

110TH CONGRESS
2D SESSION

S. 2568

To amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2008

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Outer Continental Shelf Lands Act to prohibit preleasing, leasing, and related activities in the Chukchi and Beaufort Sea Planning Areas unless certain conditions are met.

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. PROHIBITION ON LEASING IN CHUKCHI AND**

4 **BEAUFORT SEA PLANNING AREAS.**

5 Section 8 of the Outer Continental Shelf Lands Act

6 (43 U.S.C. 1337) is amended by adding at the end the

7 following:

1 “(q) PROHIBITION ON LEASING IN CHUKCHI AND
2 BEAUFORT SEA PLANNING AREAS.—The Secretary shall
3 not offer for leasing, preleasing, or any related activity (in-
4 cluding approving any seismic activity, offering any new
5 lease, or approving an exploration or development plan)
6 within any area of the Chukchi or Beaufort Sea Planning
7 Area until—

8 “(1) the Secretary enters into an agreement
9 with the National Research Council—

10 “(A) to identify missing information on the
11 composition, distribution, status, and ecology of
12 the living marine resources in the Chukchi and
13 Beaufort Sea marine and coastal ecosystems
14 that—

15 “(i) focuses on the changes likely to
16 be caused by climate change; and

17 “(ii) supports the establishment of
18 baseline information and the determination
19 of the potential impacts of all oil- and gas-
20 related activities on plant and animal spe-
21 cies, marine and coastal environments, and
22 subsistence activities;

23 “(B) to review the adequacy of ongoing
24 and completed environmental, public health,
25 and cultural studies (including ongoing and

1 completed studies conducted by the Alaska envi-
2 ronmental studies program of the Minerals
3 Management Service) in providing information
4 described in subparagraph (A); and

5 “(C) to submit to Congress a report that—

6 “(i) identifies missing information;

7 “(ii) evaluates the adequacy of ongo-
8 ing and completed studies; and

9 “(iii) makes recommendations on any
10 additional studies or research that are re-
11 quired;

12 “(2)(A) the polar bear is listed as an endan-
13 gered species or a threatened species under the En-
14 dangered Species Act of 1973 (16 U.S.C. 1531 et
15 seq.) and critical habitat is designated for the spe-
16 cies; or

17 “(B) the Secretary publishes a determination
18 that such a listing is not warranted;

19 “(3) the Secretary determines that deployable
20 mechanical oil spill response technologies exist that
21 are documented to be effective in recovery of at least
22 85 percent of the oil spilled into marine and coastal
23 environments under the environmental conditions
24 that exist in the Chukchi and Beaufort Sea Planning
25 Areas; and

1 “(4) the Secretary determines that—

2 “(A) oil and gas exploration and develop-
3 ment activities can be conducted in the Chukchi
4 and Beaufort Sea Planning Areas without pos-
5 ing a risk of substantial adverse impact to wild-
6 life or wildlife habitat and subsistence; and

7 “(B) any mitigation measures necessary to
8 avoid such risks are identified and the efficacy
9 of the measures established.”.

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