

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5657

To amend the Outer Continental Shelf Lands Act to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2010

Mr. QUIGLEY introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

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

1 **SECTION 1. PROTECTIVE APPROACH TO OIL AND GAS**  
2 **LEASING, EXPLORATION, AND DEVELOPMENT**  
3 **ON THE OUTER CONTINENTAL SHELF.**

4 (a) REVISED NATIONAL OUTER CONTINENTAL  
5 SHELF POLICY.—Section 3 of the Outer Continental Shelf  
6 Lands Act (43 U.S.C. 1331) is amended by striking para-  
7 graph (3) and inserting the following new paragraph:

8 “(3) while the outer Continental Shelf is a vital  
9 national resource reserve held by the Federal Gov-  
10 ernment for the public, any leasing, exploration, or  
11 development of the outer Continental Shelf nec-  
12 essarily impacts the marine environment and coastal  
13 environment, so the protection and maintenance  
14 (and, when necessary, restoration) of the marine en-  
15 vironment and coastal environment is of primary im-  
16 portance and leasing, exploration, or development of  
17 the outer Continental Shelf will be authorized in lim-  
18 ited areas only when sound science shows that such  
19 activities can proceed with minimal risk to the  
20 health of the marine environment and coastal envi-  
21 ronment.”.

22 (b) PROTECTIVE MANDATE.—Such section is further  
23 amended—

24 (1) by inserting “(a) DECLARATION OF POL-  
25 ICY.—” before “It is hereby declared”; and

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

3           “(b) PROTECTIVE APPROACH TO LEASING, EXPLO-  
4           RATION, AND DEVELOPMENT.—The leasing, exploration,  
5           and development of oil and gas resources of the outer Con-  
6           tinental Shelf may be authorized only if—

7           “(1) the Secretary has a thorough under-  
8           standing of the marine environment and coastal en-  
9           vironment impacted by the activity and an environ-  
10          mental baseline, the risks of exploration or develop-  
11          ment, and the potential consequences of accidents  
12          and other emergencies; and

13          “(2) the Secretary determines, on the basis of  
14          sound science, that risks are minimal, rigorous safe-  
15          ty measures are in place and will be enforced, and  
16          there is a demonstrated ability to mount an effective  
17          response to accidents in real-world conditions.”.

18 **SEC. 2. PROHIBITION ON OIL AND GAS ACTIVITIES IN IM-**  
19 **PORTANT ECOLOGICAL AREAS OF OUTER**  
20 **CONTINENTAL SHELF.**

21          Section 18 of the Outer Continental Shelf Lands Act  
22 (43 U.S.C. 1344) is amended—

23          (1) in subsection (a)(2)(A), by inserting “sub-  
24          ject to subsection (i),” before “existing”; and

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

3           “(i) The Secretary may not approve for inclusion in  
4 an oil and gas leasing program under this section any area  
5 of the outer Continental Shelf that, by itself or in a net-  
6 work, has distinguishing ecological characteristics, is im-  
7 portant for maintaining habitat heterogeneity or the via-  
8 bility of a species, or contributes disproportionately to the  
9 health of an ecosystem, including its biodiversity, function,  
10 structure, or resilience. In designating an important eco-  
11 logical area of outer Continental Shelf, the Secretary  
12 should give particular consideration to—

13           “(1) areas of high productivity or diversity;

14           “(2) areas that are important for feeding, mi-  
15 gration, or the lifecycle of species; and

16           “(3) areas of biogenic habitat, structure form-  
17 ing habitat, or habitat for endangered or threatened  
18 species.”.

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