

.....  
(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Mineral Leasing Act to increase certain penalties for violations of the Act, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Ms. DEXTER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Mineral Leasing Act to increase certain penalties for violations of the Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Penalties for Polluters  
5       Act”.

1 **SEC. 2. PENALTIES RELATING TO VIOLATIONS OF CERTAIN**  
2 **MINERAL LEASING ACTS.**

3 (a) PENALTIES UNDER MINERAL LEASING ACT.—  
4 Section 41 of the Mineral Leasing Act (30 U.S.C. 195)  
5 is amended—

6 (1) in subsection (b)—

7 (A) by striking “Any person” and inserting  
8 the following:

9 “(1) IN GENERAL.—Any person”;

10 (B) by striking “\$500,000” and inserting  
11 “\$2,700,000”; and

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

13 “(2) INFLATION ADJUSTMENT.—The Secretary  
14 of the Interior shall annually adjust the maximum  
15 penalty specified in paragraph (1) to reflect any in-  
16 creases in the Consumer Price Index (all items,  
17 United States city average) as prepared by the De-  
18 partment of Labor.”; and

19 (2) in subsection (c), by striking “\$100,000”  
20 and inserting “\$500,000”.

21 (b) PENALTIES UNDER FEDERAL OIL AND GAS ROY-  
22 ALTY MANAGEMENT ACT OF 1982.—The Federal Oil and  
23 Gas Royalty Management Act of 1982 (30 U.S.C. 1701  
24 et seq.) is amended—

25 (1) in section 109—

1 (A) in subsection (a), by striking “\$500”  
2 and inserting “\$3,000”;

3 (B) in subsection (b), by striking “\$5,000”  
4 and inserting “\$30,000”;

5 (C) in subsection (c), by striking  
6 “\$10,000” and inserting “\$65,000”; and

7 (D) in subsection (d), by striking  
8 “\$25,000” and inserting “\$160,000”; and  
9 (2) in section 110—

10 (A) by striking “Any person” and inserting  
11 the following:

12 “(a) IN GENERAL.—Any person”;

13 (B) by striking “\$50,000” and inserting  
14 “\$320,000”; and

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

16 “(b) INFLATION ADJUSTMENT.—The Secretary shall  
17 annually adjust the maximum penalty specified in this sec-  
18 tion to reflect any increases in the Consumer Price Index  
19 (all items, United States city average) as prepared by the  
20 Department of Labor.”.

21 (c) PENALTIES UNDER OUTER CONTINENTAL SHELF  
22 LANDS ACT.—Section 24 of the Outer Continental Shelf  
23 Lands Act (43 U.S.C. 1350) is amended—

24 (1) by amending subsection (b) to read as fol-  
25 lows:

1 “(b) CIVIL PENALTIES.—

2 “(1) IN GENERAL.—Any person who fails to  
3 comply with any provision of this Act, any regulation  
4 or order issued under this Act, or any term of a  
5 lease, license, or permit issued pursuant to this Act  
6 shall be liable, subject to paragraph (3), for a civil  
7 penalty of not more than \$100,000, except as pro-  
8 vided in paragraph (4), for each day of the continu-  
9 ance of such failure.

10 “(2) ASSESSMENT.—The Secretary may assess,  
11 collect, and compromise any such penalty.

12 “(3) OPPORTUNITY FOR A HEARING.—The Sec-  
13 retary may not assess a penalty against a person de-  
14 scribed in paragraph (1) until such person has been  
15 given an opportunity for a hearing.

16 “(4) THREAT OF HARM.—If a failure described  
17 in paragraph (1) constitutes or constituted a threat  
18 of harm or damage to life (including fish and other  
19 aquatic life), property, any mineral deposit, or the  
20 marine, coastal, or human environment, a civil pen-  
21 alty of not more than \$360,000 may be assessed for  
22 each day of the continuance of such failure.”; and

23 (2) in subsection (c)—

24 (A) by striking “\$100,000” and inserting  
25 “\$1,000,000”; and

1 (B) by inserting “The Secretary shall an-  
2 nually adjust the maximum penalty specified in  
3 this subsection to reflect any increases in the  
4 Consumer Price Index (all items, United States  
5 city average) as prepared by the Department of  
6 Labor.” after the period at the end.

7 (d) PENALTIES UNDER THE OIL POLLUTION ACT OF  
8 1990.—Section 4303 of the Oil Pollution Act of 1990 (33  
9 U.S.C. 2716a) is amended by striking “\$25,000” and in-  
10 serting “\$120,000”.

11 (e) PENALTY REVENUE REINVESTMENT FUND.—

12 (1) ESTABLISHMENT.—There is established in  
13 the Treasury of the United States a separate ac-  
14 count, to be known as the Penalty Revenue Rein-  
15 vestment Fund (referred to in this subsection as the  
16 “Fund”).

17 (2) SOURCE OF FUNDS.—Any amounts collected  
18 by the Secretary that are excess revenue shall be de-  
19 posited into the Fund.

20 (3) USE OF FUNDS.—Amounts deposited into  
21 the Fund in accordance with paragraph (2) shall be  
22 available to the Secretary without further appropria-  
23 tion or fiscal year limitation to be allocated as fol-  
24 lows:

1 (A) 50 percent to States, Indian Tribes,  
2 and local governments that the Secretary deter-  
3 mines to have been harmed by a violation with  
4 respect to which excess revenue is collected by  
5 the Secretary.

6 (B) 50 percent to the Office of Natural  
7 Resources Revenue, the Bureau of Safety and  
8 Environmental Enforcement, and the Bureau of  
9 Land Management for continued enforcement  
10 and compliance activities under the Mineral  
11 Leasing Act (30 U.S.C. 201 et seq.), the Fed-  
12 eral Oil and Gas Royalty Management Act of  
13 1982 (30 U.S.C. 1701 et seq.), and the Outer  
14 Continental Shelf Lands Act (43 U.S.C. 1331  
15 et seq.).

16 (4) DEFINITIONS.—In this subsection:

17 (A) EXCESS REVENUE.—The term “excess  
18 revenue” means the portion of any penalty as-  
19 sessed for a violation under section 41 of the  
20 Mineral Leasing Act (30 U.S.C. 195), section  
21 109 or 110 of the Federal Oil and Gas Royalty  
22 Management Act of 1982 (30 U.S.C. 1719; 30  
23 U.S.C. 1720), or section 24 of the Outer Conti-  
24 nental Shelf Lands Act (43 U.S.C. 1350) on or  
25 after the date of enactment of this Act that ex-

1           ceeds the maximum civil penalty amount that  
2           could have been assessed for the same violation  
3           under the applicable provision of law as in ef-  
4           fect on the day before the date of enactment of  
5           this Act.

6           (B) INDIAN TRIBE.—The term “Indian  
7           Tribe” has the meaning given such term in sec-  
8           tion 4 of the Indian Self-Determination and  
9           Education Assistance Act (25 U.S.C. 5304).

10          (C) SECRETARY.—The term “Secretary”  
11          means the Secretary of the Interior.

12          (D) STATE.—The term “State” means  
13          each of the several States, the District of Co-  
14          lumbia, and each territory of the United States.