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113TH CONGRESS
1ST SESSION

H. R. 1613

To amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mr. DUNCAN of South Carolina (for himself, Mr. HASTINGS of Washington, and Mr. SALMON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend the Outer Continental Shelf Lands Act to provide for the proper Federal management and oversight of transboundary hydrocarbon reservoirs, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act''.

TITLE I—AMENDMENT TO THE OUTER CONTINENTAL SHELF LANDS ACT

SEC. 101. AMENDMENT TO THE OUTER CONTINENTAL SHELF LANDS ACT.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. TRANSBOUNDARY HYDROCARBON AGREEMENTS.

"(a) AUTHORIZATION.—The Secretary may implement the terms of any transboundary hydrocarbon agreement for the management of transboundary hydrocarbon reservoirs entered into by the President and approved by Congress. In implementing such an agreement, the Secretary shall protect the interests of the United States to promote domestic job creation and ensure the expeditious and orderly development and conservation of domestic mineral resources in accordance with all applicable United States laws governing the exploration, development, and production of hydrocarbon resources on the outer Continental Shelf.

"(b) SUBMISSION TO CONGRESS.—

"(1) IN GENERAL.—No later than 180 days after all parties to a transboundary hydrocarbon agreement have agreed to its terms, a transboundary

hydrocarbon agreement that does not constitute a treaty in the judgment of the President shall be submitted by the Secretary to—

"(A) the Speaker of the House of Representatives;

"(B) the Majority Leader of the Senate;

"(C) the Chair of the Committee on Natural Resources of the House of Representatives; and

"(D) the Chair of the Committee on Energy and Natural Resources of the Senate.

"(2) CONTENTS OF SUBMISSION.—The submission shall include—

"(A) any amendments to this Act or other Federal law necessary to implement the agreement;

"(B) an analysis of the economic impacts such an agreement and any amendments necessitated by the agreement will have on domestic exploration, development, and production of hydrocarbon resources on the outer Continental Shelf; and

"(C) a detailed description of any regulations expected to be issued by the Secretary to implement the agreement.

"(c) IMPLEMENTATION OF SPECIFIC TRANSBOUNDARY AGREEMENTS.—

"(1) MEXICO.—The Secretary may take actions as necessary to implement the terms of the Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico, signed at Los Cabos, February 20, 2012, including—

"(A) approving unitization agreements and related agreements for the exploration, development, or production of oil and natural gas from transboundary reservoirs or geological structures;

"(B) making available, in the limited manner necessary under the agreement and subject to the protections of confidentiality provided by the agreement, information relating to the exploration, development, and production of oil and natural gas from a transboundary reservoir or geological structure that may otherwise be considered confidential, privileged, or proprietary information under law;

"(C) taking actions consistent with an expert determination under the agreement, pro-

vided that the expert determination proceedings were open to the public to the greatest extent practicable; and

"(D) ensuring that agents of a foreign government may not stop work or interfere with exploration, development, or production activities as approved by the Secretary.

"(2) CANADA.—

"(3) RUSSIA.—

"(4) BAHAMAS.—

"(5) BERMUDA.—

"(d) EXEMPTION FROM RESOURCES EXTRACTION REPORTING REQUIREMENT.—Actions taken by a public company in accordance with any transboundary hydrocarbon agreement shall not constitute the commercial development of oil, natural gas, or minerals for purposes of section 13(q) of the Securities Exchange Act of 1934 (157 U.S.C. 78m(q)).

"(e) SAVINGS PROVISIONS.—Nothing in this section shall be construed—

"(1) to authorize the Secretary to participate in any negotiations, conferences, or consultations with Cuba regarding exploration, development, or production of hydrocarbon resources in the Gulf of Mexico along the United States maritime border with Cuba

or the area known by the Department of the Interior as the 'Eastern Gap'; or

''(2) as affecting the sovereign rights and the jurisdiction that the United States has under international law over the outer Continental Shelf which appertains to it.''.

TITLE II—APPROVAL OF TRANSBOUNDARY HYDROCARBON AGREEMENT

SEC. 201. APPROVAL OF AGREEMENT WITH MEXICO.

The Agreement between the United States of America and the United Mexican States Concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico, signed at Los Cabos, February 20, 2012, is hereby approved.

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