

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3678

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994

Received

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## AN ACT

To authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources.

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. AMENDMENTS.**

4       (a) **SECTION 8 AMENDMENTS.**—Section 8(k) of the  
5       Outer Continental Shelf Lands Act (43 U.S.C. 1337(k))  
6       is amended—

7               (1) by inserting “(1)” after “(k)”; and

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

3           “(2)(A) Notwithstanding paragraph (1), the Sec-  
4 retary may negotiate with any person, an agreement for  
5 the use of outer Continental Shelf sand, gravel and shell  
6 resources—

7           “(i) for use in a program of, or project for,  
8 shore protection, beach restoration, or coastal wet-  
9 lands restoration undertaken by a Federal, State, or  
10 local government agency; or

11           “(ii) for use in a construction project, other  
12 than a project described in clause (i), that is funded  
13 in whole or in part by or authorized by the Federal  
14 Government.

15           “(B) In carrying out a negotiation under this para-  
16 graph, the Secretary may assess a fee based on an assess-  
17 ment of the value of the resources and the public interest  
18 served by promoting development of the resources. No fee  
19 shall be assessed directly or indirectly under this subpara-  
20 graph against an agency of the Federal Government.

21           “(C) The Secretary may, through this paragraph and  
22 in consultation with the Secretary of Commerce, seek to  
23 facilitate projects in the coastal zone, as such term is de-  
24 fined in section 304 of the Coastal Zone Management Act

1 of 1972 (16 U.S.C. 1453), that promote the policy set  
2 forth in section 303 of that Act (16 U.S.C. 1452).

3 “(D) Any Federal agency which proposes to make use  
4 of sand, gravel and shell resources subject to the provi-  
5 sions of this Act shall enter into a Memorandum of Agree-  
6 ment with the Secretary concerning the potential use of  
7 those resources. The Secretary shall notify the Committee  
8 on Merchant Marine and Fisheries and the Committee on  
9 Natural Resources of the House of Representatives and  
10 the Committee on Energy and Natural Resources of the  
11 Senate on any proposed project for the use of those re-  
12 sources prior to the use of those resources.”.

13 (b) SECTION 20 AMENDMENTS.—Section 20(a) of the  
14 Outer Continental Shelf Lands Act (43 U.S.C. 1346(a))  
15 is amended—

16 (1) in paragraph (1)—

17 (A) by inserting “or other lease” after  
18 “any oil and gas lease sale”; and

19 (B) by inserting “or other mineral” after  
20 “affected by oil and gas”; and

21 (2) in paragraph (2), by inserting “In the case  
22 of an agreement under section 8(k)(2), each study  
23 required by paragraph (1) of this subsection shall be  
24 commenced not later than 6 months prior to com-  
25 mencing negotiations for such agreement or the en-

1       tering into the memorandum of agreement, as the  
2       case may be.” after “scheduled before such date of  
3       enactment.”.

Passed the House of Representatives October 3,  
1994.

Attest:               DONNALD K. ANDERSON,  
*Clerk.*