

103D CONGRESS
1ST SESSION

H. R. 296

To amend the Outer Continental Shelf Lands Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. PANETTA introduced the following bill; which was referred jointly to the Committee on Natural Resources and Merchant Marine and Fisheries

A BILL

To amend the Outer Continental Shelf Lands Act.

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. CONGRESSIONAL DECLARATION OF POLICY.**

4 Section 3(3) of the Outer Continental Shelf Lands
5 Act (43 U.S.C. 1332(3)) is amended by striking “expedi-
6 tious and”.

7 **SEC. 2. ADMINISTRATION OF LEASING.**

8 Section 5(a)(2) of the Outer Continental Shelf Lands
9 Act (43 U.S.C. 1334(a)(2)) is amended—

10 (1) by amending subparagraph (A) to read as
11 follows:

1 “(A) that such cancellation shall occur if the
2 Secretary determines, after a hearing, that—

3 “(i) activity pursuant to such lease or per-
4 mit has resulted in serious harm or damage or
5 poses a serious threat of serious harm or dam-
6 age to life (including fish and other aquatic
7 life), to property, to any mineral (in areas
8 leased or not leased), to the national security or
9 defense, or to the marine, coastal, or human en-
10 vironment; and

11 “(ii) the environmental or other resources
12 harmed or placed at risk as described in clause
13 (i) are of substantial value;”;
14 (2) in subparagraph (B) by—

15 (A) inserting “or pursuant to an Act of
16 Congress” after “Secretary”; and

17 (B) striking “five years” and inserting
18 “one year”; and

19 (3) in subparagraph (C) by striking “such com-
20 pensation as he shows” and inserting “such com-
21 pensation (in the form of currency, forgiveness of
22 the lessee’s obligation to pay rents or royalties on
23 another lease issued pursuant to this Act, or credits
24 against bonus payments for future lease purchases
25 pursuant to this Act) as the lessee shows”.

1 **SEC. 3. OUTER CONTINENTAL SHELF LEASING PROGRAM.**

2 Section 18(c)(2) of the Outer Continental Shelf
3 Lands Act (43 U.S.C. 1344(c)(2)) is amended in the third
4 sentence by striking “reply in writing” and all that follows
5 through the end of the sentence and inserting “in writing
6 grant the request or, if the Secretary finds, on the record
7 after notice and an opportunity for a hearing, that the
8 request was based on a material error of fact or that the
9 Governor acted arbitrarily and capriciously in making the
10 request, deny the request in whole or in part or grant the
11 request in such modified form as the Secretary finds to
12 be necessary to conform to the policy stated in section 3
13 of this Act.”.

14 **SEC. 4. COORDINATION AND CONSULTATION WITH AF-**
15 **FECTED STATE AND LOCAL GOVERNMENTS.**

16 (a) DETERMINATION OF NATIONAL INTEREST.—The
17 second sentence of section 19(c) of the Outer Continental
18 Shelf Lands Act (43 U.S.C. 1345(c)) is amended to read
19 as follows: “For purposes of this subsection, the national
20 interest shall be determined by application of a balancing
21 process that gives equal weight to obtaining oil and gas
22 supplies and to protection of the environment, and that
23 permits the consideration of other factors.”.

24 (b) FINALITY OF ACCEPTANCE OR REJECTION OF
25 RECOMMENDATIONS.—Section 19(d) of the Outer Con-

1 tinal Shelf Lands Act (43 U.S.C. 1345(d)) is amended
2 to read as follows:

3 “(d) The Secretary shall accept a Governor’s rec-
4 ommendations as providing a reasonable balance between
5 the national interest and the well-being of the citizens of
6 the affected State unless the Secretary finds, on the record
7 after notice and opportunity for a hearing, that the rec-
8 ommendations were based on a material error of fact or
9 that the Governor acted arbitrarily and capriciously in
10 making the recommendations.”.

11 **SEC. 5. ENVIRONMENTAL STUDIES.**

12 Section 20(a)(2) of the Outer Continental Shelf
13 Lands Act (43 U.S.C. 1346(a)(2)) is amended by adding
14 at the end thereof the following new sentence: “Each study
15 required by paragraph (1) of this subsection shall be com-
16 pleted, subjected to peer review by at least 3 qualified sci-
17 entists not employed or compensated by the Secretary or
18 any other interested party, and published, not later than
19 180 days before the date on which the lease sale is an-
20 nounced.”.

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