

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 3534  
OFFERED BY MR. HOLT OF NEW JERSEY**

At the end of section 206(c) (page 59, after line 16),  
add the following new paragraph:

1           (3) PROVISIONAL LEASING.—Section 8(p) of  
2           such Act (43 U.S.C. 1337(p)) is amended by the ad-  
3           dition of the following:

4           “(11) PROVISIONAL LEASES, EASEMENTS, AND  
5           RIGHTS-OF-WAY FOR OFFSHORE RENEWABLE EN-  
6           ERGY PROJECTS.—

7           “(A) In addition to the interests identified  
8           in paragraph (1), the Secretary, in consultation  
9           with the Secretary of the department in which  
10          the Coast Guard is operating and other relevant  
11          departments and agencies of the Federal Gov-  
12          ernment, may grant a provisional lease, ease-  
13          ment, or right-of-way on the outer Continental  
14          Shelf to encourage timely site investigation and  
15          analysis of sites under consideration for the de-  
16          velopment of offshore renewable energy facili-  
17          ties.

1           “(B) The purpose of a provisional lease,  
2           easement, or right-of-way under this paragraph  
3           is to encourage timely site investigation and  
4           analysis needed to evaluate the economic viabil-  
5           ity and potential environmental effects of pro-  
6           posed renewable energy projects on the outer  
7           Continental Shelf.

8           “(C) A provisional lease, easement, or  
9           right-of-way under this paragraph shall have a  
10          maximum initial term of five years, but the Sec-  
11          retary may grant a single three-year extension.

12          “(D) Although a provisional lease, ease-  
13          ment, or right-of-way under this paragraph  
14          shall not constitute an irretrievable commitment  
15          of Federal resources, it shall, during its term,  
16          prevent the Secretary or any other Federal offi-  
17          cial from granting any private right or interest  
18          that would interfere with the development of an  
19          offshore renewable energy facility on the site.

20          “(E) A provisional lease, easement, or  
21          right-of-way under this paragraph shall not—

22                  “(i) confer any right to disturb or oc-  
23                  cupy the seafloor or subsurface;

24                  “(ii) alter in any way existing require-  
25                  ments concerning the environmental review

1 and analysis that must be completed before  
2 a lease, easement, or right-of-way that con-  
3 fers development rights can be issued; or

4 “(iii) impair in any way the Sec-  
5 retary’s authority under paragraph (1), in-  
6 cluding the Secretary’s authority to refuse,  
7 without payment of compensation, to grant  
8 a lease, easement, right-of-way, or other  
9 authorization to the recipient of a provi-  
10 sional interest under this paragraph fol-  
11 lowing the completion of site assessment  
12 work and required environmental reviews.

13 “(F) If the Secretary determines, in ac-  
14 cordance with paragraph (3), that there is no  
15 competitive interest in a publicly posted oppor-  
16 tunity to obtain a lease, easement, or right-of-  
17 way, the Secretary may elect to grant a provi-  
18 sional lease, easement, or right-of-way under  
19 this paragraph to the any single person found  
20 to be qualified and interested. The Secretary  
21 may grant a provisional lease, easement, or  
22 right-of-way to such a person without under-  
23 taking a separate assessment of potential com-  
24 petitive interest in the provisional lease, ease-  
25 ment, or right-of-way.

1           “(G) The Secretary’s authority to issue  
2           provisional leases, easements, and rights-of-way  
3           under this paragraph shall expire five years  
4           after the effective date of this paragraph, unless  
5           the Secretary determines, following notice to  
6           the public and consideration of comments re-  
7           ceived, that provisional leases, easements, and  
8           rights-of-way are still needed to encourage time-  
9           ly site investigation and analysis for offshore re-  
10          newable energy projects.”.

