

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1613) TO AMEND THE OUTER CONTINENTAL SHELF LANDS ACT TO PROVIDE FOR THE PROPER FEDERAL MANAGEMENT AND OVERSIGHT OF TRANSBOUNDARY HYDROCARBON RESERVOIRS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2231) TO AMEND THE OUTER CONTINENTAL SHELF LANDS ACT TO INCREASE ENERGY EXPLORATION AND PRODUCTION ON THE OUTER CONTINENTAL SHELF, PROVIDE FOR EQUITABLE REVENUE SHARING FOR ALL COASTAL STATES, IMPLEMENT THE REORGANIZATION OF THE FUNCTIONS OF THE FORMER MINERALS MANAGEMENT SERVICE INTO DISTINCT AND SEPARATE AGENCIES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2410) MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014, AND FOR OTHER PURPOSES; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 29, 2013, THROUGH JULY 5, 2013; AND FOR OTHER PURPOSES

JUNE 25, 2013.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 274]

The Committee on Rules, having had under consideration House Resolution 274, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1613, the Outer Continental Shelf Transboundary Hydrocarbon Agreements Authorization Act, under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only the further amendment to

H.R. 1613 printed in Part A of this report, if offered by Representative Grayson of Florida. The amendment shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendment printed in Part A of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2231, the Offshore Energy and Jobs Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–16 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those further amendments to H.R. 2231 printed in Part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in Part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 2410, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2014, under an open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, except for sections 717, 718, the words “or any other” on page 64, line 13; the words “or any other” on page 65, line 9; and section 740. The resolution provides that the bill shall be considered for amendment under the five-minute rule. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

Section 4 of the resolution provides that on any legislative day during the period from June 29, 2013, through July 5, 2013: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

Section 5 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of the resolution as though under clause 8(a) of rule I.

Section 6 of the resolution provides for consideration of concurrent resolutions providing for adjournment during the month of July.

Section 7 of the resolution provides that the Committee on Appropriations may, at any time before 6 p.m. on Wednesday, July 3, 2013, file privileged reports to accompany measures making appropriations for the fiscal year ending September 30, 2014.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1613, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in Part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2231, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 4 of rule XXI, which prohibits a bill or joint resolution carrying an appropriation from being reported by a committee not having jurisdiction to report appropriations. Provisions contained in section 301 of the bill as reported by the Committee on Natural Resources fall within the jurisdiction of the Committee on Appropriations.

The waiver of all points of order against amendments printed in Part B of this report includes a waiver of section 303 of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority in the first fiscal year until a concurrent resolution on the budget for the applicable fiscal year has been agreed to. A waiver is necessary because amendment #5, offered by Rep. Cassidy (LA), first provides new budget authority in a fiscal year for which a budget resolution has not been agreed to (fiscal year 2024).

The waiver of all points of order against consideration of H.R. 2410 includes a waiver of clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members.

The resolution waives clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, against all provision in H.R. 2410, except for sections 717, 718, the words "or any other" on page 64, line 13; the words "or any other" on page 65, line 9; and section 740. The waiver is necessary because H.R. 2410 contains unauthorized appropriations and legislative provisions. Section 717 reduces the fiscal year 2014

funding level for SNAP employment and training programs from \$90 million to \$79 million. Section 718 reduces the mandatory funding levels established in H.R. 8 (of the 112th Congress) for the Watershed Rehabilitation Program, the Environmental Quality Incentives Program, the Farmland Protection Program, and the Wetlands Reserve Program. The words “or any other” on page 64, line 13; the words “or any other” on page 65, line 9 reduce the amount of mandatory money that can be spent on the Child Nutrition Programs Entitlement Commodities, State Option Contracts and removal of defective commodities. In addition, it restricts the use of mandatory money the Secretary can spend to reestablish farmers’ purchasing power by making payment in connection with the normal production of any agricultural commodity for domestic consumption. Section 740 creates the National Hunger Center. The Chair of the Committee on Agriculture has requested that the provisions be exposed to a point of order on the House floor.

Section 6 of the resolution includes a waiver of all points of order against consideration of a July 4th adjournment resolution. While adjournment resolutions are ordinarily privileged, a point of order could be raised against the July 4th district work period adjournment resolution on grounds that it violates section 309 of the Budget Act, which prohibits the House of Representatives from adjourning for more than three days in July unless the House has completed action on all appropriations bills. Since the House has not yet completed all action on appropriations bills, this provision is necessary to consider the July 4th adjournment resolution, absent a unanimous consent agreement.

SUMMARY OF THE AMENDMENT TO H.R. 1613 IN PART A MADE IN ORDER

1. Grayson (FL): Ensures that no portion of this legislation is construed as affecting the right of any state to prohibit the management, leasing, developing, and use of lands (including offshore oil drilling) beneath navigable waters within its boundaries. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 2231 IN PART B MADE IN ORDER

1. Brady, Kevin (TX): Requires the Secretary of the Interior to include those areas requested by State Governors in any environmental review conducted or statement prepared for the leasing program under the National Environmental Policy Act (NEPA). (10 minutes)

2. Hastings, Alcee (FL), Connolly (VA): Strikes section 204 because it eliminates environmental evaluation typically provided by an Environmental Impact Study (EIS) and because conducting a single multisale EIS for decisions with different timelines creates unnecessary conflicts in the EIS process. (10 minutes)

3. Lamborn (CO): Prohibits the authorizing of leases under the Outer Continental Shelf Lands Act to any person in violation of various Iranian sanctions. (10 minutes)

4. Flores (TX): Limits Bureau of Ocean Energy and Ocean Energy Safety Service activities related to the National Ocean Policy developed under Executive Order 13547. Requires a report be submitted to Congress identifying expenditures for fiscal years 2011–

2013 by the Bureau of Ocean Energy, Ocean Energy Safety Service, and their predecessor agencies. (10 minutes)

5. Cassidy (LA): Lifts the offshore energy revenue sharing cap, as provided by the Gulf of Mexico Energy Security Act of 2006, from \$500 million to \$999 million for each of fiscal years 2024 through 2055. (10 minutes)

6. Cassidy (LA): Stipulates that no later than 60 days after the date of enactment of H.R. 2231, the Secretary of the Interior shall issue rules to provide more clarity, certainty, and stability to the revenue streams contemplated by the Gulf of Mexico Energy Security Act of 2006. (10 minutes)

7. Rigell (VA): Requires the Bureau of Ocean Energy Management to permit seismic testing in the Atlantic Outer Continental Shelf of the United States by December 31, 2013. (10 minutes)

8. DeFazio (OR): Prohibits offshore oil and gas leases in Bristol Bay off the coast of Alaska. (10 minutes)

9. Broun (GA): Provides that all claims arising from projects taking place due to the underlying bill be filed within 60 days and resolved within 180 days. It would also place restrictions on appeals and institute a “loser pays” requirement on individuals or entities filing suit, except in specified circumstances, and stipulate that the amendment only applies to individuals or entities which are not party to the pending leases. (10 minutes)

10. Grayson (FL): Ensures that no portion of this legislation is construed as affecting the right of any state to prohibit the management, leasing, developing, and use of lands (including offshore oil drilling) beneath navigable waters within its boundaries. (10 minutes)

11. Capps (CA), Brownley (CA), Lowenthal (CA): Ensures Section 203, relating to oil and gas lease sales in the Southern California planning area, and Title III, relating to OCS revenue sharing with coastal states, have no force or effect. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 1613 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAYSON OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ —MISCELLANEOUS
PROVISIONS**

SEC. ____ . STATE RIGHTS AND AUTHORITY NOT AFFECTED.

Nothing in this Act and the amendments made by this Act affects the right and power of each State to prohibit management, leasing, developing, and use of lands beneath navigable waters, and the natural resources within such lands, within its boundaries.

PART B—TEXT OF AMENDMENTS TO H.R. 2231 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRADY OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 8, before the period insert “, and shall include and consider all such subdivisions in any environmental review con-

ducted and statement prepared for such program under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 11, beginning at line 3, strike section 204.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LAMBORN OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I, add the following new section:

SEC. 104. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the issuance of a lease under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to any person designated for the imposition of sanctions pursuant to—

(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), the Comprehensive Iran Sanctions, Accountability and Divestiture Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a), or the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8801 et seq.);

(2) Executive Order 13622 (July 30, 2012), Executive Order 13628 (October 9, 2012), or Executive Order 13645 (June 3, 2013);

(3) Executive Order 13224 (September 23, 2001) or Executive Order 13338 (May 11, 2004); or

(4) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLORES OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IV add the following:

SEC. 410. PROHIBITION ON ACTION BASED ON NATIONAL OCEAN POLICY DEVELOPED UNDER EXECUTIVE ORDER 13547.

(a) PROHIBITION.—The Bureau of Ocean Energy and the Ocean Energy Safety Service may not develop, propose, finalize, administer, or implement, any limitation on activities under their jurisdiction as a result of the coastal and marine spatial planning component of the National Ocean Policy developed under Executive Order 13547.

(b) REPORT ON EXPENDITURES.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate identifying all Federal expenditures in fiscal years 2011, 2012, and 2013, by the Bureau of Ocean Energy and the Ocean Energy Safety Service and their predecessor agencies, by agency, account, and any pertinent subaccounts, for the development, administration, or implementation of the coastal and marine spatial plan-

ning component of the National Ocean Policy developed under Executive Order 13547, including staff time, travel, and other related expenses.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASSIDY OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE _____ —MISCELLANEOUS PROVISIONS

SEC. ____ . AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. 1331 note) shall be applied by substituting “2023, and shall not exceed \$1,000,000,000 for each of fiscal years 2024 through 2055” for “2055”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASSIDY OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE _____ —MISCELLANEOUS PROVISIONS

SEC. ____ . RULES REGARDING DISTRIBUTION OF REVENUES UNDER GULF OF MEXICO ENERGY SECURITY ACT OF 2006.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall issue rules to provide more clarity, certainty, and stability to the revenue streams contemplated by the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note).

(b) CONTENTS.—The rules shall include clarification of the timing and methods of disbursements of funds under section 105(b)(2) of such Act.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIGELL OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ —MISCELLANEOUS
PROVISIONS**

SEC. ____ . SEISMIC TESTING IN THE ATLANTIC OUTER CONTINENTAL SHELF.

Not later than December 31, 2013, the Bureau of Ocean Energy Management shall publish a record of decision on the Atlantic G&G Programmatic Final Environmental Impact Statement.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFAZIO
OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ —MISCELLANEOUS
PROVISIONS**

SEC. _01. PROHIBITION ON LEASING IN BRISTOL BAY OFF THE COAST OF ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or any other law, the Secretary of the Interior may not issue any oil and gas lease for any area of the outer Continental Shelf (as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)) in Bristol Bay off the coast of Alaska.

(b) OFFSET.—Notwithstanding any other provision of this Act, title III of this Act shall have no force or effect.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN OF
GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE _____ —JUDICIAL REVIEW

SEC. _01. TIME FOR FILING COMPLAINT.

(a) IN GENERAL.—Any cause of action that arises from a covered energy decision must be filed not later than the end of the 60-day period beginning on the date of the covered energy decision. Any cause of action not filed within this time period shall be barred.

(b) EXCEPTION.—Subsection (a) shall not apply to a cause of action brought by a party to a covered energy lease.

SEC. _02. DISTRICT COURT DEADLINE.

(a) IN GENERAL.—All proceedings that are subject to section _____01—

(1) shall be brought in the United States district court for the district in which the Federal property for which a covered energy lease is issued is located or the United States District Court of the District of Columbia;

(2) shall be resolved as expeditiously as possible, and in any event not more than 180 days after such cause or claim is filed; and

(3) shall take precedence over all other pending matters before the district court.

(b) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline described under this section, the cause or claim shall be dismissed with prejudice and all rights relating to such cause or claim shall be terminated.

SEC. 03. ABILITY TO SEEK APPELLATE REVIEW.

An interlocutory or final judgment, decree, or order of the district court in a proceeding that is subject to section 01 may be reviewed by the U.S. Court of Appeals for the District of Columbia Circuit. The D.C. Circuit shall resolve any such appeal as expeditiously as possible and, in any event, not more than 180 days after such interlocutory or final judgment, decree, or order of the district court was issued.

SEC. 04. LIMITATION ON SCOPE OF REVIEW AND RELIEF.

(a) ADMINISTRATIVE FINDINGS AND CONCLUSIONS.—In any judicial review of any Federal action under this title, any administrative findings and conclusions relating to the challenged Federal action shall be presumed to be correct unless shown otherwise by clear and convincing evidence contained in the administrative record.

(b) LIMITATION ON PROSPECTIVE RELIEF.—In any judicial review of any action, or failure to act, under this title, 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 Federal law requirement, and is the least intrusive means necessary to correct the violation concerned.

SEC. 05. LEGAL FEES.

Any person filing a petition seeking judicial review of any action, or failure to act, under this title who is not a prevailing party shall pay to the prevailing parties (including intervening parties), other than the United States, fees and other expenses incurred by that party in connection with the judicial review, unless the Court finds that the position of the person was substantially justified or that special circumstances make an award unjust.

SEC. 06. EXCLUSION.

This title shall not apply with respect to disputes between the parties to a lease issued pursuant to an authorizing leasing statute regarding the obligations of such lease or the alleged breach thereof.

SEC. 07. DEFINITIONS.

In this title, the following definitions apply:

(1) COVERED ENERGY DECISION.—The term “covered energy decision” means any action or decision by a Federal official regarding the issuance of a covered energy lease.

(2) COVERED ENERGY LEASE.—The term “covered energy lease” means any lease under this Act or under an oil and gas leasing program under this Act.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAYSON OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE _____ —MISCELLANEOUS PROVISIONS

SEC. ____ . STATE RIGHTS AND AUTHORITY NOT AFFECTED.

Noting in this Act and the amendments made by this Act affects the right and power of each State to prohibit management, leasing, developing, and use of lands beneath navigable waters, and the natural resources within such lands, within its boundaries.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPPS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

TITLE _____ —MISCELLANEOUS PROVISIONS

SEC. ____ . PROVISIONS NOT EFFECTIVE.

Notwithstanding any other provision of this Act, section 203 and title III shall have no force or effect.

