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## **Committee Approves Hastings' Amendment to Require Prompt Response from Fed Government on States Permit Requests to Respond to Oil Spill**

**WASHINGTON D.C.** – The House Natural Resources Committee during markup on the CLEAR Act (H.R. 3534), approved an amendment offered by Ranking Member Doc Hastings (WA-04) to require timely response from the federal government on permits and applications from states and local governments attempting to respond to oil spills of national significance.

Louisiana Governor Bobby Jindal has repeatedly spoken of the federal government's slow response that has prevented and stalled the State's efforts to build sand berms to protect the marshes. Governor Jindal wrote this week in a [Shreveport Times Editorial](#) that "*even after we demonstrated the effectiveness of sand berms, it took us weeks to convince the Coast Guard to approve even six segments from this plan, and then longer for us to force BP to fund the work.*"

Hastings' amendment would require that within 48 hours after receiving a state's permit application or other requests for application, the federal government must provide a decision or provide a definite date on which the decision will be made. It does not require that approval of the permit be granted, but does require a response. If the federal official fails to make a decision by either the 48 hour deadline or the determined date, then the State may move forward with its proposal.

### **Text of Amendment:**

#### **Sec. 711. Federal Response to State Proposals to Protect State Lands and Waters**

Any State shall be entitled to timely decisions regarding permit applications or other approvals from any federal official, including the Secretary of the Interior or the Secretary of Commerce, for any State or local government response activity to protect State lands and waters that is directly related to the discharge of oil determined to be a spill of national significance. Within 48 hours of the receipt of the State application or request for approval, the federal official shall provide a clear determination on the permit application or approval request to the State, or provide a definite date by which this determination shall be made to the State. If the federal official fails to meet either of these deadlines, the permit application is presumed to be approved or approval granted.

### **Full statement by Ranking Member Hastings:**

"Every Member of this Committee is aware of the frustration that Gulf State governors and

local leaders have felt about the federal government's slow, tortured response to their proposals to protect their state lands, waters and marshes. Without question, the most well-known such incident involved the State of Louisiana.

For weeks, Governor Jindal was kept waiting while a Committee of federal agencies took turns not giving a straight answer on whether sand berms could be built to keep oil from infiltrating the precious marsh environments. Ultimately, the oil outpaced the glacial federal response and entered some marshlands before Louisiana ever got a straight answer. This is a tragic failure of the federal government.

The amendment I am offering seeks to prevent any such situation from occurring again.

My amendment reverses the current scenario faced by states. Instead of states sending their permit request or proposal to protect state lands or waters into a federal black hole with a potentially open-ended wait for an answer of any kind, my amendment ensures a prompt response is given in a set time period.

The amendment only applies when an oil spill is declared to be of "national significance" – meaning when the federal government has determined it is of the highest threat. In these terrible situations, states should be able to respond to protect their people and natural areas. They shouldn't be hamstrung by the federal government's inaction in providing an answer.

My amendment doesn't require an agency to approve or disapprove a proposal, it requires a response and if none is forthcoming in a set period of time, then the state may go forward.

Instead of waiting interminably and getting no response of any kind, this amendment requires the federal government to give a straight answer or the state may take the action it deems necessary to protect its citizens and environment. The federal government can say 'NO' - but no longer can federal officials hide and avoid answering the pleas of a state while oil washes towards their shore or marshlands.

The government can stop any state or local proposal – but federal agencies should do it forthrightly, not by passing the buck or with a pocket veto.

To conclude, I'd like to note that these are precisely the types of reforms that we should be making right now. This will assist in responding to the oil spill. It's a known failure and it can be readily fixed. This is the type of action Congress should be taking now.

It is flat-out unacceptable that the federal government can't get its act together to give straight answers to states trying to protect their people, their beaches, and marshes, and other sensitive lands and waterways.

In the emergency of a federally declared oil spill of national significance, states deserve fast and prompt answers. I urge my colleagues to support this amendment."

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