

MEDIA RELEASE
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U.S. senator from Florida who's a longtime drilling opponent reacts to climate change bill and its offshore oil provisions

The Kerry-Lieberman climate change legislation - just rolled out in Washington - doesn't amend any part of the 2006 federal law by Sens. Bill Nelson and Mel Martinez that established a 125-mile to 235-mile no drilling zone along Florida's Gulf of Mexico coast. The climate bill also includes language previously proposed by Nelson that calls for a suspension of any new offshore drilling until the cause of the explosion on the Deepwater Horizon offshore oil rig is determined and the Secretary of the Interior certifies that it is safe to continue.

Following are Nelson's comments about the new climate bill:

" Florida's vulnerable to rising sea levels, so we've got to do something about climate change. We don't, however, need to be drilling for oil right off of Florida's beaches. I'm glad the climate bill includes my proposal for a moratorium on any new drilling, until we know what happened aboard the Deepwater Horizon. Also, they had their eye on expanding drilling into new areas of the Gulf of Mexico near Florida, and I told them to stay out of it. And I'm glad they listened. If you remember, we passed a law in 2006 that keeps drilling well offshore in the Gulf. And the climate change bill doesn't touch that. But we still need to do something to protect the Atlantic coast. We've got the Kennedy Space Center over there, and Cape Canaveral Air Force Station, not to mention the tourism and beaches in South Florida - and none of that mixes with oil. "

Here's moratorium as called for by Nelson in a pending bill apart from climate change legislation:

111TH CONGRESS
2D SESSION S. 11

To suspend certain activities in the outer Continental Shelf until the date on which the joint investigation into the Deepwater Horizon incident in the Gulf of Mexico has been completed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on 1111111111 A BILL To suspend certain activities in the outer Continental Shelf until the date on which the joint investigation into the Deepwater Horizon incident in the Gulf of Mexico has been completed, and for other purposes.

1 Be it enacted by the Senate and House of Representa2 tives of the United States of America in Congress assembled,

3 SECTION 1. DEEPWATER HORIZON INCIDENT INVESTIGA4 TION.

5 (a) IN GENERAL.-Until the date described in sub6 section (b), the Secretary of the Interior shall suspend-

7 (1) all activities relating to the development of

8 a new or revised 5-year plan for the outer Conti2

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1 nental Shelf under section 18 of the Outer Conti2 nental Shelf Lands Act (43 U.S.C. 1344);

3 (2) any new exploration, development, and pro4 duction activities in the outer Continental Shelf, in5 cluding the conduct of seismic and other geological

6 and geophysical surveys; and

7 (3) any exploration or development activities

8 that have commenced before the date of enactment
9 of this Act, unless the Secretary of the Interior certifies that the
activities pose no significant risk of
11 accident.
12 (b) DATE.-The date referred to in subsection (a) is
13 the date on which-
14 (1) the joint investigation conducted by the Secretary of the Interior
and the Secretary of Homeland Security with respect to the Deepwater
Horizon
17 incident in the Gulf of Mexico has been completed
18 in accordance with the joint statement of principles
19 and convening order entitled "Joint Department of the Interior and
Department of Homeland Security
21 Statement of Principles and Convening Order Regarding Investigation
into the Marine Casualty, Explosion, Fire, Pollution, and Sinking of
Mobile Offshore Drilling Unit Deepwater Horizon, With Loss
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1 of Life in the Gulf of Mexico 21-22 April 2010";
2 and
3 (2) a final report identifying methods to prevent future incidents in
the outer Continental Shelf
5 has been completed in accordance with the joint
6 statement described in paragraph (1).
7 (c) EFFECT.-Nothing in this Act affects production
8 activities that have commenced before the date of enactment of this Act.

here's the part of the climate change bill dealing with drilling and the
moratorium:

1 Subtitle B-Offshore Oil and Gas
2 SEC. 1201. FINDINGS AND PURPOSES.
3 (a) FINDINGS.-Congress finds that-
4 (1) domestic offshore oil and gas production
5 supports the broader goal of advancing the energy
6 independence of the United States;
7 (2) as the United States accelerates a transition
8 to clean energy sources in response to the incentives
9 and programs established under this Act and the 10 amendments made by this
Act, the United States
11 will continue to depend for some time on traditional
12 energy sources to fuel economic and job growth;
13 (3) the catastrophic oil spill in the Gulf of Mexico caused by the
explosion of the Deepwater Horizon offshore oil rig tragically
illustrates the imperative of moving to clean sources of energy and im-
proving safeguards for domestic production of oil
18 and gas, particularly in offshore areas;
19 (4) the Deepwater Horizon spill has placed local economies, wildlife,
and the invaluable coastal ecosystem of the Gulf of Mexico at great risk,
and illustrates that the coastal and marine resources of the
23 United States are sensitive ecological areas of critical importance to
the economy and environment of
25 the United States;
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1 (5) a thorough investigation is needed into the
2 cause of the spill and the adequacy of existing safety, emergency
response, and environmental regulations, and lessons learned must be
rapidly applied to
5 reduce the risk of, and improve the response to, any
6 future catastrophic spills; and

7 (6) significant financial resources are also need8 ed to repair to the
maximum extent practicable dam9 ages to coastal and marine resources
resulting from 10 the Deepwater Horizon and other offshore oil spills.
11 (b) PURPOSES.-The purposes of this Act are-

12 (1) to place the United States on a sure path
13 to a cleaner, more secure energy future by establ4 lishing powerful,
lasting incentives to develop and
15 deploy fuels and technologies that are produced dol6 mestically and
reduce significantly the risk of clii17 mate change and other environmental
harms that
18 can devastate lives, communities, and livelihoods;
19 and
20 (2) to achieve that purpose, to consider through
21 this Act or accompanying legislation-

22 (A) a moratorium on any new offshore
23 drilling activities until the cause of the explo24 sion of the Deepwater
Horizon offshore oil rig
25 is determined and the Secretary of the Interior
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1 certifies that it is safe to continue proposed
2 drilling plans;
3 (B) liability mechanisms that ensure ade4 quate funds are available to
mitigate the eco5 nomic and environmental impacts of offshore
6 drilling accidents;
7 (C) new precautionary safety measures for
8 ensuring protection for workers and marine eco9 systems; 10 (D) new
investments in preparedness, edull1 cation, and training to minimize offshore
accii2 dents, as well as acceleration of investments in
13 response capabilities;

14 (E) new studies to assess the effects of oil
15 spill mitigation procedures and tools;
16 (F) determination by coastal States of
17 whether offshore drilling may be permitted off
18 the shorelines of the States and the ability of
19 States to veto proposed drilling plans if the 20 States would suffer
significant adverse impacts
21 in the event of an accident;
22 (G) revenue sharing with States that do
23 allow drilling, with the States using the revenue
24 to protect the coastlines and coastal ecosystems
25 of the States, and maintain sufficient prepared63 O:\END\END10541.xml
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1 ness capabilities to help respond to any acci2 dent; and
3 (H) investment of additional drilling reve4 nues to support national
action to protect and
5 restore oceans and coastal areas.

6 SEC. 1202. REVENUE SHARING FROM OUTER CONTINENTAL
7 SHELF AREAS IN CERTAIN COASTAL STATES.

8 Section 18 of the Outer Continental Shelf Lands Act
9 (43 U.S.C. 1344) is amended by adding at the end the 10 following:

11 '(i) REVENUE SHARING FROM OUTER CONTI12 NENTAL SHELF AREAS IN CERTAIN
COASTAL STATES.-

13 '(1) DEFINITIONS.-In this subsection through
14 subsection (j):

15 '(A) COASTAL POLITICAL SUBDIVISION.-

16 The term 'coastal political subdivision' of a
17 coastal State means a county-equivalent sub18 division of a coastal State
all or part of which-

19 '(i) lies within the coastal zone (as 20 defined in section 304 of the
Coastal Zone

21 Management Act of 1972 (16 U.S.C.

22 1453); and

23 ''(ii) the closest point of which is not
24 more than 300 statute miles from the geo25 graphic center of any leased
tract.

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1 ''(B) COASTAL STATE.-The term 'coastal
2 State' means a State with a coastal seaward
3 boundary within 300 statute miles distance of
4 the geographic center of a leased tract in an
5 Outer Continental Shelf planning area that-
6 ''(i) as of January 1, 2000, had no oil
7 or natural gas production; and
8 ''(ii) is not a Gulf producing State (as
9 defined in section 102 of the Gulf of Mex10 ico Energy Security Act of
2006 (43

11 U.S.C. 1331 note; Public Law 109-432)).

12 ''(C) DISTANCE.-The terms 'distance' and
13 'distances' mean minimum great circle distance
14 and distances, respectively.

15 ''(D) LEASED TRACT.-The term 'leased
16 tract' means a tract leased under this Act for
17 the purpose of drilling for, developing, and prol8 ducing oil or natural
gas resources.

19 ''(E) OUTER CONTINENTAL SHELF

20 AREA.-The term 'outer Continental Shelf area'
21 means-

22 ''(i) any area withdrawn from disposi23 tion by leasing by the
'Memorandum on

24 Withdrawal of Certain Areas of the United

25 States Outer Continental Shelf from Leas65 O:\END\END10541.xml [file 2 of
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1 ing Disposition', from 34 Weekly Comp.

2 Pres. Doc. 1111, dated June 12, 1998; or

3 ''(ii) any area of the outer Continental
4 Shelf as to which Congress has denied the
5 use of appropriated funds or other means
6 for preleasing, leasing, or related activities.

7 ''(2) POST LEASING REVENUES.-Subject to
8 paragraph (5), in any outer Continental Shelf area
9 in which the Secretary allows leasing, in addition to 10 any bonus bids,
the coastal State shall, without fur11 ther appropriation or action,
receive, from leasing of

12 the area, 37.5 percent of-

13 ''(A) any lease rental payments;

14 ''(B) any lease royalty payments;

15 ''(C) any royalty proceeds from a sale of
16 royalties taken in kind by the Secretary; and

17 ''(D) any other revenues from a bidding

18 system under section 8.

19 ''(3) ALLOCATION AMONG COASTAL POLITICAL 20 SUBDIVISIONS OF STATES.-

21 ''(A) IN GENERAL.-The Secretary shall

22 pay 20 percent of the allocable share of each
23 coastal State, as determined under this sub24 section, directly to
certain coastal political sub25 divisions of the coastal State.

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1 ''(B) ALLOCATION.-

2 ''(i) IN GENERAL.-For each leased
3 tract used to calculate the allocation of a
4 coastal State, the Secretary shall pay the
5 coastal political subdivisions within 300
6 miles of the geographic center of the leased
7 tract based on the relative distance of such

8 coastal political subdivisions from the
9 leased tract in accordance with this sub10 paragraph.
11 ''(ii) DISTANCES.-For each coastal
12 political subdivision described in clause (i),
13 the Secretary shall determine the distance
14 between the point on the coastal political
15 subdivision coastline closest to the geol6 graphic center of the leased
tract and the
17 geographic center of the tract.
18 ''(iii) PAYMENTS.-The Secretary
19 shall divide and allocate the qualified 20 Outer Continental Shelf
revenues derived
21 from the leased tract among coastal polit22 ical subdivisions described
in clause (i) in
23 amounts that are inversely proportional to
24 the applicable distances determined under
25 clause (ii).

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1 ''(4) CONSERVATION ROYALTY.-After making
2 distributions under paragraphs (1) and (2) and sec3 tion 31, the Secretary
shall, without further appro4 priation or action, distribute a conservation
royalty
5 equal to 12.5 percent of Federal royalty revenues de6 rived from all areas
leased under this section for any
7 year, into the land and water conservation fund es8 tablished under
section 2 of the Land and Water
9 Conservation Fund Act of 1965 (16 U.S.C. 4601-5) 10 to be used to carry
out State and Federal programs
11 in accordance with sections 6 and 7 of that Act (16
12 U.S.C. 4601-8, 4601-9), as determined by the Sec13 retary of the
Interior, which shall be considered in14 come to the fund for purposes of
section 2 of that
15 Act (16 U.S.C. 4601-5).

16 ''(5) LIMITATIONS ON AMOUNT OF DISTRIB17 UTED REVENUES.-

18 ''(A) IN GENERAL.-Subject to subpara19 graph (B), the total amount of
revenues made 20 available in an Outer Continental Shelf plan21 ning area
under paragraph (2) shall not exceed
22 \$500,000,000 for each of fiscal years 2011
23 through 2055.

24 ''(B) EXPENDITURES.-For the purpose of
25 subparagraph (A), for each of fiscal years 2011

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1 through 2055, expenditures under paragraph
2 (2) shall be net of receipts from that fiscal year
3 from any area in a coastal State.

4 ''(C) PRO RATA REDUCTIONS.-If subpara5 graph (A) limits the amount of
revenues that

6 would be paid under paragraph (2)-

7 ''(i) the Secretary shall reduce the
8 amount of revenues provided to each re9 cipient on a pro rata basis; and
10 ''(ii) any remainder of the revenues
11 shall revert to the general fund of the
12 Treasury.

13 ''(6) DEFICIT REDUCTION.-After making dis14 tributions in accordance with
paragraphs (1) and (2)

15 and in accordance with section 31, the Secretary
16 shall, without further appropriation or action, dis17 tribute an amount
equal to 50 percent of Federal

18 royalty revenues derived from all areas leased under
19 this section for any year, into direct Federal deficit 20 reduction.''.
21 SEC. 1203. REVENUE SHARING FROM AREAS IN ALASKA AD22 JACENT ZONE.

23 Section 18 of the Outer Continental Shelf Lands Act
24 (43 U.S.C. 1344) (as amended by section 1202) is amended by adding at
the end the following:

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1 '(j) REVENUE SHARING FROM AREAS IN ALASKA

2 ADJACENT ZONE.-

3 '(1) IN GENERAL.-Except as provided in paragraph (2), effective
beginning on the date that is 5

5 years after the date of enactment of this subsection,

6 revenues from production that derives from an area

7 in the Alaska Adjacent Zone shall be distributed in

8 the same proportion and for the same uses as provided in subsection (i).

10 '(2) ALLOCATION AMONG REGIONAL CORPORATIONS.-

12 '(A) IN GENERAL.-The Secretary shall

13 pay 33 percent of any allocable share of the

14 State of Alaska, as determined under this section, directly to certain
Regional Corporations

16 established under section 7(a) of the Alaska

17 Native Claims Settlement Act (43 U.S.C.

18 1606(a)).

19 '(B) ALLOCATION.-

20 '(i) IN GENERAL.-For each leased

21 tract used to calculate the allocation of the

22 State of Alaska, the Secretary shall pay

23 the Regional Corporations, after determining those Native villages

within the region of the Regional Corporation which are 70

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1 within 300 miles of the geographic center

2 of the leased tract based on the relative

3 distance of such villages from the leased

4 tract, in accordance with this paragraph.

5 '(ii) DISTANCES.-For each such vil-

lage, the Secretary shall determine the distance between the point in the

village closest to the geographic center of the leased

9 tract and the geographic center of the 10 tract.

11 '(iii) PAYMENTS.-The Secretary

12 shall divide and allocate the qualified

13 Outer Continental Shelf revenues derived

14 from the leased tract among the qualifying

15 Regional Corporations in amounts that are

16 inversely proportional to the distances of

17 all of the Native villages within each qualifying region.

19 '(iv) REVENUES.-All revenues re-

ceived by each Regional Corporation shall

21 be-

22 '(I) treated by the Regional Cor-

poration as revenue subject to the distribution requirements of section

25 7(i)(1)(A) of the Alaska Native

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1 Claims Settlement Act (43 U.S.C.

2 1606(i)(1)(A)); and

3 '(II) divided annually by the Re-

gional Corporation among all 12 Re-

gional Corporations in accordance

6 with section 7(i) of that Act.

7 '(v) FURTHER DISTRIBUTION.-A Re-

gional Corporation receiving revenues

9 under clause (iv)(II) shall further dis-

tributed 50 percent of the

revenues received

11 in accordance with section 7(j) of the Alaska Native Claims Settlement

Act (43

13 U.S.C. 1606(j).
14 ''(3) LIMITATIONS ON AMOUNT OF DISTRIBUTED REVENUES.-
16 ''(A) IN GENERAL.-The total amount of
17 revenues made available in an area in the Alaska Adjacent Zone under
this subsection shall
19 not exceed \$500,000,000 for each of fiscal years 2011 through 2055.
21 ''(B) PRO RATA REDUCTIONS.-If subparagraph (A) limits the amount of
revenues that
23 would be paid under paragraph (2)-
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1 ''(i) the Secretary shall reduce the
2 amount of revenues provided to each recipient; and
4 ''(ii) any remainder of the revenues
5 shall revert to the general fund of the
6 Treasury.''

7 SEC. 1204. RESERVATION OF LANDS AND RIGHTS.

8 Section 12 of the Outer Continental Shelf Lands Act
9 (43 U.S.C. 1341) is amended by adding at the end the following:

11 ''(g) STATE LIMITATION ON DRILLING.-

12 ''(1) IN GENERAL.-A State may enact a law
13 prohibiting leasing for oil and gas, or natural gas,
14 within 75 miles of the coastline of the State.

15 ''(2) PETITION FOR WITHDRAWAL FROM 5-YEAR

16 PLAN.-On enactment of a State law described in
17 paragraph (1), the Governor of the State may submit to the Secretary a
petition requesting that any
19 area within 75 miles of the coastline of the State be withdrawn from
the applicable 5-Year Outer Continental Shelf Oil and Gas Leasing
Program.

22 ''(3) ACTION BY SECRETARY.-

23 ''(A) IN GENERAL.-Not later than 90
24 days after the receipt of a petition of a State
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1 described in paragraph (2), the Secretary shall
2 approve the petition.

3 ''(B) CONSTRUCTIVE APPROVAL.-If the

4 Secretary fails to approve the petition during
5 the 90-day period beginning on the date of receipt of the petition by
the Secretary, the petition shall be considered approved.

8 ''(4) AMENDMENT OF 5-YEAR LEASING PROGRAMS.-Not later than 180 days
after the approval of a petition under paragraph (3), the Secretary
11 shall amend the applicable 5-Year Outer Continental
12 Shelf Oil and Gas Leasing Program to reflect the
13 action of the State.

14 ''(5) SEPARATE PETITIONS.-To prohibit leasing of oil and gas or
natural gas within 75 miles of

16 the coastline of a State under this subsection, a
17 State, with the concurrence of the Governor and legislature of the
State, shall submit separate petitions

19 for a prohibitions on oil and gas leasing or natural gas leasing.

21 ''(6) SCOPE OF PETITIONS.-A petition of a

22 State under paragraph (2) may request that within
23 the area described in paragraph (1) certain areas be
24 withdrawn from all leasing and certain areas be
25 withdrawn from only 1 type of leasing.''
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1 SEC. 1205. IMPACT STUDIES.

2 Section 12 of the Outer Continental Shelf Lands Act

3 (43 U.S.C. 1341) (as amended by section 1204) is amended by adding at
the end the following:

5 ''(h) IMPACT STUDIES.-

6 ''(1) IN GENERAL.-If a 5-year plan developed
7 by the Secretary pursuant to section 18 includes an
8 area off the coastline of a State that is eligible to
9 receive revenue sharing under this Act, the Secretary, in consultation
with relevant agencies, shall

11 prepare an assessment of-

12 ''(A) the probability of an oil spill occurring in the designated
area, taking into consideration-

15 ''(i) the anticipated volume of oil within the area;

17 ''(ii) the location of planned exploration and drilling activities in
the area;

19 and

20 ''(iii) local tides, currents, winds, and
21 weather patterns and events (such as hurricanes) that may affect the area;

23 ''(B) the potential environmental impact

24 on the coastline of the State of an oil spill resulting from drilling
activities within the area

26 identified in the 5-year plan;

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1 ''(C) the potential impact on the coastal

2 economy of the State, including public and private infrastructure,
tourism, commercial and

4 recreational fishing and boating, and other

5 forms of coastal recreation, of an oil spill resulting from drilling
activities within the area

7 identified in the 5-year plan;

8 ''(D) the potential impact on the coastal

9 economy of any other States that the assessment identifies would be
directly impacted by

11 an oil spill resulting from drilling activities

12 within the area identified in the 5-year plan, including impacts on
the public and private infrastructure, tourism, commercial and
recreational

15 fishing and boating, and other forms of coastal

16 recreation of 1 or more States; and

17 ''(E) the potential impact on any military

18 operations in the coastal area of an oil spill resulting from drilling
activities within the area identified in the 5-year plan.

21 ''(2) PROHIBITION ON OIL AND GAS LEASING.-

22 If an assessment conducted under paragraph (1)(D)

23 indicates that a State would be significantly impacted by an oil spill
resulting from drilling activities

25 within an area identified in a 5-year plan-

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1 ''(A) the State may enact a law prohibiting

2 oil and gas leasing in the area proposed for
3 drilling; and

4 ''(B) on enactment of the law, no Federal

5 leases may be issued for the area.''