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. Mckeen, 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. Parente, Mr. Bachmann, Mrs. Ellmers, Mr. Akin, and Mr. Calvert
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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

TITLE I—AMENDMENT TO THE
OUTER CONTINENTAL SHELF
LANDS ACT

SEC. 101. AMENDMENT TO OUTER CONTINENTAL SHELF
LANDS ACT.

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

“(d) DRILLING PERMITS.—

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

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

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

“(2) SAFETY REVIEW REQUIRED.—The Sec-
retary shall not issue a permit under paragraph (1)
without ensuring that the proposed drilling operations meet all—

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

“(B) oil spill response and containment requirements.

“(3) TIMELINE.—

“(A) The Secretary shall decide whether to issue a permit under paragraph (1) within 30 days after receiving an application for the permit. The Secretary may extend such period for up to two periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

“(B) If the application is denied, the Secretary shall provide the applicant—

“(i) in writing, clear and comprehensive reasons why the application was not
accepted and detailed information concern-

“(ii) an opportunity to remedy any de-

“(C) If the Secretary has not made a deci-

sion on the application by the end of the 60-day

period beginning on the date the application is

received by the Secretary, the application is

deemed approved.”.

(b) DEADLINE FOR CERTAIN PERMIT APPLICATIONS

UNDER EXISTING LEASES.—

(1) IN GENERAL.—Notwithstanding the amend-

ment made by subsection (a), a lease under which a

covered application is submitted to the Secretary of

the Interior shall be considered to be in directed sus-

pension during the period beginning May 27, 2010,

and ending on the date the Secretary issues a final

decision on the application, if the Secretary does not

issue a final decision on the application—

(A) before the end of the 30-day period be-

ginning on the date of enactment of this Act, in the case of a covered application submitted

before such date of enactment; or

(B) before the end of the 30-day period be-

ginning on the date the application is received
by the Secretary, in the case of a covered applic-
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ication submitted on or after such date of enact-
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ment.

(2) COVERED APPLICATION.—In this subsection
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the term “covered application” means an application
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for a permit to drill under an oil and gas lease under
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the Outer Continental Shelf Lands Act in effect on
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the date of enactment of this Act, that—
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(A) represents a resubmission of an ap-
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proved permit to drill (including an application
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for a permit to sidetrack) that was approved by
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the Secretary before May 27, 2010; and
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(B) is received by the Secretary after Octo-
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ber 12, 2010, and before the end of the 30-day
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period beginning on the date of enactment of
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this Act.

SEC. 102. EXTENSION OF CERTAIN OUTER CONTINENTAL

SHELF LEASES.

(a) DEFINITION OF COVERED LEASE.—In this section,

the term “covered lease” means each oil and gas lease for

the Gulf of Mexico outer Continental Shelf region issued

under section 8 of the Outer Continental Shelf Lands Act

(43 U.S.C. 1337) that—

(1)(A) was not producing as of April 30, 2010;

or
was suspended from operations, permit processing, or consideration, in accordance with the moratorium set forth in the Minerals Management Service Notice to Lessees and Operators No. 2010–N04, dated May 30, 2010, or the decision memorandum of the Secretary of the Interior entitled “Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf” and dated July 12, 2010; and

(2) by its terms would expire on or before December 31, 2011.

(b) Extension of Covered Leases.—The Secretary of the Interior shall extend the term of a covered lease by 1 year.

(c) Effect on Suspensions of Operations or Production.—The extension of covered leases under this section is in addition to any suspension of operations or suspension of production granted by the Minerals Management Service or Bureau of Ocean Energy Management, Regulation and Enforcement after May 1, 2010.
TITLE II—JUDICIAL REVIEW OF
AGENCY ACTIONS RELATING
TO OUTER CONTINENTAL
SHELF ACTIVITIES IN THE
GULF OF MEXICO

SEC. 201. DEFINITIONS FOR TITLE.

In this title—

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

(2) the term “covered energy project” means
the leasing of Federal lands of the Outer Conti-
nental Shelf (including submerged lands) for the ex-
ploration, development, production, processing, or
transmission of oil, natural gas, wind, or any other
source of energy in the Gulf of Mexico, and any ac-
tion under such a lease, except that the term does
not include any disputes between the parties to a
lease regarding the obligations under such lease, in-
cluding regarding any alleged breach of the lease.
SEC. 202. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN THE GULF OF MEXICO.

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

SEC. 203. TIME LIMITATION ON FILING.

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

SEC. 204. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

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

SEC. 205. STANDARD OF REVIEW.

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

SEC. 206. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement,
and is the least intrusive means necessary to correct that violation.

SEC. 207. LIMITATION ON ATTORNEYS’ FEES.

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

MAY 2, 2011

Reported from the Committee on Natural Resources with an amendment.

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.

Report No. 112-67, Part II