

PROVIDING FOR CONSIDERATION OF H.R. 4761, DEEP
OCEAN ENERGY RESOURCES ACT OF 2006

JUNE 29 (legislative day, JUNE 28), 2006.—Referred to the House Calendar and
ordered to be printed

Mrs. CAPITO, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 897]

The Committee on Rules, having had under consideration House Resolution 897, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4761, the Deep Ocean Energy Resources Act of 2006, under a structured rule providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Resources.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendments printed in this report. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that House Resolutions 162, 163, 181, 182, 393, 395, 400, 401, 468, and 620 are laid upon the table.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 4(a) of rule XIII (requiring a three-day layover of the committee report). The waiver is necessary because the Committee on Resources filed its report (H. Rept. 109-531) with the House on Monday, June 26, 2006, and the bill may be considered by the House as early as Thursday, June 29, 2006.

The waivers of all points of order against consideration of the bill and against the amendment in the nature of a substitute to be considered as an original bill for the purpose of amendment include a waiver of clause 4 of rule XXI (prohibiting appropriations in legislative bills) because the bill contains various violations of clause 4 including section 30.

The waiver of all points of order against consideration of the bill also includes a waiver of section 303 of the Congressional Budget Act (prohibiting consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to). The bill is in violation of section 303 because it provides for direct spending in advance of a budget resolution.

The waiver of all points of order against the amendments made in order under the rule are prophylactic in nature.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 230

Date: June 28, 2006.

Measure: H.R. 4761, the Deep Ocean Energy Resources Act of 2006.

Motion by: Mr. Lincoln Diaz-Balart.

Summary of motion: To report the rule.

Results: Agreed to 9 to 4.

Vote by Members: Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Putnam—Yea; Capito—Yea; Cole—Yea; Bishop—Yea; Gingrey—Yea; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Matsui—Nay; Dreier—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Pombo (CA)—10 minutes: Manager's Amendment. Makes technical corrections and addresses jurisdictional issues with the Committee on Science and the Committee on Education and the Workforce regarding section 23 of the bill by eliminating a kindergarten through grade 12 education component and by providing an authorization for a Department of Energy research, development and

scholarship program. It incorporates two of the amendments filed by Ms. Jackson-Lee (numbers 13 and 16) which would otherwise not be in order because of the restructuring of section 23. The amendment includes the text of the amendment filed by Mr. Markey (#9) and addresses the concerns expressed in the amendment filed by Mr. Hinojosa (#2). It also includes Mr. Miller's (#17) amendment prohibiting leasing east of the military mission line offshore Florida. It provides that States must take action to prevent leasing and cannot rely upon the President to do that for them. It clarifies that funding provided under section 30 is contingent on reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000, a clarification requested by Chairman Goodlatte. The amendment also includes insular area schools as eligible institutions for funding under section 23. It includes a Sense of the Congress that energy development on the OCS will help promote and increase American jobs. It removes three sections of the bill that changed the existing process for handling exploration and development plans. Finally, the amendment reduces the cost of the measure significantly by: (1) Subjecting expenditures to appropriations for three of the four funds. Only the rural schools fund is directly funded now. (2) Requiring the Secretary to hold a certain lease sale earlier than originally required. (Lease Sale 181 bulge area in the Gulf of Mexico). (3) As part of the Clinton Administration's Deep Water Royalty Relief Act of 1995 correction, allowing only 1998 and 1999 leases to incorporate the bill's oil and gas price thresholds. Leases from other years already have price thresholds. (4) Excepting leases already in litigation from provisions of the bill that require the Department of Interior to buy back non-producing leases for which the government will not issue actual drilling permits. (5) For production within 12 miles of the coast: Reduce the initial state revenue share from 75% to 25% for the first five years and increase by 5% per year to a total of 50% in year 10. In determining whether (and at what rate) to increase the state revenue share from 50% to 75%, requiring the total 2007–2016 receipts from new program areas to exceed \$4 billion (the CBO receipts projection baseline) and depending on future increases from new program areas. (6) Changes the Resource Conservation Fee for non-producing leases from a range to a fixed \$3.75/acre. (7) Lastly, it limits the revenue sharing provisions for areas more than 100 miles from the coastline if the Adjacent State does not allow any leasing within 100 miles of its coastline.

2. Inslee (WA)—10 minutes: Increases from \$6 million to \$20 million the amount made available by the Secretary for renewable ocean energy generation.

3. Davis, Tom (VA)—10 minutes: Authorizes \$150 million of OCS receipts to be available to the Secretary of the Treasury for each of the fiscal years 2007 through 2016 to make payments subject to appropriations to fund in part capital and preventive maintenance projects for the Washington Metropolitan Area Transit Authority (WMATA).

4. Markey (MA)—10 minutes: Strikes the provisions in the underlying bill lifting the 25-year moratorium on oil and gas drilling in environmentally-sensitive areas offshore. Leaves intact provisions designed to provide oil companies with incentives to renegotiate existing leases that fail to include market-based price caps for

the suspension of royalty-free drilling and begin production on active leases that are not producing.

5. Bilirakis (FL)/Diaz-Balart, Mario (FL)/ Harris (FL)/ Wasserman Schultz (FL) /Wexler (FL)/ Young, C.W. Bill (FL)/ Brown-Waite (FL)—10 minutes: Prohibits leasing (either oil and gas or natural gas) within 125 miles of a state's coastline unless the state requests leasing.

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POMBO OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, line 4, strike "December 1, 1996, through December 31, 2000," and insert "January 1, 1998, through December 31, 1999,".

Page 12, line 18, strike subsection (t).

Page 13, line 19, strike "not less than \$1.00 nor more than \$4.00" and insert "\$3.75".

Page 16, line 8, strike "6.0" and insert "4.6".

Page 16, line 9, strike "7.0" and insert "5.95".

Page 16, line 10, strike "8.0" and insert "6.8".

Page 16, line 11, strike "9.0" and insert "7.65".

Page 16, line 12, strike "12.0" and insert "10.20".

Page 16, line 13, strike "15.0" and insert "12.75".

Page 16, line 15, strike "18.0" and insert "15.30".

Page 16, line 17, strike "21.0" and insert "17.85".

Page 16, line 19, strike "24.0" and insert "20.40".

Page 16, line 21, strike "27.0" and insert "22.95".

Page 16, line 22, strike "30.0" and insert "25.50".

Page 16, line 24, strike "33.0" and insert "28.05".

Page 17, line 1, strike "36.0" and insert "30.60".

Page 17, line 3, strike "39.0" and insert "33.15".

Page 17, line 5, strike "42.0" and insert "35.70".

Page 17, line 7, strike "45.0" and insert "38.25".

Page 17, line 10, strike "50.0" and insert "42.50".

Page 17, line 17, strike "50" and insert "42.50".

Page 17, line 23, strike the existing paragraph (4) and insert the following:

"(4) RECEIPTS SHARING FROM TRACTS WITHIN 4 MARINE LEAGUES OF ANY COASTLINE.—

"(A) AREAS DESCRIBED IN PARAGRAPH (2).—

"(i) Beginning October 1, 2005, and continuing through September 30, 2010, the Secretary shall share 25 percent of OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2). For each fiscal year after September 30, 2010, the Secretary shall increase the percent shared in 5 percent increments each fiscal year until the sharing rate for all leases located within 4 marine leagues from any coastline within areas described in paragraph (2) becomes 42.5 percent.

“(ii) During fiscal year 2016, the Secretary shall conduct an analysis of all of the areas described in paragraph (3) and subsection (c)(3) to determine the total of OCS Receipts derived from such areas during the period of fiscal year 2007 through fiscal year 2016. The Secretary shall subtract the amount of \$4 billion from the total of such OCS Receipts. If the result is a positive number, the Secretary shall divide such positive number by \$4 billion. The resulting quotient, not to exceed 0.5, shall then be multiplied times 25. The product of such multiplication shall be added to 42.5 and the sum shall be the percent that the Secretary shall share for fiscal year 2017 and all future years from OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2), unless increased by the provisions of (iii).

“(iii) Beginning October 1, 2017, the Secretary shall share, in addition to the share established by (i), as modified by (ii) if any, amounts determined as follows, with the total of the amounts shared under this paragraph not to exceed in any fiscal year an amount equal to 63.75 percent of total OCS Receipts derived from all leases located within 4 marine leagues from any coastline within areas described in paragraph (2)—25 percent of the total of OCS Receipts derived from areas described in paragraph (3) and subsection (c)(3) that exceed the following amounts for the fiscal year indicated: for fiscal year 2017 the amount of \$900,000,000 and for each fiscal year thereafter add \$100,000,000. Amounts added under this clause to be shared, if any, for any fiscal year shall be added to the sharing base for all subsequent years and shall be allocated among State Adjacent Zones on a basis proportional to the result from the calculation in clause (i).

“(B) AREAS NOT DESCRIBED IN PARAGRAPH (2).—Beginning October 1, 2005, the Secretary shall share 63.75 percent of OCS receipts derived from all leases located completely or partially within 4 marine leagues from any coastline within areas not described paragraph (2).”.

Page 18, beginning at line 11, strike “as follows:” and all that follows through line 22 and insert “to the Adjacent State.”.

Page 19, beginning at line 2, strike “as follows:” and all that follows through line 3 and insert “to the Adjacent State”.

Page 19, lines 12 through 19, redesignate the quoted subclauses (I) and (II) as clauses (i) and (ii), and move such clauses 2 ems to the left.

Page 19, strike line 20 and all that follows through page 20, line 6.

Page 21, line 17, strike “6.0” and insert “4.6”.

Page 21, line 18, strike “7.0” and insert “5.95”.

Page 21, line 19, strike “8.0” and insert “6.80”.

Page 21, line 20, strike “9.0” and insert “7.65”.

Page 21, line 21, strike “12.0” and insert “10.20”.

Page 21, line 22, strike “15.0” and insert “12.75”.

Page 21, line 24, strike “18” and insert “15.30”.

Page 22, line 1, strike “21.0” and insert “17.85”.

Page 22, line 3, strike “24.0” and insert “20.40”.

Page 22, line 5, strike “27.0” and insert “22.95”.

Page 22, line 6, strike “30.0” and insert “25.50”.

Page 22, line 8, strike “33.0” and insert “28.05”.

Page 22, line 10, strike “36.0” and insert “30.60”.

Page 22, line 12, strike “39.0” and insert “33.15”.

Page 22, line 14, strike “42.0” and insert “35.70”.

Page 22, line 16, strike “45.0” and insert “38.25”.

Page 22, line 19, strike “50.0” and insert “42.50”.

Page 23, line 2, strike “50” and insert “42.5”.

Page 23, line 6, strike the period and insert the following: “, except that the Secretary shall only share 25 percent of such OCS Receipts derived from all such leases within a State’s Adjacent Zone if no leasing is allowed within any portion of that State’s Adjacent Zone located completely within 100 miles of any coastline.”.

Page 23, beginning on line 13, strike “each fiscal year” and all that follows through line 25 and insert “each fiscal year to the Adjacent State”.

Page 24, beginning at line 4, strike “as follows:” and all that follows through line 5 and insert “to the Adjacent State”.

Page 24, lines 15 through 22, redesignate the quoted subclauses (I) and (II) as clauses (i) and (ii), and move such clauses 2 ems to the left.

Page 24, strike line 23 and all that follows through page 25, line 6.

Page 25, strike lines 11 through 20 and insert the following:

“(A) to each State 60 percent of such State’s allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B) for the immediate prior fiscal year;

“(B) to each coastal county-equivalent and municipal political subdivisions of such State a total of 40 percent of such State’s allocations under subsections (b)(5)(A), (b)(5)(B), (c)(4)(A), and (c)(4)(B), together with all accrued interest thereon; and

Page 34, beginning at line 15, strike section 8.

Page 37, beginning at line 18, strike “was initiated” and all that follows through the end of the sentence and insert “is extended by a State under subsection (h)”.

Page 37, line 20, strike the period and insert the following: “, nor may the President withdraw from leasing any area for which a State failed to prohibit, or petition to prohibit, leasing under subsection (g). Further, in the area of the outer Continental Shelf more than 100 miles from any coastline, not more than 25 percent of the acreage of any OCS Planning Area may be withdrawn from leasing under this section at any point in time.”.

Page 40, line 16, insert a period after the word “effect” and strike the remainder of the sentence.

Page 41, line 7, strike “June 30” and insert “April 30”.

Page 46, line 7, strike “PETITION FOR EXTENSION OF” and insert “EXTEND”.

Page 46, strike lines 10 through 12 and insert the following:

“(1) IN GENERAL.—A State, through its Governor and upon the concurrence of its legislature, may”.

Page 46, line 14, strike “petition” and insert “extension”.

Page 46, line 18, strike “petition” and insert “extend”.

Page 46, beginning at line 20, strike “submit separate petitions” and insert “prepare separate extensions”.

Page 46, beginning at line 22, strike “A petition of a State may request” and insert “An extension by a State may affect”.

Page 46, beginning at line 25, strike “Petitions for extending” and insert “Extensions of”.

Page 47, strike line 11 and all that follows through page 48, line 6.

Page 48, strike the close quotation marks and the following period at line 20, and after line 20 insert the following:

“(j) PROHIBITION ON LEASING EAST OF THE MILITARY MISSION LINE.—

“(1) Notwithstanding any other provision of law, from and after the enactment of the Deep Ocean Energy Resources Act of 2006, no area of the outer Continental Shelf located in the Gulf of Mexico east of the military mission line may be offered for leasing for oil and gas or natural gas.

“(2) In this subsection, the term ‘military mission line’ means a line located at 86 degrees, 41minutes West Longitude, and extending south from the coast of Florida to the outer boundary of United States territorial waters in the Gulf of Mexico.”.

Page 55, beginning at line 3, strike section 13.

Page 61, beginning at line 20, amend section 14 to read as follows:

SEC. 14. FEDERAL ENERGY NATURAL RESOURCES ENHANCEMENT ACT OF 2006.

(a) FINDINGS.—The Congress finds the following:

(1) Energy and minerals exploration, development, and production on Federal onshore and offshore lands, including bio-based fuel, natural gas, minerals, oil, geothermal, and power from wind, waves, currents, and thermal energy, involves significant outlays of funds by Federal and State wildlife, fish, and natural resource management agencies for environmental studies, planning, development, monitoring, and management of wildlife, fish, air, water, and other natural resources.

(2) State wildlife, fish, and natural resource management agencies are funded primarily through permit and license fees paid to the States by the general public to hunt and fish, and through Federal excise taxes on equipment used for these activities.

(3) Funds generated from consumptive and recreational uses of wildlife, fish, and other natural resources currently are inad-

equate to address the natural resources related to energy and minerals development on Federal onshore and offshore lands.

(4) Funds available to Federal agencies responsible for managing Federal onshore and offshore lands and Federal-trust wildlife and fish species and their habitats are inadequate to address the natural resources related to energy and minerals development on Federal onshore and offshore lands.

(5) Receipts derived from sales, bonus bids, and royalties under the mineral leasing laws of the United States are paid to the Treasury through the Minerals Management Service of the Department of the Interior.

(6) None of the receipts derived from sales, bonus bids, and royalties under the minerals leasing laws of the United States are paid to the Federal or State agencies to examine, monitor, and manage wildlife, fish, air, water, and other natural resources related to natural gas, oil, and mineral exploration and development.

(b) PURPOSES.—It is the purpose of this section to—

(1) authorize expenditures for the monitoring and management of wildlife and fish, and their habitats, and air, water, and other natural resources related to energy and minerals development on Federal onshore and offshore lands;

(2) authorize expenditures for each fiscal year to the Secretary of the Interior and the States; and

(3) use the appropriated funds to secure the necessary trained workforce or contractual services to conduct environmental studies, planning, development, monitoring, and post-development management of wildlife and fish and their habitats and air, water, and other natural resources that may be related to bio-based fuel, gas, mineral, oil, wind, or other energy exploration, development, transportation, transmission, and associated activities on Federal onshore and offshore lands, including, but not limited to—

(A) pertinent research, surveys, and environmental analyses conducted to identify any impacts on wildlife, fish, air, water, and other natural resources from energy and mineral exploration, development, production, and transportation or transmission;

(B) projects to maintain, improve, or enhance wildlife and fish populations and their habitats or air, water, or other natural resources, including activities under the Endangered Species Act of 1973;

(C) research, surveys, environmental analyses, and projects that assist in managing, including mitigating either onsite or offsite, or both, the impacts of energy and mineral activities on wildlife, fish, air, water, and other natural resources; and

(D) projects to teach young people to live off the land.

(c) DEFINITIONS.—In this section:

(1) ENHANCEMENT PROGRAM.—The term “Enhancement Program” means the Federal Energy Natural Resources Enhancement Program established by this section.

(2) STATE.—The term “State” means the Governor of the State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Enhancement Program \$150,000,000 for each of fiscal years 2007 through 2017.

(e) ESTABLISHMENT OF FEDERAL ENERGY NATURAL RESOURCES ENHANCEMENT PROGRAM.—

(1) IN GENERAL.—There is established the Federal Energy Natural Resources Enhancement Program.

(2) PAYMENT TO SECRETARY OF THE INTERIOR.—Beginning with fiscal year 2007, and in each fiscal year thereafter, one-third of amounts appropriated for the Enhancement Program shall be available to the Secretary of the Interior for use for the purposes described in subsection (b)(3).

(3) PAYMENT TO STATES.—

(A) IN GENERAL.—Beginning with fiscal year 2007, and in each fiscal year thereafter, two-thirds of amounts appropriated for the Enhancement Program shall be available to the States for use for the purposes described in (b)(3).

(B) USE OF PAYMENTS BY STATE.—Each State shall use the payments made under this paragraph only for carrying out projects and programs for the purposes described in (b)(3).

(C) ENCOURAGE USE OF PRIVATE FUNDS BY STATE.—Each State shall use the payments made under this paragraph to leverage private funds for carrying out projects for the purposes described in (b)(3).

(f) LIMITATION ON USE.—Amounts made available under this section may not be used for the purchase of any interest in land.

(g) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Beginning in fiscal year 2008 and continuing for each fiscal year thereafter, the Secretary of the Interior and each State receiving funds from the Enhancement Fund shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) REQUIRED INFORMATION.—Reports submitted to the Congress by the Secretary of the Interior and States under this subsection shall include the following information regarding expenditures during the previous fiscal year:

(A) A summary of pertinent scientific research and surveys conducted to identify impacts on wildlife, fish, and other natural resources from energy and mineral developments.

(B) A summary of projects planned and completed to maintain, improve or enhance wildlife and fish populations and their habitats or other natural resources.

(C) A list of additional actions that assist, or would assist, in managing, including mitigating either onsite or off-site, or both, the impacts of energy and mineral development on wildlife, fish, and other natural resources.

(D) A summary of private (non-Federal) funds used to plan, conduct, and complete the plans and programs identified in paragraphs (2)(A) and (2)(B).

Page 72, line 14, insert after “offshore,” the following: “but not including any outer Continental Shelf oil and gas leases that are

subject to litigation in the Court of Federal Claims on January 1, 2006,”.

Page 75, beginning at line 13, strike section 19.

Page 87, beginning at line 18, strike section 23 and insert the following:

SEC. 23. MINING AND PETROLEUM SCHOOLS.

(a) MAINTENANCE AND RESTORATION OF EXISTING AND HISTORIC PETROLEUM AND MINING ENGINEERING PROGRAMS.—Public Law 98–409 (30 U.S.C. 1221 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Energy and Mineral Schools Reinvestment Act’.

“SEC. 2. POLICY.

“It is the policy of the United States to maintain the human capital needed to preserve and foster the economic, energy, and mineral resources security of the United States. The petroleum and mining engineering programs and the applied geology and geophysics programs at State chartered schools, universities, and institutions that produce human capital are national assets and should be assisted with Federal funds to ensure their continued health and existence.

“SEC. 3. MAINTAINING AND RESTORING HISTORIC AND EXISTING PETROLEUM AND MINING ENGINEERING EDUCATION PROGRAMS.

“(a) The Secretary of the Interior (in this Act referred to as the ‘Secretary’) shall provide funds to historic and existing State-chartered recognized petroleum or mining schools to assist such schools, universities, and institutions in maintaining programs in petroleum, mining, and mineral engineering education and research. All funds shall be directed only to these programs and shall be subject to the conditions of this section. Such funds shall not be less than 25 percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006.

“(b) In this Act the term ‘historic and existing State-chartered recognized petroleum or mining school’ means a school, university, or educational institution with the presence of an engineering program meeting the specific program criteria, established by the member societies of ABET, Inc., for petroleum, mining, or mineral engineering and that is accredited on the date of enactment of the Deep Ocean Energy Resources Act of 2006 by ABET, Inc.

“(c) It shall be the duty of each school, university, or institution receiving funds under this section to provide for and enhance the training of undergraduate and graduate petroleum, mining, and mineral engineers through research, investigations, demonstrations, and experiments. All such work shall be carried out in a manner that will enhance undergraduate education.

“(d) Each school, university, or institution receiving funds under this Act shall maintain the program for which the funds are provided for 10 years after the date of the first receipt of such funds and take steps described in its application for funding to increase the number of undergraduate students enrolled in and completing the programs of study in petroleum, mining, and mineral engineering.

“(e) The research, investigation, demonstration, experiment, and training authorized by this section may include development and production of conventional and non-conventional fuel resources, the production of metallic and non-metallic mineral resources including industrial mineral resources, and the production of stone, sand, and gravel. In all cases the work carried out with funds made available under this Act shall include a significant opportunity for participation by undergraduate students.

“(f) Research funded by this Act related to energy and mineral resource development and production may include—

“(1) studies of petroleum, mining, and mineral extraction and immediately related beneficiation technology;

“(2) mineral economics, reclamation technology, and practices for active operations;

“(3) the development of re-mining systems and technologies to facilitate reclamation that fosters the ultimate recovery of resources at abandoned petroleum, mining, and aggregate production sites; and

“(4) research on ways to extract petroleum and mineral resources that reduce the environmental impact of those activities.

“(g) Grants for basic science and engineering studies and research shall not require additional participation by funding partners. Grants for studies to demonstrate the proof of concept for science and engineering or the demonstration of feasibility and implementation shall include participation by industry and may include funding from other Federal agencies.

“(h)(1) No funds made available under this section shall be applied to the acquisition by purchase or lease of any land or interests therein, or the rental, purchase, construction, preservation, or repair of any building.

“(2) Funding made available under this section may be used with the express approval of the Secretary for proposals that will provide for maintaining or upgrading of existing laboratories and laboratory equipment. Funding for such maintenance shall not be used for university overhead expenses.

“(3) Funding made available under this Act may be used for maintaining and upgrading mines and oil and gas drilling rigs owned by a school, university, or institution described in this section that are used for undergraduate and graduate training and worker safety training. All requests for funding such mines and oil and gas drilling rigs must demonstrate that they have been owned by the school, university, or institution for 5 years prior to the date of enactment of the Deep Ocean Energy Resources Act of 2006 and have been actively used for instructional or training purposes during that time.

“(4) Any funding made available under this section for research, investigation, demonstration, experiment, or training shall not be used for university overhead charges in excess of 10 percent of the amount authorized by the Secretary.

“SEC. 4. FORMER AND NEW PETROLEUM AND MINING ENGINEERING PROGRAMS.

“(a) A school, university, or educational institution that formerly met the requirements of section 3(b) immediately before the date of the enactment of the Deep Ocean Energy Resources Act of 2006,

or that seeks to establish a new program described in section 3(b), shall be eligible for funding under this Act only if it—

“(1) establishes a petroleum, mining, or mineral engineering program that meets the specific program criteria and is accredited as such by ABET, Inc.;

“(2) agrees to the conditions of subsections (c) through (h) of section 3 and the Secretary determines that the program will strengthen and increase the number of nationally available, well-qualified faculty members in petroleum, mining, and mineral engineering; and

“(3) agrees to maintain the accredited program for 10 years after the date of the first receipt of funds under this Act.

“(b) The Secretary shall seek the advice of the Committee established pursuant to section 11 in determining the criteria used to carry out this section.

“SEC. 5. FUNDING OF CONSORTIA OF HISTORIC AND EXISTING SCHOOLS.

“Where appropriate, the Secretary may make funds available to consortia of schools, universities, or institutions described in sections 3, 4, and 6, including those consortia that include schools, universities, or institutions that are ineligible for funds under this Act if those schools, universities, or institutions, respectively, have skills, programs, or facilities specifically identified as needed by the consortia to meet the necessary expenses for purposes of—

“(1) specific energy and mineral research projects of broad application that could not otherwise be undertaken, including the expenses of planning and coordinating regional petroleum, geothermal, mining, and mineral engineering or beneficiation projects by two or more schools; and

“(2) research into any aspects of petroleum, geothermal, mining, or mineral engineering or beneficiation problems, including but not limited to exploration, that are related to the mission of the Department of the Interior.

“SEC. 6. SUPPORT FOR SCHOOLS WITH ENERGY AND MINERAL RESOURCE PROGRAMS IN PETROLEUM AND MINERAL EXPLORATION GEOLOGY, PETROLEUM GEOPHYSICS, OR MINING GEOPHYSICS.

“(a) Twelve percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006 may be granted to schools, universities, and institutions other than those described in sections 3 and 4.

“(b) The Secretary shall determine the eligibility of a college or university to receive funding under this Act using criteria that include—

“(1) the presence of a substantial program of undergraduate and graduate geoscience instruction and research in one or more of the following specialties: petroleum geology, geothermal geology, mineral exploration geology, economic geology, industrial minerals geology, mining geology, petroleum geophysics, mining geophysics, geological engineering, or geophysical engineering that has a demonstrated history of achievement;

“(2) evidence of institutional commitment for the purposes of this Act that includes a significant opportunity for participation by undergraduate students in research;

“(3) evidence that such school, university, or institution has or can obtain significant industrial cooperation in activities within the scope of this Act;

“(4) agreement by the school, university, or institution to maintain the programs for which the funding is sought for the 10-year period beginning on the date the school, university, or institution first receives such funds; and

“(5) requiring that such funding shall be for the purposes set forth in subsections (c) through (h) of section 3 and subject to the conditions set forth in section 3(h).

“(c) The Secretary shall seek the advice of the Committee established pursuant to section 11 in determining the criteria used to carry out this section.

“SEC. 7. DESIGNATION OF FUNDS FOR SCHOLARSHIPS AND FELLOWSHIPS.

“(a) The Secretary shall utilize 10 percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006 for the purpose of providing merit-based scholarships for undergraduate education, graduate fellowships, and postdoctoral fellowships.

“(b) In order to receive a scholarship or a graduate fellowship, an individual student must be a lawful permanent resident of the United States or a United States citizen and must agree in writing to complete a course of studies and receive a degree in petroleum, mining, or mineral engineering, petroleum geology, geothermal geology, mining and economic geology, petroleum and mining geophysics, or mineral economics.

“(c) The regulations required by section 9 shall require that an individual, in order to retain a scholarship or graduate fellowship, must continue in one of the course of studies listed in subsection (b) of this section, must remain in good academic standing, as determined by the school, institution, or university and must allow for reinstatement of the scholarship or graduate fellowship by the Secretary, upon the recommendation of the school or institution. Such regulations may also provide for recovery of funds from an individual who fails to complete any of the courses of study listed in subsection (b) of this section after notice that such completion is a requirement of receipt funding under this Act.

“(d) To carry out this section, the Secretary shall award grants to schools, universities, and institutions that are eligible to receive funding under section 3, 4 or 6. A school, university, or institution receiving funding under this subsection shall be responsible for enforcing the requirements of this section for scholarship or fellowship students and shall return to the Secretary any funds recovered from an individual under subsection (c). An institution seeking funds under this subsection shall describe, in its application to the Secretary for funding, the number of students that would be awarded scholarships or fellowships if the application is approved, how such students would be selected, and how the provisions of this section will be enforced.

“SEC. 8. FUNDING CRITERIA FOR INSTITUTIONS.

“(a) Each application to the Secretary for funds under this Act shall state, among other things, the nature of the project to be undertaken; the period during which it will be pursued; the qualifica-

tions of the personnel who will direct and conduct it; the estimated costs; the importance of the project to the Nation, region, or States concerned; its relation to other known research projects theretofore pursued or being pursued; the extent to which the proposed project will maximize the opportunity for the training of undergraduate petroleum, mining, and mineral engineers; geologists and geophysicists; and the extent of participation by nongovernmental sources in the project.

“(b) No funds shall be made available under this Act except for an application approved by the Secretary. All funds shall be made available upon the basis of merit of the application, the need for the knowledge that it is expected to produce when completed, and the opportunity it provides for the undergraduate training of individuals as petroleum, mining, and mineral engineers, geologists, and geophysicists. The Secretary may use competitive review by nongovernmental experts in relevant fields to determine which applications to approve, to the extent practicable.

“(c) Funds available under this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by the Secretary. Each school, university, or institution that receives funds under this Act shall—

“(1) establish its plan to provide for the training of individuals as petroleum, mining, and mineral engineers, geologists, and geophysicists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields;

“(2) establish policies and procedures that assure that Federal funds made available under this Act for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this Act, and in no case supplant such funds; and

“(3) have an officer appointed by its governing authority who shall receive and account for all funds paid under this Act and shall make an annual report to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary.

“(d) If any of the funds received by the authorized receiving officer of a program under this Act are found by the Secretary to have been improperly diminished, lost, or misapplied, such funds shall be recovered by the Secretary.

“(e) Schools, universities, and institutions receiving funds under this Act are authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies, business enterprises and individuals.

“SEC. 9. DUTIES OF SECRETARY.

“(a) The Secretary, acting through the Assistant Secretary for Land and Minerals Management, shall administer this Act and shall prescribe such rules and regulations as may be necessary to carry out its provisions not later than 1 year after the enactment of the Deep Ocean Energy Resources Act of 2006.

“(b)(1) There is established in the Department of the Interior, under the supervision of the Assistant Secretary for Land and Minerals Management, an office to be known as the Office of Petroleum and Mining Schools (hereafter in this Act referred to as the ‘Office’) to administer the provisions of this Act. There shall be a Director of the Office who shall be a member of the Senior Executive Service. The position of the Director shall be allocated from among the existing Senior Executive Service positions at the Department of the Interior and shall be a career reserved position as defined in section 3132(a)(8) of title 5, United States Code.

“(2) The Director is authorized to appoint a Deputy Director and to employ such officers and employees as may be necessary to enable the Office to carry out its functions. Such appointments shall be made from existing positions at the Department of the Interior, and shall be subject to the provisions of title 5, United States Code, governing appointments in the competitive service. Such positions shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

“(3) In carrying out his or her functions, the Director shall assist and advise the Secretary and the Committee pursuant to section 11 of this Act by—

“(A) providing professional and administrative staff support for the Committee including recordkeeping and maintaining minutes of all Committee and subcommittee meetings;

“(B) coordinating the activities of the Committee with Federal agencies and departments, and the schools, universities, and institutions to which funds are provided under this Act;

“(C) maintaining accurate records of funds disbursed for all scholarship and fellowship grants, research grants, and grants for career technical education purposes;

“(D) preparing any regulations required to implement this Act;

“(E) conducting site visits at schools, universities, and institutions receiving funding under this Act; and

“(F) serving as a central repository for reports and clearing house for public information on research funded by this Act.

“(4) The Director or an employee of the Office shall be present at each meeting of the Committee pursuant to section 11 or a subcommittee of such Committee.

“(5) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to section 3324(a) and (b) of title 31, United States Code, and section 5 of title 41, United States Code, in carrying out his or her functions.

“(6) As needed the Director shall ascertain whether the requirements of this Act have been met by schools, universities, institutions, and individuals.

“(c) The Secretary, acting through the Office of Petroleum and Mining Schools, shall furnish such advice and assistance as will best promote the purposes of this Act, shall participate in coordinating research, investigations, demonstrations, and experiments initiated under this Act, shall indicate to schools, universities, and institutions receiving funds under this Act such lines of inquiry that seem most important, and shall encourage and assist in the

establishment and maintenance of cooperation between such schools, universities, and institutions, other research organizations, the Department of the Interior, and other Federal agencies.

“(d) The Secretary shall establish procedures—

“(1) to ensure that each employee and contractor of the Office established by this section and each member of the Committee pursuant to section 11 of this Act shall disclose to the Secretary any financial interests in or financial relationships with schools, universities, institutions or individuals receiving funds, scholarships or fellowships under this Act;

“(2) to require any employee, contractor, or member of the Committee with a financial relationship disclosed under paragraph (1) to recuse themselves from—

“(A) any recommendation or decision regarding the awarding of funds, scholarships or fellowships; or

“(B) any review, report, analysis or investigation regarding compliance with the provisions of this Act by a school, university, institution or any individual.

“(e) On or before the first day of July of each year beginning after the date of enactment of this sentence, schools, universities, and institutions receiving funds under this Act shall certify compliance with this Act and upon request of the Director of the office established by this section provide documentation of such compliance.

“(f) An individual granted a scholarship or fellowship with funds provided under this Act shall through their respective school, university, or institution, advise the Director of the office established by this Act of progress towards completion of the course of studies and upon the awarding of the degree within 30 days after the award.

“(g) The regulations required by this section shall include a preference for veterans and service members who have received or will receive either the Afghanistan Campaign Medal or the Iraq Campaign Medal as authorized by Public Law 108–234, and Executive Order 13363.

“SEC. 10. COORDINATION.

“(a) Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the schools, universities, and institutions under whose direction a program is established with funds provided under this Act and the government of the State in which it is located. Nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any school, university, or institution.

“(b) The programs authorized by this Act are intended to enhance the Nation’s petroleum, mining, and mineral engineering education programs and to enhance educational programs in petroleum and mining exploration and to increase the number of individuals enrolled in and completing these programs. To achieve this intent, the Secretary and the Committee pursuant to section 11 shall receive the continuing advice and cooperation of all agencies of the Federal Government concerned with the identification, exploration, and development of energy and mineral resources.

“(c) Nothing in this Act is intended to give or shall be construed as giving the Secretary any authority over mining and mineral resources research conducted by any agency of the Federal Government, or as repealing or diminishing existing authorities or respon-

sibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with regard to mining and mineral resources.

“(d) The schools, universities, and institutions receiving funding under this Act shall make detailed reports to the Office of Petroleum and Mining Schools on projects completed, in progress, or planned with funds provided under this Act. All such reports shall be available to the public on not less than an annual basis through the Office of Petroleum and Mining Schools. All uses, products, processes, and other developments resulting from any research, demonstration, or experiment funded in whole or in part under this Act shall be made available promptly to the general public, subject to exception or limitation, if any, as the Secretary may find necessary in the interest of national security, and subject to the applicable Federal law governing patents.

“SEC. 11. COMMITTEE ON PETROLEUM, MINING, AND MINERAL ENGINEERING AND ENERGY AND MINERAL RESOURCE EDUCATION.

“(a) The Secretary shall appoint a Committee on Petroleum, Mining, and Mineral Engineering and Energy and Mineral Resource Education composed of—

“(1) the Assistant Secretary of the Interior responsible for land and minerals management and not more than 16 other persons who are knowledgeable in the fields of mining and mineral resources research, including 2 university administrators one of whom shall be from historic and existing petroleum and mining schools; a community, technical, or tribal college administrator; a career technical education educator; 6 representatives equally distributed from the petroleum, mining, and aggregate industries; a working miner; a working oilfield worker; a representative of the Interstate Oil and Gas Compact Commission; a representative from the Interstate Mining Compact Commission; a representative from the Western Governors Association; a representative of the State geologists, and a representative of a State mining and reclamation agency. In making these 16 appointments, the Secretary shall consult with interested groups.

“(2) The Assistant Secretary for Land and Minerals Management, in the capacity of the Chairman of the Committee, may have present during meetings of the Committee representatives of Federal agencies with responsibility for energy and minerals resources management, energy and mineral resource investigations, energy and mineral commodity information, international trade in energy and mineral commodities, mining safety regulation and mine safety research, and research into the development, production, and utilization of energy and mineral commodities. These representatives shall serve as technical advisors to the committee and shall have no voting responsibilities.

“(b) The Committee shall consult with, and make recommendations to, the Secretary on policy matters relating to carrying out this Act. The Secretary shall consult with and carefully consider recommendations of the Committee in such matters.

“(c) Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including

traveltime) during which they are performing Committee business, paid at a rate fixed by the Secretary but not in excess of the daily equivalent of the maximum rate of pay for level IV of the Executive Schedule under section 5136 of title 5, United States Code, and shall be fully reimbursed for travel, subsistence, and related expenses.

“(d) The Committee shall be chaired by the Assistant Secretary of the Interior responsible for land and minerals management. There shall also be elected a Vice Chairman by the Committee from among the members referred to in this section. The Vice Chairman shall perform such duties as are determined to be appropriate by the committee, except that the Chairman of the Committee must personally preside at all meetings of the full Committee. The Committee may organize itself into such subcommittees as the Committee may deem appropriate.

“(e) Following completion of the report required by section 385 of the Energy Policy Act of 2005, the Committee shall consider the recommendations of the report, ongoing efforts in the schools, universities, and institutions receiving funding under this Act, the Federal and State Governments, and the private sector, and shall formulate and recommend to the Secretary a national plan for a program utilizing the fiscal resources provided under this Act. The Committee shall submit such plan to the Secretary for approval. Upon approval, the plan shall guide the Secretary and the Committee in their actions under this Act.

“(f) Section 10 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Committee.

“SEC. 12. CAREER TECHNICAL EDUCATION.

“(a) Up to 25 percent of the annual outlay of funds authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006 may be granted to schools or institutions including, but not limited to, colleges, universities, community colleges, tribal colleges and universities, technical institutes, secondary schools, other than those described in sections 3, 4, 5, and 6, and jointly sponsored apprenticeship and training programs that are authorized by Federal law.

“(b) The Secretary shall determine the eligibility of a school or institution to receive funding under this section using criteria that include—

“(1) the presence of a State-approved program in mining engineering technology, petroleum engineering technology, industrial engineering technology, or industrial technology that—

“(A) is focused on technology and its use in energy and mineral production and related maintenance, operational safety, or energy infrastructure protection and security;

“(B) prepares students for advanced or supervisory roles in the mining industry or the petroleum industry; and

“(C) grants either an associate’s degree or a baccalaureate degree in one of the subjects listed in subparagraph (A);

“(2) the presence of a program, including a secondary school vocational education program or career academy, that provides training for individuals entering the petroleum, coal mining, or mineral mining industries; or

“(3) the presence of a State-approved program of career technical education at a secondary school, offered cooperatively with a community college in one of the industrial sectors of—

“(A) agriculture, forestry, or fisheries;

“(B) utilities;

“(C) construction;

“(D) manufacturing; and

“(E) transportation and warehousing.

“(c) Schools or institutions receiving funds under this section must show evidence of an institutional commitment for the purposes of career technical education and provide evidence that the school or institution has received or will receive industry cooperation in the form of equipment, employee time, or donations of funds to support the activities that are within the scope of this section.

“(d) Schools or institutions receiving funds under this section must agree to maintain the programs for which the funding is sought for a period of 10 years beginning on the date the school or institution receives such funds, unless the Secretary finds that a shorter period of time is appropriate for the local labor market or is required by State authorities.

“(e) Schools or institutions receiving funds under this section may combine these funds with State funds, and other Federal funds where allowed by law, to carry out programs described in this section, however the use of the funds received under this section must be reported to the Secretary not less than annually.

“(f) The Secretary shall seek the advice of the Committee established pursuant to section 11 in determining the criteria used to carry out this section.

“SEC. 13. DEPARTMENT OF THE INTERIOR WORKFORCE ENHANCEMENT.

“(a) PHYSICAL SCIENCE, ENGINEERING AND TECHNOLOGY SCHOLARSHIP PROGRAM.—

“(1) From the amount of funds available to carry out this section, the Secretary shall use 30 percent of that amount to provide financial assistance for education in physical sciences, engineering, and engineering or industrial technology and disciplines that, as determined by the Secretary, are critical to the functions of the Department of the Interior and are needed in the Department of the Interior workforce.

“(2) The Secretary of the Interior may award a scholarship in accordance with this section to a person who—

“(A) is a citizen of the United States;

“(B) is pursuing an undergraduate or advanced degree in a critical skill or discipline described in paragraph (1) at an institution of higher education; and

“(C) enters into a service agreement with the Secretary of the Interior as described in subsection (e).

“(3) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of the Interior as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses nor-

mally incurred by students at the institution of higher education involved.

“(b) SCHOLARSHIP PROGRAM FOR STUDENTS ATTENDING MINORITY SERVING HIGHER EDUCATION INSTITUTIONS.—

“(1) From the amount of funds available to carry out this section, the Secretary shall use 35 percent of that amount to award scholarships in accordance with this section to persons who—

“(A) are enrolled in a Minority Serving Higher Education Institutions.

“(B) are citizens or nationals of the United States;

“(C) are pursuing an undergraduate or advanced degree in agriculture, engineering, engineering or industrial technology, or physical sciences, or other discipline that is found by the Secretary to be critical to the functions of the Department of the Interior and are needed in the Department of the Interior workforce; and

“(D) enter into a service agreement with the Secretary of the Interior as described in subsection (e).

“(2) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of the Interior as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

“(c) EDUCATION PARTNERSHIPS WITH MINORITY SERVING HIGHER EDUCATION INSTITUTIONS.—

“(1) The Secretary shall require the director of each Bureau and Office, to foster the participation of Minority Serving Higher Education Institutions in any regulatory activity, land management activity, science activity, engineering or industrial technology activity, or engineering activity carried out by the Department of the Interior.

“(2) From the amount of funds available to carry out this section, the Secretary shall use 35 percent of that amount to support activities at Minority Serving Higher Education Institutions by—

“(A) funding faculty and students in these institutions in collaborative research projects that are directly related to the Departmental or Bureau missions;

“(B) allowing equipment transfer to Minority Serving Higher Education Institutions as a part of a collaborative research program directly related to a Departmental or Bureau mission;

“(C) allowing faculty and students at these Minority Serving Higher Education Institutions to participate Departmental and Bureau training activities;

“(D) funding paid internships in Departmental and Bureau facilities for students at Minority Serving Higher Education Institutions;

“(E) assigning Departmental and Bureau personnel to positions located at Minority Serving Higher Educational

Institutions to serve as mentors to students interested in a science, technology or engineering disciplines related to the mission of the Department or the Bureaus.

“(d) SERVICE AGREEMENT FOR RECIPIENTS OF ASSISTANCE.—

“(1) To receive financial assistance under subsection (a) or (b) of this section—

“(A) in the case of an employee of the Department of the Interior, the employee shall enter into a written agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

“(B) in the case of a person not an employee of the Department of the Interior, the person shall enter into a written agreement to accept and continue employment in the Department of the Interior for the period of obligated service determined under paragraph (2).

“(2) For the purposes of this section, the period of obligated service for a recipient of a scholarship under this section shall be the period determined by the Secretary of the Interior as being appropriate to obtain adequate service in exchange for the financial assistance provided under the scholarship. In no event may the period of service required of a recipient be less than the total period of pursuit of a degree that is covered by the scholarship. The period of obligated service is in addition to any other period for which the recipient is obligated to serve in the civil service of the United States.

“(3) An agreement entered into under this subsection by a person pursuing an academic degree shall include any terms and conditions that the Secretary of the Interior determines necessary to protect the interests of the United States or otherwise appropriate for carrying out this section.

“(e) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—

“(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (d) shall refund to the United States an amount determined by the Secretary of the Interior as being appropriate to obtain adequate service in exchange for financial assistance.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) The Secretary of the Interior may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(4) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

“(f) RELATIONSHIP TO OTHER PROGRAMS.—The Secretary of the Interior shall coordinate the provision of financial assistance under the authority of this section with the provision of financial assistance under the authorities provided in this Act in order to maxi-

mize the benefits derived by the Department of Interior from the exercise of all such authorities.

“(g) REPORT.—Not later than September 1 of each year, the Secretary of the Interior shall submit to the Congress a report on the status of the assistance program carried out under this section. The report shall describe the programs within the Department designed to recruit and retain a workforce on a short-term basis and on a long-term basis.

“(h) DEFINITIONS.—As used in this section:

“(1) The term ‘Minority Serving Higher Education Institutions’ means a Hispanic-serving institution, historically Black college or university, Alaska Native-serving institution, tribal college or university, or insular area school.

“(2) The term ‘Hispanic-serving institution’ has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

“(3) The term ‘historically Black college or university’ has the meaning given the term ‘part B institution’ in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

“(4) The term ‘tribal college or university’ has the meaning given the term ‘Tribal College or University’ in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c).

“(5) The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(6) The term ‘Alaska Native-serving institution’ has the meaning given the term in section 317 of the Higher Education Act of 1965 (20 U.S.C. 1059d).

“(7) The term ‘insular area school’ means an academic institution or university in American Samoa, Guam, The Northern Mariana Islands, Puerto Rico, and the Virgin Islands, or any other territory or possession of the United States.

“(i) FUNDING.—To implement this section, the Secretary shall use 3 percent of the annual outlay authorized by section 23(d) of the Deep Ocean Energy Resources Act of 2006.”.

(b) FUNDING FOR ENERGY RESEARCH.—

(1) Using 20 percent of the funds authorized by subsection (d), the Secretary of Energy, through the energy supply research and development programs of the Department of Energy, and in consultation with the Office of Science of the Department of Energy, shall carry out a program to award grants to institutions of higher education on the basis of competitive, merit-based review, for the purpose of conducting research on advanced energy technologies with the potential to transform the energy systems of the United States so as to—

(A) reduce dependence on foreign energy supplies;

(B) reduce or eliminate emissions of greenhouse gases;

(C) reduce negative environmental effects associated with energy production, storage, and use; and

(D) enhance the competitiveness of United States energy technology exports.

(2) Awards made under this subsection may include funding for—

(A) energy efficiency;

(B) renewable energy, including solar, wind, and biofuels; and

(C) nuclear, hydrogen, and any other energy research that could accomplish the purpose set forth in paragraph (1).

(3) The Secretary of Energy may require or authorize grantees under this subsection to partner with industry, but only to the extent that such a requirement does not prevent long-range, potentially pathbreaking research from being funded under this subsection.

(4) An institution of higher education seeking funding under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary of Energy may require.

(5) In this subsection, the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

(c) FUNDING FOR ENERGY SCHOLARSHIPS.—

(1) Using 5 percent of the funds authorized by subsection (d), the Secretary of Energy, through the energy supply research and development programs of the Department of Energy, and in consultation with the Office of Science of the Department of Energy, shall carry out a program to award grants to institutions of higher education on the basis of competitive, merit-based review, to grant graduate traineeships to Ph.D. students who are citizens of the United States who will carry out research on advanced energy technologies to accomplish the purpose set forth in subsection (c)(1).

(2) Awards made under this subsection may include funding for—

(A) energy efficiency;

(B) renewable energy, including solar, wind, and biofuels; and

(C) nuclear, hydrogen, and any other energy research that would accomplish the purpose set forth in subsection (c)(1) that is not eligible for funding under section 7 of the Energy and Mineral Schools Reinvestment Act.

(3) An institution of higher education seeking funding under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary of Energy may require.

(4) In this subsection, the term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$150,000,000 for each of fiscal years 2007 through 2017.

Page 95, line 3, before the semicolon insert the following: “, with particular consideration awarded to establishing programs at minority serving institutions”.

Page 96, line 18, before the period insert the following: “, with particular consideration awarded to minority serving institutions”.

Page 123, beginning at line 22, strike “The purpose” and all that follows through “funding for” at line 23 and insert “The purpose of this section is to provide for”.

Page 124, line 6, strike the semicolon and insert a period.

Page 124, strike line 7 and all that follows through page 129, line 9, and insert the following:

(c) STATE DEFINED.—In this section the term “State” means the agency of a State designated by its Governor or State law to perform the functions and activities described in subsection (b).

Page 129, line 10, strike “(e)” and insert “(c)”.

Page 131, strike lines 14 through 18 and insert the following:

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection for each of fiscal years 2007 through 2011 not less than \$35,000,000. Each pilot project

Page 131, line 21, strike “(f)” and insert “(d)”.

Page 134, strike line 15 and all that follows through “fiscal year.” at line 18 and insert the following:

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection for each of fiscal years 2007 through 2011 not less than \$5,000,000. Each pilot project

Page 135, line 12, strike “(g)” and insert “(e)”.

Page 137, strike lines 9 through 11 and insert the following:

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection—
 (A) \$65,000,000 for fiscal year 2007; and
 (B) \$37,500,000 for each of fiscal years 2008 through 2013.

Page 137, line 12, strike “(h)” and insert “(f)”.

Page 137, strike line 21 and 22 and insert the following:

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection funds for
 Page 138, line 4, strike “517” and insert “507”.

Page 138, line 9, strike “(b)(1)” and insert “(b)(13) or (b)(14)”.

Page 147, line 14, strike section 30 and insert the following:

SEC. 30. AVAILABILITY OF OCS RECEIPTS TO PROVIDE PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended by inserting after subsection (i), as added by section 7 of this Act, the following new subsection:

“(j) CONDITIONAL AVAILABILITY OF FUNDS FOR PAYMENTS UNDER SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—

“(1) AVAILABILITY OF FUNDS.—Subject to paragraph (2), but notwithstanding any other provision of this section, \$50,000,000 of OCS Receipts shall be available to the Secretary of the Treasury for each of fiscal years 2007 through 2012 to make payments under sections 102 and 103 of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note). The Secretary of the Treasury shall use the funds made available by this subsection to make such payments in lieu of using funds in the Treasury

not otherwise appropriated, as otherwise authorized by sections 102(b)(3) and 103(b)(2) of such Act.

“(2) **CONDITION ON AVAILABILITY.**—OCS Receipts shall be available under paragraph (1) for a fiscal year only if—

“(A) title I of the Secure Rural Schools and Community Self-Determination Act of 2000 has been reauthorized through at least that fiscal year; and

“(B) the authority to initiate projects under titles II and III of such Act has been extended through at least that fiscal year.”.

Add at the end the following:

SEC. 31. SENSE OF THE CONGRESS TO BUY AND BUILD AMERICAN.

(a) **BUY AND BUILD AMERICAN.**—It is the intention of the Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America’s workforce to assist in the development of affordable energy from the Outer Continental Shelf. Moreover, the Congress intends to monitor the deployment of personnel and material in the Outer Continental Shelf to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.

(b) **SAFEGUARD FOR EXTRAORDINARY ABILITY.**—Section 30(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1356(a)) is amended in the matter preceding paragraph (1) by striking “regulations which” and inserting “regulations that shall be supplemental and complimentary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4(a)(1) of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE INSLEE OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 26(h)(3) (page 137, line 24), strike “\$6,000,000” and insert “\$20,000,000”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new section:

SEC. ____ . AVAILABILITY OF OCS RECEIPTS TO PROVIDE FUNDS FOR TRANSPORTATION INFRASTRUCTURE OF THE NATION’S CAPITAL.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is further amended by adding at the end the following new subsection:

“(k) AVAILABILITY OF FUNDS FOR IMPROVEMENTS TO THE TRANSPORTATION INFRASTRUCTURE OF THE NATION’S CAPITAL.—Notwithstanding any other provision of this section, \$150,000,000 of OCS Receipts shall be available to the Secretary of the Treasury for each of fiscal years 2007 through 2016 to make payments, subject to appropriations, to the Washington Metropolitan Area Transit Authority (as defined in the National Capital Transportation Act of 1969) (sec. 9—1111.01 et seq., D.C. Official Code) to finance in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Washington Metropolitan Area Transit Authority.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 2 (page 2, beginning at line 6) and all that follows through the quoted subsection (r) in section 6(4) (through page 11, line 25), and insert the following:

SEC. 2. ROYALTY SUSPENSION AUTHORITY AND IMPOSITION OF CONSERVATION OF RESOURCES FEES.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following new subsections:

At the end of section 6(3) (page 10, line 13), strike the period after the closed quotation marks and insert “; and”.

In section 6(4), strike the quoted subsections (s) and (t) (page 12, beginning at line 1).

At the end of section 6(4) (page 13, line 22) strike the semicolon and insert a period.

Strike section 6(5) (page 13, beginning at line 23) and all that follows through the end of the bill.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BILIRAKIS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 9(2), in the quoted subsection (g)(1)(A), strike “50 miles” each place it appears (page 38, lines 9 and 19) and insert “125 miles”.

In section 9(2), in the quoted subsection (g)(1), strike subparagraph (B) (page 39, beginning at line 6).

Page 40, lines 17 and 18, strike “100” each place it appears and insert “125”.

In section 9(2), strike the quoted subsection (h) (page 46, beginning at line 7).

In section 9(2), in the quoted subsection (i) (page 48, beginning at line 7)—

(1) strike “or (h), or both,”;

(2) strike “(1)”; and

(3) strike “, and (2)” and all that follows through the end of the sentence and insert a period.