

S. 55, the Offshore Fairness Act

Sponsor – Senator Vitter (R-Louisiana)

Introduced on January 7, 2015

Referred to the Senate Energy and Natural Energy

Section 1 – Short Title.

Section 2 – Definitions. The bill defines “coast line”, “existing interest”, “expanded seaward boundary”, “expanded submerged land”, “interest owner”, “Secretary”, and “State”.

Section 3 – Seaward Boundaries of Certain States. The bill would amend the Submerged Lands Act to extend the seaward boundaries out to 3 marine leagues (9 miles) for the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia. This provision would take effect one day prior to the enactment of this legislation.

Section 4 – Conveyance. The bill would require the Secretary of the Interior, within 120 days, to notify each State of the right to request the conveyance of the applicable interest of the United States to the expanded submerged land, and at the request of a State, the Secretary would be required to convey such interests.

The bill would require the Secretary of the Interior to transfer to the Governor of the State the authority to exercise the powers and duties of the Secretary under the existing terms.

The bill would require that the Secretary not impose any burdens or requirements on an interest owner that would be stricter than any burdens or requirements imposed under Federal law.

The bill would require that the Secretary not impose any administrative or judicial sanctions on an interest owner that is more severe than those under Federal law.

The bill would require that as a condition of accepting the conveyance of the submerged lands, the State must indemnify the United States from any liability to any interest owner for the taking of property interests or breach of contract arising from the conveyance or the administration by the State of any existing interest on or underlying the expanded submerged lands.

Section 5 – Effect. The bill would ensure that this Act will not affect any valid existing rights in and to the expanded submerged lands.

The bill would require that the submerged land within the seaward boundaries of a State be: subject to Federal oil, gas, and mineral rights to the extent provided by law; considered to be part of the Federal outer continental shelf for purposes of the Outer Continental Shelf Lands Act (OCSLA); subject to leasing and the distribution of revenues under the OCSLA and subject to any other applicable laws to leasing of Federal oil and gas resources.

The bill would ensure that changes made as a result of this Act will not affect any Federal oil and gas lease that was in effect on the date of the conveyance of the submerged lands.

The bill would ensure that if the conveyance of any submerged lands results in a division of a Federal oil and gas lease that is in existence on the date of the conveyance, the conveyance of the portion that is covered by the lease will not take effect until one day after the lease expires or terminates.

The bill ensures that this section will not apply to any interest in the expanded submerged land that is granted to a State after the date on which the land is conveyed.

The bill would allow a State to exercise all of the sovereign powers of taxation within the entire extent of the seaward boundaries of the State, but clarifies that nothing in this subsection will affect the authority of a State to tax any Federal oil and gas lease in effect on the date of enactment.

Section 6 – Jurisdiction of Gulf Coastal States with Respect to Gulf of Mexico Red Snapper. The bill defines Exclusive Economic Zone and Gulf coastal state.

The bill would give exclusive authority for the conservation and management of Gulf of Mexico red snapper to the Gulf coastal states upon the approval of a fishery management plan that provides for the sustainability of the Gulf of Mexico red snapper by each of the Gulf coastal states. The authority for state management would apply in the coastal waters adjacent to the Gulf coastal states and extending through the exclusive economic zone.

The bill would require the Administrator of NOAA to provide financial assistance to the Gulf coastal states for the conduct of any necessary stock assessments and data collection relating to the conservation and management plan for Gulf of Mexico red snapper.