

Union Calendar No. 35

112TH CONGRESS
1ST SESSION

H. R. 1229

[Report No. 112-67, Part I]

To amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2011

Mr. HASTINGS of Washington (for himself, Mr. LAMBORN, Mr. FLEMING, Mr. LANDRY, Mr. FLORES, Mr. JOHNSON of Ohio, Mr. DUNCAN of South Carolina, Mr. WITTMAN, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GOHMERT, Mr. DENHAM, Mr. DUNCAN of Tennessee, Mr. NUNES, Mr. BOUSTANY, Mr. GRIMM, Mr. SCALISE, Mr. ROSS of Florida, Mr. GRAVES of Missouri, Mrs. MYRICK, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POMPEO, Mr. OLSON, Mrs. CAPITO, Mr. WESTMORELAND, Mr. LONG, Mr. SIMPSON, Ms. JENKINS, Mr. KELLY, Mr. RIGELL, Mr. HELLER, Mrs. HARTZLER, and Mr. POSEY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 2, 2011

Additional sponsors: Mr. MANZULLO, Mr. STIVERS, Mrs. NOEM, Mr. TERRY, Mrs. McMORRIS RODGERS, Mr. LEWIS of California, Mr. NUNNELEE, Mr. MCKEON, Mr. BURTON of Indiana, Mr. KLINE, Mr. GOODLATTE, Mr. REHBERG, Mr. McCLINTOCK, Mr. CANSECO, Mr. WOODALL, Mr. ROE of Tennessee, Mr. SESSIONS, Mr. FLEISCHMANN, Mr. THOMPSON of Pennsylvania, Mr. FINCHER, Mr. PAUL, Mr. COFFMAN of Colorado, Mr. FORBES, Mr. CASSIDY, Mr. PENCE, Mr. POE of Texas, Mr. PEARCE, Mr. DOLD, Mrs. BLACK, Mr. SCOTT of South Carolina, Mr. BRADY of Texas, Mr. CARTER, Mr. FARENTHOLD, Mrs. BACHMANN, Mrs. ELLMERS, Mr. AKIN, and Mr. CALVERT

MAY 2, 2011

Reported from the Committee on Natural Resources with an amendment

[Insert the part printed in *italic*]

MAY 2, 2011

Committee on the Judiciary discharged; committed to the Committee on the
Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico.

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. SHORT TITLE.**

4 This Act may be cited as the “Putting the Gulf of
5 Mexico Back to Work Act”.

6 **TITLE I—AMENDMENT TO THE**
7 **OUTER CONTINENTAL SHELF**
8 **LANDS ACT**

9 **SEC. 101. AMENDMENT TO OUTER CONTINENTAL SHELF**
10 **LANDS ACT.**

11 (a) AMENDMENT.—Section 11(d) of the Outer Conti-
12 nental Shelf Lands Act (43 U.S.C. 1340(d)) is amended
13 to read as follows:

14 “(d) DRILLING PERMITS.—

15 “(1) IN GENERAL.—The Secretary shall by reg-
16 ulation require that any lessee operating under an
17 approved exploration plan—

18 “(A) must obtain a permit before drilling
19 any well in accordance with such plan; and

20 “(B) must obtain a new permit before
21 drilling any well of a design that is significantly
22 different than the design for which an existing
23 permit was issued.

24 “(2) SAFETY REVIEW REQUIRED.—The Sec-
25 retary shall not issue a permit under paragraph (1)

1 without ensuring that the proposed drilling oper-
2 ations meet all—

3 “(A) critical safety system requirements,
4 including blowout prevention; and

5 “(B) oil spill response and containment re-
6 quirements.

7 “(3) TIMELINE.—

8 “(A) The Secretary shall decide whether to
9 issue a permit under paragraph (1) within 30
10 days after receiving an application for the per-
11 mit. The Secretary may extend such period for
12 up to two periods of 15 days each, if the Sec-
13 retary has given written notice of the delay to
14 the applicant. The notice shall be in the form
15 of a letter from the Secretary or a designee of
16 the Secretary, and shall include the names and
17 titles of the persons processing the application,
18 the specific reasons for the delay, and a specific
19 date a final decision on the application is ex-
20 pected.

21 “(B) If the application is denied, the Sec-
22 retary shall provide the applicant—

23 “(i) in writing, clear and comprehen-
24 sive reasons why the application was not

1 accepted and detailed information con-
2 cerning any deficiencies, and

3 “(ii) an opportunity to remedy any de-
4 ficiencies.

5 “(C) If the Secretary has not made a deci-
6 sion on the application by the end of the 60-day
7 period beginning on the date the application is
8 received by the Secretary, the application is
9 deemed approved.”.

10 (b) DEADLINE FOR CERTAIN PERMIT APPLICATIONS
11 UNDER EXISTING LEASES.—

12 (1) IN GENERAL.—Notwithstanding the amend-
13 ment made by subsection (a), a lease under which a
14 covered application is submitted to the Secretary of
15 the Interior shall be considered to be in directed sus-
16 pension during the period beginning May 27, 2010,
17 and ending on the date the Secretary issues a final
18 decision on the application, if the Secretary does not
19 issue a final decision on the application—

20 (A) before the end of the 30-day period be-
21 ginning on the date of enactment of this Act,
22 in the case of a covered application submitted
23 before such date of enactment; or

24 (B) before the end of the 30-day period be-
25 ginning on the date the application is received

1 by the Secretary, in the case of a covered appli-
2 cation submitted on or after such date of enact-
3 ment.

4 (2) COVERED APPLICATION.—In this subsection
5 the term “covered application” means an application
6 for a permit to drill under an oil and gas lease under
7 the Outer Continental Shelf Lands Act in effect on
8 the date of enactment of this Act, that—

9 (A) represents a resubmission of an ap-
10 proved permit to drill (including an application
11 for a permit to sidetrack) that was approved by
12 the Secretary before May 27, 2010; and

13 (B) is received by the Secretary after Octo-
14 ber 12, 2010, and before the end of the 30-day
15 period beginning on the date of enactment of
16 this Act.

17 **SEC. 102. EXTENSION OF CERTAIN OUTER CONTINENTAL**
18 **SHELF LEASES.**

19 (a) *DEFINITION OF COVERED LEASE.*—*In this section,*
20 *the term “covered lease” means each oil and gas lease for*
21 *the Gulf of Mexico outer Continental Shelf region issued*
22 *under section 8 of the Outer Continental Shelf Lands Act*
23 *(43 U.S.C. 1337) that—*

24 (1)(A) *was not producing as of April 30, 2010;*
25 *or*

1 (B) was suspended from operations, permit proc-
2 essing, or consideration, in accordance with the mora-
3 torium set forth in the Minerals Management Service
4 Notice to Lessees and Operators No. 2010–N04, dated
5 May 30, 2010, or the decision memorandum of the
6 Secretary of the Interior entitled “Decision memo-
7 randum regarding the suspension of certain offshore
8 permitting and drilling activities on the Outer Conti-
9 nental Shelf” and dated July 12, 2010; and

10 (2) by its terms would expire on or before De-
11 cember 31, 2011.

12 (b) *EXTENSION OF COVERED LEASES.*—The Secretary
13 of the Interior shall extend the term of a covered lease by
14 1 year.

15 (c) *EFFECT ON SUSPENSIONS OF OPERATIONS OR*
16 *PRODUCTION.*—The extension of covered leases under this
17 section is in addition to any suspension of operations or
18 suspension of production granted by the Minerals Manage-
19 ment Service or Bureau of Ocean Energy Management,
20 Regulation and Enforcement after May 1, 2010.

1 **TITLE II—JUDICIAL REVIEW OF**
2 **AGENCY ACTIONS RELATING**
3 **TO OUTER CONTINENTAL**
4 **SHELF ACTIVITIES IN THE**
5 **GULF OF MEXICO**

6 **SEC. 201. DEFINITIONS FOR TITLE.**

7 In this title—

8 (1) the term “covered civil action” means a civil
9 action containing a claim under section 702 of title
10 5, United States Code, regarding agency action (as
11 defined for the purposes of that section) affecting a
12 covered energy project in the Gulf of Mexico; and

13 (2) the term “covered energy project” means
14 the leasing of Federal lands of the Outer Conti-
15 nental Shelf (including submerged lands) for the ex-
16 ploration, development, production, processing, or
17 transmission of oil, natural gas, wind, or any other
18 source of energy in the Gulf of Mexico, and any ac-
19 tion under such a lease, except that the term does
20 not include any disputes between the parties to a
21 lease regarding the obligations under such lease, in-
22 cluding regarding any alleged breach of the lease.

1 **SEC. 202. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
2 **RELATING TO COVERED ENERGY PROJECTS**
3 **IN THE GULF OF MEXICO.**

4 Venue for any covered civil action shall not lie in any
5 district court not within the 5th circuit unless there is no
6 proper venue in any court within that circuit.

7 **SEC. 203. TIME LIMITATION ON FILING.**

8 A covered civil action is barred unless filed no later
9 than the end of the 60-day period beginning on the date
10 of the final Federal agency action to which it relates.

11 **SEC. 204. EXPEDITION IN HEARING AND DETERMINING THE**
12 **ACTION.**

13 The court shall endeavor to hear and determine any
14 covered civil action as expeditiously as possible.

15 **SEC. 205. STANDARD OF REVIEW.**

16 In any judicial review of a covered civil action, admin-
17 istrative findings and conclusions relating to the chal-
18 lenged Federal action or decision shall be presumed to be
19 correct, and the presumption may be rebutted only by the
20 preponderance of the evidence contained in the adminis-
21 trative record.

22 **SEC. 206. LIMITATION ON PROSPECTIVE RELIEF.**

23 In a covered civil action, the court shall not grant
24 or approve any prospective relief unless the court finds
25 that such relief is narrowly drawn, extends no further than
26 necessary to correct the violation of a legal requirement,

1 and is the least intrusive means necessary to correct that
2 violation.

3 **SEC. 207. LIMITATION ON ATTORNEYS' FEES.**

4 Sections 504 of title 5, United States Code, and 2412
5 of title 28, United States Code (together commonly called
6 the Equal Access to Justice Act) do not apply to a covered
7 civil action, nor shall any party in such a covered civil ac-
8 tion receive payment from the Federal Government for
9 their attorneys' fees, expenses, and other court costs.

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