

103D CONGRESS
1ST SESSION

H. R. 584

Imposing certain restrictions and requirements on the leasing of lands offshore Florida under the Outer Continental Shelf Lands Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

Mr. GOSS (for himself, Ms. THURMAN, Mr. STEARNS, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. BACCHUS of Florida, Ms. MEEK, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Ms. BROWN of Florida, Mr. YOUNG of Florida, and Mr. SHAW) introduced the following bill; which was referred jointly to the Committees on Natural Resources and Merchant Marine and Fisheries

A BILL

Imposing certain restrictions and requirements on the leasing of lands offshore Florida under the Outer Continental Shelf Lands 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. RELATIONSHIP TO OUTER CONTINENTAL**
4 **SHELF LEASING PROGRAM AND EXISTING**
5 **LAW.**

6 (a) RELATIONSHIP TO OUTER CONTINENTAL SHELF
7 LEASING PROGRAM.—Notwithstanding the Outer Con-
8 tinental Shelf Leasing Program maintained by the Sec-

1 retary pursuant to section 18 of the Outer Continental
2 Shelf Lands Act (43 U.S.C. 1344) or any lease sale sched-
3 ule contained in a specific leasing program thereunder, the
4 Secretary shall carry out such program consistent with the
5 provisions of this Act.

6 (b) RELATIONSHIP TO EXISTING LAW.—Except as
7 otherwise specifically provided in this Act, nothing in this
8 Act shall be construed to affect the application of other
9 Federal law to activities conducted on the Outer Continen-
10 tal Shelf.

11 **SEC. 2. OUTER CONTINENTAL SHELF LEASING ENVIRON-**
12 **MENTAL SCIENCES REVIEW.**

13 (a) ENVIRONMENTAL SCIENCES REVIEW PANEL.—

14 (1) ESTABLISHMENT.—An environmental
15 sciences review panel shall be established for the
16 areas of the Outer Continental Shelf that are off-
17 shore Florida.

18 (2) PURPOSES.—The purposes of the review
19 panel established under paragraph (1) shall be—

20 (A) to assess the adequacy of available
21 physical oceanographic, ecological, and socio-
22 economic information in enabling the Secretary
23 to carry out his responsibilities under the Outer
24 Continental Shelf Lands Act with respect to au-
25 thorizing—

1 (i) leasing and exploration; and
2 (ii) development and production,
3 in the area covered by such review panel;

4 (B) if such available information is not
5 adequate for such purposes, to identify the ad-
6 ditional studies required to obtain such infor-
7 mation;

8 (C) to identify the potential physical ocean-
9 ographic, ecological, and socioeconomic impacts
10 of exploration and development in the area cov-
11 ered by such review panel;

12 (D) to provide for and supervise the peer
13 review, by qualified scientists not employed by
14 the Federal Government, of the proposed stud-
15 ies identified under subparagraph (B) before
16 their submission to the Secretary and separate
17 reviews of each research proposal designed to
18 implement those studies; and

19 (E) to report to the Secretary on its find-
20 ings and recommendations under this para-
21 graph.

22 (3) MEMBERSHIP.—The review panel estab-
23 lished under paragraph (1) shall consist of—

24 (A) one representative each from the Envi-
25 ronmental Protection Agency, the Minerals

1 Management Service, the National Oceanic and
2 Atmospheric Administration, and the United
3 States Fish and Wildlife Service;

4 (B) four representatives from the State of
5 Florida approved by the Governor of such
6 State; and

7 (C) three members appointed by the Sec-
8 retary of Commerce from a list of individuals
9 nominated by the National Academy of Sciences
10 who are professional scientists in the fields of
11 physical oceanography, marine ecology, and so-
12 cial science.

13 (4) COMPENSATION.—(A) Members of the re-
14 view panel appointed under paragraph (3)(C), while
15 performing official duties under this Act shall re-
16 ceive compensation for travel and transportation ex-
17 penses under section 5703 of title 5, United States
18 Code.

19 (B) Members of the review panel appointed
20 under paragraph (3)(C) may be compensated at a
21 rate to be fixed by the Secretary of Commerce, but
22 not in excess of the maximum rate of pay for grade
23 GS–18 provided in the General Schedule under sec-
24 tion 5332 of title 5, United States Code, for each

1 day such member spends performing the duties of
2 the panel.

3 (b) REPORTS TO CONGRESS.—The Secretary shall,
4 after consideration of the findings and recommendations
5 of the review panel established under subsection (a), sub-
6 mit a report to the Congress—

7 (1) certifying that the physical oceanographic,
8 ecological, and socioeconomic information available is
9 sufficient to enable the Secretary to carry out his re-
10 sponsibilities under the Outer Continental Shelf
11 Lands Act with respect to authorizing leasing and
12 development in the area covered by such review
13 panel; and

14 (2) including a detailed explanation of any dif-
15 ferences between such certification and the findings
16 and recommendations of the review panel, along with
17 a detailed justification for each such difference.

18 (c) LEASING CONSIDERATIONS.—The Secretary
19 shall, in determining whether to lease any area described
20 in subsection (a)(1)—

21 (1) consider the findings and recommendations
22 of the review panel established under subsection (a);
23 and

1 (2) to the extent that the Secretary disagrees
2 with such findings and recommendations, provide
3 substantial evidence for such disagreement.

4 **SEC. 3. RESTRICTIONS AND REQUIREMENTS.**

5 (a) GENERAL RULE.—In the areas described in sec-
6 tion 2(a)(1), the following restrictions and requirements
7 shall apply:

8 (1) No preleasing activity shall be conducted
9 before the issuance of the first final 5-year leasing
10 plan under section 18 of the Outer Continental Shelf
11 Lands Act after January 1, 2002.

12 (2) No lease sale shall be held until after the
13 expiration of 45 days of continuous session of Con-
14 gress after the Secretary submits a report with re-
15 spect to the area under section 2(b).

16 (b) SPECIFIC PROVISIONS.—(1) In the Eastern Gulf
17 of Mexico Planning Area north of 26 degrees north lati-
18 tude and east of the lateral seaward boundary between the
19 States of Florida and Alabama, no exploration or develop-
20 ment plans or permits to drill shall be approved for any
21 lease in existence on the date of enactment of this Act
22 until after January 1, 2002.

23 (2) In the Eastern Gulf of Mexico Planning Area off-
24 shore Florida, south of 26 degrees north latitude and east
25 of 86 degrees west longitude—

1 (A) studies to acquire the information found in-
2 adequate by the National Research Council's report
3 shall be completed prior to any lease sale held after
4 January 1, 2002; and

5 (B)(i) notwithstanding the requirements of sec-
6 tion 5(a)(2) (A) and (B) of the Outer Continental
7 Shelf Lands Act (43 U.S.C. 1334(a)(2) (A) and
8 (B)), the Secretary, within 90 days after the date of
9 enactment of this Act, shall cancel any active leases
10 in the area;

11 (ii) before the cancellation required under
12 clause (i), no exploration or development plans or
13 permits to drill shall be approved for any such lease
14 in existence on the date of enactment of this Act;
15 and

16 (iii) compensation to lessees owning leases that
17 are canceled under clause (i) shall be determined
18 under section 5(a)(2) (C) and (D) of the Outer Con-
19 tinental Shelf Lands Act (43 U.S.C. 1334(a)(2) (C)
20 and (D)).

21 (c) CONTINUOUS SESSION OF CONGRESS.—In com-
22 puting any 45-day period of continuous session of Con-
23 gress under this section—

24 (1) continuity of session is broken only by an
25 adjournment of the Congress sine die; and

1 (2) the days on which either House of Congress
2 is not in session because of an adjournment of more
3 than 3 days to a day certain are excluded.

4 **SEC. 4. ENVIRONMENTAL STUDIES.**

5 Section 20(a)(1) of the Outer Continental Shelf
6 Lands Act (43 U.S.C. 1346(a)(1)) is amended by adding
7 at the end the following new sentence: “Such study shall
8 include an assessment of the adequacy of available phys-
9 ical oceanographic, ecological, and socioeconomic informa-
10 tion.”.

11 **SEC. 5. ADEQUACY OF INFORMATION.**

12 Section 20 of the Outer Continental Shelf Lands Act
13 (43 U.S.C. 1346) is amended by adding at the end the
14 following new subsection:

15 “(g) ADEQUACY OF INFORMATION.—For the pur-
16 poses of this section, the term ‘adequacy’ means suffi-
17 ciently complete to enable necessary decisions to be made
18 under this Act, and of sufficient quality to be repeatable,
19 reliable, and valid in measurements and analysis with ap-
20 propriate methods and subject.”.

21 **SEC. 6. COMPENSATION FOR LEASE BUYBACKS.**

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

24 (1) by inserting “and” at the end of subpara-
25 graph (C); and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(D) that compensation a lessee is entitled
4 to receive under subparagraph (C) may be
5 made in the form of currency, forgiveness of the
6 lessee’s obligation to pay rents or royalties
7 which would otherwise be paid to the Federal
8 Government on another lease issued pursuant
9 to this Act, or a combination of currency with
10 such forgiveness.”.

11 **SEC. 7. DEFINITIONS.**

12 For the purposes of this Act—

13 (1) terms defined in the Outer Continental
14 Shelf Lands Act have the meaning given such terms
15 in that Act;

16 (2) references to specific Outer Continental
17 Shelf planning areas shall be to areas so designated
18 in the Department of the Interior Outer Continental
19 Shelf Natural Gas and Oil Resource Management
20 Comprehensive Program 1992–1997 Proposal, dated
21 July 1991;

22 (3) the term “adequate” means sufficiently
23 complete to enable necessary decisions to be made
24 under the Outer Continental Shelf Lands Act, and
25 of sufficient scientific quality to be repeatable, reli-

1 able, and valid in measurements and analysis with
2 appropriate methods and subject;

3 (4) the term “National Research Council’s re-
4 port” means the report entitled “The Adequacy of
5 Environmental Information for Outer Continental
6 Shelf Oil and Gas Decisions: Florida and California”
7 issued in 1989 by the Council’s Committee to Re-
8 view the Outer Continental Shelf Environmental
9 Studies Program and supported by the President’s
10 Outer Continental Shelf Leasing and Development
11 Task Force through Department of the Interior
12 Contract No. 1435000130495; and

13 (5) the term “preleasing activities” means ac-
14 tivities conducted before a lease sale is held, and in-
15 cludes the scheduling of a lease, requests for indus-
16 try interest, calls for information and nominations,
17 area identifications, publication of draft or final en-
18 vironmental impact statements, notices of sale, and
19 any form of rotary drilling; but such term does not
20 include environmental, geologic, geophysical, eco-
21 nomic, engineering, or other scientific analyses, stud-
22 ies, and evaluations.

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