.C. 1337 note; Public Law 109–58) is amended by
17 adding at the end the following:

18 “(4) FEDERAL AGENCIES.—Any head of a Fed-
19 eral department or agency shall, on request of the
20 Secretary, provide to the Secretary all data and in-
21 formation that the Secretary determines to be nec-
22 essary for the purpose of including the data and in-
23 formation in the mapping initiative, except that no
24 Federal department or agency shall be required to

1 provide any data or information that is privileged or
2 proprietary.”.

3 **SEC. 9. SAFER OIL AND GAS PRODUCTION.**

4 (a) PROGRAM AUTHORITY.—Section 999A of the En-
5 ergy Policy Act of 2005 (42 U.S.C. 16371) is amended—

6 (1) in subsection (a)—

7 (A) by striking “ultra-deepwater” and in-
8 serting “deepwater”; and

9 (B) by inserting “well control and accident
10 prevention,” after “safe operations,”;

11 (2) in subsection (b)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) Deepwater architecture, well control and
15 accident prevention, and deepwater technology, in-
16 cluding drilling to deep formations in waters greater
17 than 500 feet.”; and

18 (B) by striking paragraph (4) and insert-
19 ing the following:

20 “(4) Safety technology research and develop-
21 ment for drilling activities aimed at well control and
22 accident prevention performed by the Office of Fos-
23 sil Energy of the Department.”; and

24 (3) in subsection (d)—

1 (A) in the subsection heading, by striking
2 “NATIONAL ENERGY TECHNOLOGY LABORA-
3 TORY” and inserting “OFFICE OF FOSSIL EN-
4 ERGY OF THE DEPARTMENT”; and

5 (B) by striking “National Energy Tech-
6 nology Laboratory” and inserting “Office of
7 Fossil Energy of the Department”.

8 (b) DEEPWATER AND UNCONVENTIONAL ONSHORE
9 NATURAL GAS AND OTHER PETROLEUM RESEARCH AND
10 DEVELOPMENT PROGRAM.—Section 999B of the Energy
11 Policy Act of 2005 (42 U.S.C. 16372) is amended—

12 (1) in the section heading, by striking “**ULTRA-**
13 **DEEPWATER AND UNCONVENTIONAL ONSHORE**
14 **NATURAL GAS AND OTHER PETROLEUM**” and
15 inserting “**SAFE OIL AND GAS PRODUCTION AND**
16 **ACCIDENT PREVENTION**”;

17 (2) in subsection (a), by striking “, by increas-
18 ing” and all that follows through the period at the
19 end and inserting “and the safe and environmentally
20 responsible exploration, development, and production
21 of hydrocarbon resources.”;

22 (3) in subsection (c)(1)—

23 (A) by redesignating subparagraphs (D)
24 and (E) as subparagraphs (E) and (F), respec-
25 tively; and

1 (B) by inserting after subparagraph (C)
2 the following:

3 “(D) projects will be selected on a competi-
4 tive, peer-reviewed basis.”; and

5 (4) in subsection (d)—

6 (A) in paragraph (6), by striking “ultra-
7 deepwater” and inserting “deepwater”;

8 (B) in paragraph (7)—

9 (i) in subparagraph (A)—

10 (I) in the subparagraph heading,
11 by striking “ULTRA-DEEPWATER” and
12 inserting “DEEPWATER”;

13 (II) by striking “development
14 and” and inserting “research, develop-
15 ment, and”; and

16 (III) by striking “as well as” and
17 all that follows through the period at
18 the end and inserting “aimed at im-
19 proving operational safety of drilling
20 activities, including well integrity sys-
21 tems, well control, blowout prevention,
22 the use of non-toxic materials, and in-
23 tegrated systems approach-based
24 management for exploration and pro-
25 duction in deepwater.”;

1 (ii) in subparagraph (B), by striking
2 “and environmental mitigation” and in-
3 sserting “use of non-toxic materials, drilling
4 safety, and environmental mitigation and
5 accident prevention”;

6 (iii) in subparagraph (C), by inserting
7 “safety and accident prevention, well con-
8 trol and systems integrity,” after “includ-
9 ing”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(D) SAFETY AND ACCIDENT PREVENTION
13 TECHNOLOGY RESEARCH AND DEVELOP-
14 MENT.—Awards from allocations under section
15 999H(d)(4) shall be expended on areas includ-
16 ing—

17 “(i) development of improved cement-
18 ing and casing technologies;

19 “(ii) best management practices for
20 cementing, casing, and other well control
21 activities and technologies;

22 “(iii) development of integrity and
23 stewardship guidelines for—

24 “(I) well-plugging and abandon-
25 ment;

1 “(II) development of wellbore
2 sealant technologies; and

3 “(III) improvement and stand-
4 ardization of blowout prevention de-
5 vices.”; and

6 (C) by adding at the end the following:

7 “(8) STUDY; REPORT.—

8 “(A) STUDY.—As soon as practicable after
9 the date of enactment of this paragraph, the
10 Secretary shall enter into an arrangement with
11 the National Academy of Sciences under which
12 the Academy shall conduct a study to deter-
13 mine—

14 “(i) whether the benefits provided
15 through each award under this subsection
16 during calendar year 2011 have been maxi-
17 mized; and

18 “(ii) the new areas of research that
19 could be carried out to meet the overall ob-
20 jectives of the program.

21 “(B) REPORT.—Not later than January 1,
22 2012, the Secretary shall submit to the appro-
23 priate committees of Congress a report that
24 contains a description of the results of the
25 study conducted under subparagraph (A).

1 “(C) OPTIONAL UPDATES.—The Secretary
2 may update the report described in subpara-
3 graph (B) for the 5-year period beginning on
4 the date described in that subparagraph and
5 each 5-year period thereafter.”;

6 (5) in subsection (e)—

7 (A) in paragraph (2)—

8 (i) in the second sentence of subpara-
9 graph (A), by inserting “to the Secretary
10 for review” after “submit”; and

11 (ii) in the first sentence of subpara-
12 graph (B), by striking “Ultra-Deepwater”
13 and all that follows through “and such Ad-
14 visory Committees” and inserting “Pro-
15 gram Advisory Committee established
16 under section 999D(a), and the Advisory
17 Committee”; and

18 (B) by adding at the end the following:

19 “(6) RESEARCH FINDINGS AND RECOMMENDA-
20 TIONS FOR IMPLEMENTATION.—The Secretary, in
21 consultation with the Secretary of the Interior and
22 the Administrator of the Environmental Protection
23 Agency, shall publish in the Federal Register an an-
24 nual report on the research findings of the program
25 carried out under this section and any recommenda-

1 tions for implementation that the Secretary, in con-
2 sultation with the Secretary of the Interior and the
3 Administrator of the Environmental Protection
4 Agency, determines to be necessary.”;

5 (6) in subsection (i)—

6 (A) in the subsection heading, by striking
7 “UNITED STATES GEOLOGICAL SURVEY” and
8 inserting “DEPARTMENT OF THE INTERIOR”;
9 and

10 (B) by striking “, through the United
11 States Geological Survey,”; and

12 (7) in the first sentence of subsection (j), by
13 striking “National Energy Technology Laboratory”
14 and inserting “Office of Fossil Energy of the De-
15 partment”.

16 (c) ADDITIONAL REQUIREMENTS FOR AWARDS.—
17 Section 999C(b) of the Energy Policy Act of 2005 (42
18 U.S.C. 16373(b)) is amended by striking “an ultra-deep-
19 water technology or an ultra-deepwater architecture” and
20 inserting “a deepwater technology”.

21 (d) PROGRAM ADVISORY COMMITTEE.—Section
22 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374)
23 is amended to read as follows:

1 **“SEC. 999D. PROGRAM ADVISORY COMMITTEE.**

2 “(a) ESTABLISHMENT.—Not later than 270 days
3 after the date of enactment of the Safe and Responsible
4 Energy Production Improvement Act of 2010, the Sec-
5 retary shall establish an advisory committee to be known
6 as the ‘Program Advisory Committee’ (referred to in this
7 section as the ‘Advisory Committee’).

8 “(b) MEMBERSHIP.—

9 “(1) IN GENERAL.—The Advisory Committee
10 shall be composed of members appointed by the Sec-
11 retary, including—

12 “(A) individuals with extensive research
13 experience or operational knowledge of hydro-
14 carbon exploration and production;

15 “(B) individuals broadly representative of
16 the affected interests in hydrocarbon produc-
17 tion, including interests in environmental pro-
18 tection and safety operations;

19 “(C) representatives of Federal agencies,
20 including the Environmental Protection Agency
21 and the Department of the Interior;

22 “(D) State regulatory agency representa-
23 tives; and

24 “(E) other individuals, as determined by
25 the Secretary.

26 “(2) LIMITATIONS.—

1 “(A) IN GENERAL.—The Advisory Com-
2 mittee shall not include individuals who are
3 board members, officers, or employees of the
4 program consortium.

5 “(B) CATEGORICAL REPRESENTATION.—In
6 appointing members of the Advisory Committee,
7 the Secretary shall ensure that no class of indi-
8 viduals described in any of subparagraphs (A),
9 (B), (D), or (E) of paragraph (1) comprises
10 more than $\frac{1}{3}$ of the membership of the Advi-
11 sory Committee.

12 “(c) SUBCOMMITTEES.—The Advisory Committee
13 may establish subcommittees for separate research pro-
14 grams carried out under this subtitle.

15 “(d) DUTIES.—The Advisory Committee shall—

16 “(1) advise the Secretary on the development
17 and implementation of programs under this subtitle;
18 and

19 “(2) carry out section 999B(e)(2)(B).

20 “(e) COMPENSATION.—A member of the Advisory
21 Committee shall serve without compensation but shall be
22 entitled to receive travel expenses in accordance with sub-
23 chapter I of chapter 57 of title 5, United States Code.

24 “(f) PROHIBITION.—The Advisory Committee shall
25 not make recommendations on funding awards to par-

1 ticular consortia or other entities, or for specific
2 projects.”.

3 (e) DEFINITIONS.—Section 999G of the Energy Pol-
4 icy Act of 2005 (42 U.S.C. 16377) is amended—

5 (1) in paragraph (1), by striking “200 but less
6 than 1,500 meters” and inserting “500 feet”;

7 (2) by striking paragraphs (8), (9), and (10);

8 (3) by redesignating paragraphs (2) through
9 (7) and (11) as paragraphs (4) through (9) and
10 (10), respectively;

11 (4) by inserting after paragraph (1) the fol-
12 lowing:

13 “(2) DEEPWATER ARCHITECTURE.—The term
14 ‘deepwater architecture’ means the integration of
15 technologies for the exploration for, or production of,
16 natural gas or other petroleum resources located at
17 deepwater depths.

18 “(3) DEEPWATER TECHNOLOGY.—The term
19 ‘deepwater technology’ means a discrete technology
20 that is specially suited to address 1 or more chal-
21 lenges associated with the exploration for, or produc-
22 tion of, natural gas or other petroleum resources lo-
23 cated at deepwater depths.”; and

24 (5) in paragraph (10) (as redesignated by para-
25 graph (3)), by striking “in an economically inaccess-

1 sible geological formation, including resources of
2 small producers”.

3 (f) FUNDING.—Section 999H of the Energy Policy
4 Act of 2005 (42 U.S.C. 16378) is amended—

5 (1) in the first sentence of subsection (a) by
6 striking “Ultra-Deepwater and Unconventional Nat-
7 ural Gas and Other Petroleum Research Fund” and
8 inserting “Safe and Responsible Energy Production
9 Research Fund”;

10 (2) in subsection (d)—

11 (A) in paragraph (1), by striking “35 per-
12 cent” and inserting “21.5 percent”;

13 (B) in paragraph (2), by striking “32.5
14 percent” and inserting “21 percent”;

15 (C) in paragraph (4)—

16 (i) by striking “25 percent” and in-
17 serting “30 percent”;

18 (ii) by striking “complementary re-
19 search” and inserting “safety technology
20 research and development”; and

21 (iii) by striking “contract manage-
22 ment,” and all that follows through the pe-
23 riod at the end and inserting “and contract
24 management.”; and

25 (D) by adding at the end the following:

1 (1) to examine and report on the facts and
2 causes relating to the Deepwater Horizon explosion
3 and oil spill of 2010;

4 (2) to ascertain, evaluate, and report on the evi-
5 dence developed by all relevant governmental agen-
6 cies regarding the facts and circumstances sur-
7 rounding the incident;

8 (3) to build upon the investigations of other en-
9 tities, and avoid unnecessary duplication, by review-
10 ing the findings, conclusions, and recommendations
11 of—

12 (A) the Committees on Energy and Nat-
13 ural Resources and Commerce, Science, and
14 Transportation of the Senate;

15 (B) the Committee on Natural Resources
16 and the Subcommittee on Oversight and Inves-
17 tigation of the House of Representatives; and

18 (C) other Executive branch, congressional,
19 or independent commission investigations into
20 the Deepwater Horizon incident of 2010, other
21 fatal oil platform accidents and major spills,
22 and major oil spills generally;

23 (4) to make a full and complete accounting of
24 the circumstances surrounding the incident, and the
25 extent of the preparedness of the United States for,

1 and immediate response of the United States to, the
2 incident; and

3 (5) to investigate and report to the President
4 and Congress findings, conclusions, and rec-
5 ommendations for corrective measures that may be
6 taken to prevent similar incidents.

7 (c) COMPOSITION OF COMMISSION.—

8 (1) MEMBERS.—The Commission shall be com-
9 posed of 10 members, of whom—

10 (A) 1 member shall be appointed by the
11 President, who shall serve as Chairperson of the
12 Commission;

13 (B) 1 member shall be appointed by the
14 majority or minority (as the case may be) lead-
15 er of the Senate from the Republican Party and
16 the majority or minority (as the case may be)
17 leader of the House of Representatives from the
18 Republican Party, who shall serve as Vice
19 Chairperson of the Commission;

20 (C) 2 members shall be appointed by the
21 senior member of the leadership of the Senate
22 from the Democratic Party;

23 (D) 2 members shall be appointed by the
24 senior member of the leadership of the House
25 of Representatives from the Republican Party;

1 (E) 2 members shall be appointed by the
2 senior member of the leadership of the Senate
3 from the Republican Party; and

4 (F) 2 members shall be appointed by the
5 senior member of the leadership of the House
6 of Representatives from the Democratic Party.

7 (2) QUALIFICATIONS; INITIAL MEETING.—

8 (A) POLITICAL PARTY AFFILIATION.—Not
9 more than 5 members of the Commission shall
10 be from the same political party.

11 (B) NONGOVERNMENTAL APPOINTEES.—
12 An individual appointed to the Commission may
13 not be a current officer or employee of the Fed-
14 eral Government or any State or local govern-
15 ment.

16 (C) OTHER QUALIFICATIONS.—It is the
17 sense of Congress that individuals appointed to
18 the Commission should be prominent United
19 States citizens, with national recognition and
20 significant depth of experience and expertise in
21 such areas as—

22 (i) engineering;

23 (ii) environmental compliance;

24 (iii) health and safety law (particu-
25 larly oil spill legislation);

- 1 (iv) oil spill insurance policies;
2 (v) public administration;
3 (vi) oil and gas exploration and pro-
4 duction;
5 (vii) environmental cleanup; and
6 (viii) fisheries and wildlife manage-
7 ment.

8 (D) DEADLINE FOR APPOINTMENT.—All
9 members of the Commission shall be appointed
10 on or before September 15, 2010.

11 (E) INITIAL MEETING.—The Commission
12 shall meet and begin the operations of the Com-
13 mission as soon as practicable after the date of
14 enactment of this Act.

15 (3) QUORUM; VACANCIES.—

16 (A) IN GENERAL.—After the initial meet-
17 ing of the Commission, the Commission shall
18 meet upon the call of the Chairperson or a ma-
19 jority of the members of the Commission.

20 (B) QUORUM.—6 members of the Commis-
21 sion shall constitute a quorum.

22 (C) VACANCIES.—Any vacancy in the Com-
23 mission shall not affect the powers of the Com-
24 mission, but shall be filled in the same manner
25 in which the original appointment was made.

1 (d) FUNCTIONS OF COMMISSION.—

2 (1) IN GENERAL.—The functions of the Com-
3 mission are—

4 (A) to conduct an investigation that—

5 (i) investigates relevant facts and cir-
6 cumstances relating to the Deepwater Ho-
7 rizon incident of April 20, 2010, and the
8 associated oil spill thereafter, including any
9 relevant legislation, Executive order, regu-
10 lation, plan, policy, practice, or procedure;
11 and

12 (ii) may include relevant facts and cir-
13 cumstances relating to—

14 (I) permitting agencies;

15 (II) environmental and worker
16 safety law enforcement agencies;

17 (III) national energy require-
18 ments;

19 (IV) deepwater and
20 ultradeepwater oil and gas exploration
21 and development;

22 (V) regulatory specifications,
23 testing, and requirements for offshore
24 oil and gas well explosion prevention;

1 (VI) regulatory specifications,
2 testing, and requirements offshore oil
3 and gas well casing and cementing
4 regulation;

5 (VII) the role of congressional
6 oversight and resource allocation; and

7 (VIII) other areas of the public
8 and private sectors determined to be
9 relevant to the Deepwater Horizon in-
10 cident by the Commission;

11 (B) to identify, review, and evaluate the
12 lessons learned from the Deepwater Horizon in-
13 cident of April 20, 2010, regarding the struc-
14 ture, coordination, management policies, and
15 procedures of the Federal Government, and, if
16 appropriate, State and local governments and
17 nongovernmental entities, and the private sec-
18 tor, relative to detecting, preventing, and re-
19 sponding to those incidents; and

20 (C) to submit to the President and Con-
21 gress such reports as are required under this
22 section containing such findings, conclusions,
23 and recommendations as the Commission deter-
24 mines to be appropriate, including proposals for
25 organization, coordination, planning, manage-

1 ment arrangements, procedures, rules, and reg-
2 ulations.

3 (2) RELATIONSHIP TO INQUIRY BY CONGRES-
4 SIONAL COMMITTEES.—In investigating facts and
5 circumstances relating to energy policy, the Commis-
6 sion shall—

7 (A) first review the information compiled
8 by, and any findings, conclusions, and rec-
9 ommendations of, the committees identified in
10 subparagraphs (A) and (B) of subsection
11 (b)(3); and

12 (B) after completion of that review, pursue
13 any appropriate area of inquiry, if the Commis-
14 sion determines that—

15 (i) those committees have not inves-
16 tigated that area;

17 (ii) the investigation of that area by
18 those committees has not been completed;

19 or

20 (iii) new information not reviewed by
21 the committees has become available with
22 respect to that area.

23 (e) POWERS OF COMMISSION.—

24 (1) HEARINGS AND EVIDENCE.—The Commis-
25 sion or, on the authority of the Commission, any

1 subcommittee or member of the Commission, may,
2 for the purpose of carrying out this section—

3 (A) hold such hearings, meet and act at
4 such times and places, take such testimony, re-
5 ceive such evidence, and administer such oaths;
6 and

7 (B) require, by subpoena or otherwise, the
8 attendance and testimony of such witnesses and
9 the production of such books, records, cor-
10 respondence, memoranda, papers, documents,
11 tapes, and materials;

12 as the Commission or such subcommittee or member con-
13 siders to be advisable.

14 (2) SUBPOENAS.—

15 (A) ISSUANCE.—

16 (i) IN GENERAL.—A subpoena may be
17 issued under this paragraph only—

18 (I) by the agreement of the
19 Chairperson and the Vice Chair-
20 person; or

21 (II) by the affirmative vote of 6
22 members of the Commission.

23 (ii) SIGNATURE.—Subject to clause
24 (i), a subpoena issued under this para-
25 graph—

1 (I) shall bear the signature of the
2 Chairperson or any member des-
3 igned by a majority of the Commis-
4 sion;

5 (II) and may be served by any
6 person or class of persons designated
7 by the Chairperson or by a member
8 designated by a majority of the Com-
9 mission for that purpose.

10 (B) ENFORCEMENT.—

11 (i) IN GENERAL.—In the case of con-
12 tumacy or failure to obey a subpoena
13 issued under subparagraph (A), the United
14 States district court for the district in
15 which the subpoenaed person resides, is
16 served, or may be found, or where the sub-
17 poena is returnable, may issue an order re-
18 quiring the person to appear at any des-
19 igned place to testify or to produce docu-
20 mentary or other evidence.

21 (ii) JUDICIAL ACTION FOR NON-
22 COMPLIANCE.—Any failure to obey the
23 order of the court may be punished by the
24 court as a contempt of that court.

1 (iii) ADDITIONAL ENFORCEMENT.—In
2 the case of any failure of any witness to
3 comply with any subpoena or to testify
4 when summoned under authority of this
5 subsection, the Commission may, by major-
6 ity vote, certify a statement of fact consti-
7 tuting such failure to the appropriate
8 United States attorney, who may bring the
9 matter before the grand jury for action,
10 under the same statutory authority and
11 procedures as if the United States attorney
12 had received a certification under sections
13 102 through 104 of the Revised Statutes
14 (2 U.S.C. 192 through 194).

15 (3) CONTRACTING.—The Commission may, to
16 such extent and in such amounts as are provided in
17 appropriation Acts, enter into contracts to enable
18 the Commission to discharge the duties of the Com-
19 mission under this section.

20 (4) INFORMATION FROM FEDERAL AGENCIES.—

21 (A) IN GENERAL.—The Commission may
22 secure directly from any Executive department,
23 bureau, agency, board, commission, office, inde-
24 pendent establishment, or instrumentality of the
25 Federal Government, information, suggestions,

1 estimates, and statistics for the purposes of this
2 section.

3 (B) COOPERATION.—Each Federal depart-
4 ment, bureau, agency, board, commission, of-
5 fice, independent establishment, or instrumen-
6 tality shall, to the extent authorized by law, fur-
7 nish information, suggestions, estimates, and
8 statistics directly to the Commission, upon re-
9 quest made by the Chairperson, the Chair-
10 person of any subcommittee created by a major-
11 ity of the Commission, or any member des-
12 ignated by a majority of the Commission.

13 (C) RECEIPT, HANDLING, STORAGE, AND
14 DISSEMINATION.—Information shall be received,
15 handled, stored, and disseminated only by mem-
16 bers of the Commission and the staff of the
17 Commission in accordance with all applicable
18 laws (including regulations and Executive or-
19 ders).

20 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

21 (A) GENERAL SERVICES ADMINISTRA-
22 TION.—The Administrator of General Services
23 shall provide to the Commission on a reimburs-
24 able basis administrative support and other

1 services for the performance of the functions of
2 the Commission.

3 (B) OTHER DEPARTMENTS AND AGEN-
4 CIES.—In addition to the assistance prescribed
5 in subparagraph (A), departments and agencies
6 of the United States may provide to the Com-
7 mission such services, funds, facilities, staff,
8 and other support services as are determined to
9 be advisable and authorized by law.

10 (6) GIFTS.—The Commission may accept, use,
11 and dispose of gifts or donations of services or prop-
12 erty, including travel, for the direct advancement of
13 the functions of the Commission.

14 (7) POSTAL SERVICES.—The Commission may
15 use the United States mails in the same manner and
16 under the same conditions as departments and agen-
17 cies of the United States.

18 (f) PUBLIC MEETINGS AND HEARINGS.—

19 (1) PUBLIC MEETINGS AND RELEASE OF PUB-
20 LIC VERSIONS OF REPORTS.—The Commission
21 shall—

22 (A) hold public hearings and meetings, to
23 the extent appropriate; and

1 (B) release public versions of the reports
2 required under paragraphs (1) and (2) of sub-
3 section (j).

4 (2) PUBLIC HEARINGS.—Any public hearings of
5 the Commission shall be conducted in a manner con-
6 sistent with the protection of proprietary or sensitive
7 information provided to or developed for or by the
8 Commission as required by any applicable law (in-
9 cluding a regulation or Executive order).

10 (g) STAFF OF COMMISSION.—

11 (1) IN GENERAL.—

12 (A) APPOINTMENT AND COMPENSATION.—

13 (i) IN GENERAL.—The Chairperson,
14 in consultation with the Vice Chairperson
15 and in accordance with rules agreed upon
16 by the Commission, may, without regard to
17 the civil service laws (including regula-
18 tions), appoint and fix the compensation of
19 a staff director and such other personnel
20 as are necessary to enable the Commission
21 to carry out the functions of the Commis-
22 sion.

23 (ii) MAXIMUM RATE OF PAY.—No rate
24 of pay fixed under this subparagraph may
25 exceed the equivalent of that payable for a

1 position at level V of the Executive Sched-
2 ule under section 5316 of title 5, United
3 States Code.

4 (B) PERSONNEL AS FEDERAL EMPLOY-
5 EES.—

6 (i) IN GENERAL.—The staff director
7 and any personnel of the Commission who
8 are employees shall be considered to be
9 employees under section 2105 of title 5,
10 United States Code, for purposes of chap-
11 ters 63, 81, 83, 84, 85, 87, 89, and 90 of
12 that title.

13 (ii) MEMBERS OF COMMISSION.—
14 Clause (i) shall not apply to members of
15 the Commission.

16 (2) DETAILEES.—

17 (A) IN GENERAL.—An employee of the
18 Federal Government may be detailed to the
19 Commission without reimbursement.

20 (B) CIVIL SERVICE STATUS.—The detail of
21 the employee shall be without interruption or
22 loss of civil service status or privilege.

23 (3) PROCUREMENT OF TEMPORARY AND INTER-
24 MITTENT SERVICES.—The Chairperson of the Com-
25 mission may procure temporary and intermittent

1 services in accordance with section 3109(b) of title
2 5, United States Code, at rates for individuals that
3 do not exceed the daily equivalent of the annual rate
4 of basic pay prescribed for level V of the Executive
5 Schedule under section 5316 of that title.

6 (h) COMPENSATION AND TRAVEL EXPENSES.—

7 (1) COMPENSATION OF MEMBERS.—

8 (A) NON-FEDERAL EMPLOYEES.—A mem-
9 ber of the Commission who is not an officer or
10 employee of the Federal Government shall be
11 compensated at a rate equal to the daily equiva-
12 lent of the annual rate of basic pay prescribed
13 for level IV of the Executive Schedule under
14 section 5315 of title 5, United States Code, for
15 each day (including travel time) during which
16 the member is engaged in the performance of
17 the duties of the Commission.

18 (B) FEDERAL EMPLOYEES.—A member of
19 the Commission who is an officer or employee
20 of the Federal Government shall serve without
21 compensation in addition to the compensation
22 received for the services of the member as an
23 officer or employee of the Federal Government.

24 (2) TRAVEL EXPENSES.—A member of the
25 Commission shall be allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, at rates author-
2 ized for an employee of an agency under subchapter
3 I of chapter 57 of title 5, United States Code, while
4 away from the home or regular place of business of
5 the member in the performance of the duties of the
6 Commission.

7 (i) SECURITY CLEARANCES FOR COMMISSION MEM-
8 BERS AND STAFF.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the appropriate Federal agencies or departments
11 shall cooperate with the Commission in expeditiously
12 providing to the members and staff of the Commis-
13 sion appropriate security clearances, to the max-
14 imum extent practicable, pursuant to existing proce-
15 dures and requirements.

16 (2) PROPRIETARY INFORMATION.—No person
17 shall be provided with access to proprietary informa-
18 tion under this section without the appropriate secu-
19 rity clearances.

20 (j) REPORTS OF COMMISSION; ADJOURNMENT.—

21 (1) INTERIM REPORTS.—The Commission may
22 submit to the President and Congress interim re-
23 ports containing such findings, conclusions, and rec-
24 ommendations for corrective measures as have been

1 agreed to by a majority of members of the Commis-
2 sion.

3 (2) FINAL REPORT.—Not later than 180 days
4 after the date of the enactment of this Act, the
5 Commission shall submit to the President and Con-
6 gress a final report containing such findings, conclu-
7 sions, and recommendations for corrective measures
8 as have been agreed to by a majority of members of
9 the Commission.

10 (3) TEMPORARY ADJOURNMENT.—

11 (A) IN GENERAL.—The Commission, and
12 all the authority provided under this section,
13 shall adjourn and be suspended, respectively, on
14 the date that is 60 days after the date on which
15 the final report is submitted under paragraph
16 (2).

17 (B) ADMINISTRATIVE ACTIVITIES BEFORE
18 TERMINATION.—The Commission may use the
19 60-day period referred to in subparagraph (A)
20 for the purpose of concluding activities of the
21 Commission, including—

22 (i) providing testimony to committees
23 of Congress concerning reports of the
24 Commission; and

1 (ii) disseminating the final report sub-
2 mitted under paragraph (2).

3 (C) RECONVENING OF COMMISSION.—The
4 Commission shall stand adjourned until such
5 time as the President or the Secretary of
6 Homeland Security declares an oil spill of na-
7 tional significance to have occurred, at which
8 time—

9 (i) the Commission shall reconvene in
10 accordance with subsection (c)(3); and

11 (ii) the authority of the Commission
12 under this section shall be of full force and
13 effect.

14 (k) FUNDING.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to carry out
17 this section—

18 (A) \$10,000,000 for the first fiscal year in
19 which the Commission convenes; and

20 (B) \$3,000,000 for each fiscal year there-
21 after in which the Commission convenes.

22 (2) AVAILABILITY.—Amounts made available to
23 carry out this section shall be available—

1 (A) for transfer to the Commission for use
2 in carrying out the functions and activities of
3 the Commission under this section; and

4 (B) until the date on which the Commis-
5 sion adjourns for the fiscal year under sub-
6 section (j)(3).

7 (l) NONAPPLICABILITY OF FEDERAL ADVISORY COM-
8 MITTEE ACT.—The Federal Advisory Committee Act (5
9 U.S.C. App.) shall not apply to the Commission.

10 **SEC. 11. CLASSIFICATION OF OFFSHORE SYSTEMS.**

11 (a) REGULATIONS.—

12 (1) IN GENERAL.—Not later than 2 years after
13 the date of enactment of this Act, the Secretary and
14 the Secretary of the Department in which the Coast
15 Guard is operating shall jointly issue regulations re-
16 quiring systems (including existing systems) used in
17 the offshore exploration, development, and produc-
18 tion of oil and gas in the outer Continental Shelf to
19 be constructed, maintained, and operated so as to
20 meet classification, certification, rating, and inspec-
21 tion standards that are necessary—

22 (A) to protect the health and safety of af-
23 filiated workers; and

24 (B) to prevent environmental degradation.

1 (2) THIRD-PARTY VERIFICATION.—The stand-
2 ards established by regulation under paragraph (1)
3 shall be verified through certification and classifica-
4 tion by independent third parties that—

5 (A) have been preapproved by both the
6 Secretary and the Secretary of the Department
7 in which the Coast Guard is operating; and

8 (B) have no financial conflict of interest in
9 conducting the duties of the third parties.

10 (3) MINIMUM SYSTEMS COVERED.—At a min-
11 imum, the regulations issued under paragraph (1)
12 shall require the certification and classification by
13 an independent third party who meets the require-
14 ments of paragraph (2) of—

15 (A) mobile offshore drilling units;

16 (B) fixed and floating drilling or produc-
17 tion facilities;

18 (C) drilling systems, including risers and
19 blowout preventers; and

20 (D) any other equipment dedicated to the
21 safety systems relating to offshore extraction
22 and production of oil and gas.

23 (4) EXCEPTIONS.—The Secretary and the Sec-
24 retary of the Department in which the Coast Guard
25 is operating may waive the standards established by

1 regulation under paragraph (1) for an existing sys-
2 tem only if—

3 (A) the system is of an age or type where
4 meeting such requirements is impractical; and

5 (B) the system poses an acceptably low
6 level of risk to the environment and to human
7 safety.

8 (b) **AUTHORITY OF COAST GUARD.**—Nothing in this
9 section preempts or interferes with the authority of the
10 Coast Guard.

11 **SEC. 12. SAVINGS PROVISIONS.**

12 (a) **EXISTING LAW.**—All regulations, rules, stand-
13 ards, determinations, contracts and agreements, memo-
14 randa of understanding, certifications, authorizations, ap-
15 pointments, delegations, results and findings of investiga-
16 tions, or any other actions issued, made, or taken by, or
17 pursuant to or under, the authority of any law (including
18 regulations) that resulted in the assignment of functions
19 or activities to the Secretary, the Director of the Minerals
20 Management Service (including by delegation from the
21 Secretary), or the Department (as related to the imple-
22 mentation of the purposes referenced in this Act) that
23 were in effect on the date of enactment of this Act shall
24 continue in full force and effect after the date of enact-
25 ment of this Act unless previously scheduled to expire or

1 until otherwise modified or rescinded by this Act or any
2 other Act.

3 (b) EFFECT ON OTHER AUTHORITIES.—This Act
4 does not amend or alter the provisions of other applicable
5 laws, unless otherwise noted.

6 **SEC. 13. BUDGETARY EFFECTS.**

7 The budgetary effects of this Act, for the purpose of
8 complying with the Statutory Pay-As-You-Go Act of 2010,
9 shall be determined by reference to the latest statement
10 titled “Budgetary Effects of PAYGO Legislation” for this
11 Act, submitted for printing in the Congressional Record
12 by the Chairman of the Senate Budget Committee, pro-
13 vided that such statement has been submitted prior to the
14 vote on passage.