

112TH CONGRESS  
2D SESSION

# H. R. 4211

To prohibit the drawdown of petroleum from the Strategic Petroleum Reserve unless the President has taken certain actions.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2012

Mr. POE of Texas (for himself and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce and Transportation and Infrastructure, 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

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## A BILL

To prohibit the drawdown of petroleum from the Strategic Petroleum Reserve unless the President has taken certain actions.

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 “American Energy First  
5       Act”.

1 **SEC. 2. FEDERAL GOVERNMENT ACTION REQUIRED AS**  
2 **CONDITION FOR DRAWDOWN FROM STRA-**  
3 **TEGIC PETROLEUM RESERVE.**

4 No petroleum product may be drawn down and sold  
5 or exchanged from the Strategic Petroleum Reserve unless  
6 the President has taken all of the actions required by sec-  
7 tions 3 through 8 of this Act.

8 **SEC. 3. EFFECTIVENESS OF OIL SHALE REGULATIONS,**  
9 **AMENDMENTS TO RESOURCE MANAGEMENT**  
10 **PLANS, AND RECORD OF DECISION.**

11 (a) REGULATIONS.—The President shall direct the  
12 Secretary of the Interior and the heads of all other rel-  
13 evant Federal agencies to treat the final regulations re-  
14 garding oil shale management published by the Bureau  
15 of Land Management on November 18, 2008 (73 Fed.  
16 Reg. 69,414), as satisfying all legal and procedural re-  
17 quirements under any law, including the Federal Land  
18 Policy and Management Act of 1976 (43 U.S.C. 1701 et  
19 seq.), the Endangered Species Act of 1973 (16 U.S.C.  
20 1531 et seq.), the National Environmental Policy Act of  
21 1969 (42 U.S.C. 4321 et seq.), and the Energy Policy Act  
22 of 2005 (Public Law 109–58), and the Secretary of the  
23 Interior shall implement those regulations, including the  
24 oil shale leasing program authorized by the regulations,  
25 without any other administrative action necessary.

1       (b) AMENDMENTS TO RESOURCE MANAGEMENT  
2 PLANS AND RECORD OF DECISION.—Notwithstanding  
3 any other law or regulation to the contrary, the President  
4 shall direct the Secretary of the Interior and the heads  
5 of all other relevant Federal agencies to treat the Novem-  
6 ber 17, 2008, U.S. Bureau of Land Management Ap-  
7 proved Resource Management Plan Amendments/Record  
8 of Decision for Oil Shale and Tar Sands Resources to Ad-  
9 dress Land Use Allocations in Colorado, Utah, and Wyo-  
10 ming and Final Programmatic Environmental Impact  
11 Statement as satisfying all legal and procedural require-  
12 ments under any law, including the Federal Land Policy  
13 and Management Act of 1976 (43 U.S.C. 1701 et seq.),  
14 the Endangered Species Act of 1973 (16 U.S.C. 1531 et  
15 seq.), the National Environmental Policy Act of 1969 (42  
16 U.S.C. 4321 et seq.), and the Energy Policy Act of 2005  
17 (Public Law 109–58), and the Secretary of the Interior  
18 shall implement the oil shale leasing program authorized  
19 by the regulations referred to in subsection (a) in those  
20 areas covered by the resource management plans amended  
21 by such amendments, and covered by such record of deci-  
22 sion, without any other administrative action necessary.

1 **SEC. 4. REQUIREMENT TO CONDUCT PROPOSED OIL AND**  
2 **GAS LEASE SALE 216 IN THE CENTRAL GULF**  
3 **OF MEXICO.**

4 (a) IN GENERAL.—The President shall direct the  
5 Secretary of the Interior to conduct offshore oil and gas  
6 Lease Sale 216 under section 8 of the Outer Continental  
7 Shelf Lands Act (33 U.S.C. 1337) as soon as practicable,  
8 but not later than 4 months after the date of enactment  
9 of this Act.

10 (b) ENVIRONMENTAL REVIEW.—For the purposes of  
11 that lease sale, the Environmental Impact Statement for  
12 the 2007–2012 5-Year OCS Plan and the Multi-Sale Envi-  
13 ronmental Impact Statement are deemed to satisfy the re-  
14 quirements of the National Environmental Policy Act of  
15 1969 (42 U.S.C. 4321 et seq.).

16 **SEC. 5. REQUIREMENT TO CONDUCT PROPOSED OIL AND**  
17 **GAS LEASE SALE 218 IN THE WESTERN GULF**  
18 **OF MEXICO.**

19 (a) IN GENERAL.—The President shall direct the  
20 Secretary of the Interior to conduct offshore oil and gas  
21 Lease Sale 218 under section 8 of the Outer Continental  
22 Shelf Lands Act (33 U.S.C. 1337) as soon as practicable,  
23 but not later than 8 months after the date of enactment  
24 of this Act.

25 (b) ENVIRONMENTAL REVIEW.—For the purposes of  
26 that lease sale, the Environmental Impact Statement for

1 the 2007–2012 5-Year OCS Plan and the Multi-Sale Envi-  
2 ronmental Impact Statement are deemed to satisfy the re-  
3 quirements of the National Environmental Policy Act of  
4 1969 (42 U.S.C. 4321 et seq.).

5 **SEC. 6. REQUIREMENT TO CONDUCT PROPOSED OIL AND**  
6 **GAS LEASE SALE 222 IN THE CENTRAL GULF**  
7 **OF MEXICO.**

8 (a) IN GENERAL.—The President shall direct the  
9 Secretary of the Interior to conduct offshore oil and gas  
10 Lease Sale 222 under section 8 of the Outer Continental  
11 Shelf Lands Act (33 U.S.C. 1337) as soon as practicable,  
12 but not later than June 1, 2012.

13 (b) ENVIRONMENTAL REVIEW.—For the purposes of  
14 that lease sale, the Environmental Impact Statement for  
15 the 2007–2012 5-Year OCS Plan and the Multi-Sale Envi-  
16 ronmental Impact Statement are deemed to satisfy the re-  
17 quirements of the National Environmental Policy Act of  
18 1969 (42 U.S.C. 4321 et seq.).

19 **SEC. 7. KEYSTONE XL PIPELINE PERMIT APPROVAL.**

20 (a) PERMIT APPROVAL.—The President shall direct  
21 the Secretary of State to approve the permit described in  
22 subsection (b).

23 (b) DESCRIPTION OF PERMIT.—The permit approved  
24 under subsection (a) is the permit with respect to certain  
25 energy-related facilities and land transportation crossings

1 on the international boundaries of the United States for  
2 the Keystone XL pipeline project, an application for which  
3 was filed on September 19, 2008 (including amendments).

4 (c) REQUIREMENTS.—The permit granted under sub-  
5 section (a) shall require the following:

6 (1) The permittee shall comply with all applica-  
7 ble Federal and State laws (including regulations)  
8 and all applicable industrial codes regarding the con-  
9 struction, connection, operation, and maintenance of  
10 the United States facilities.

11 (2) The permittee shall take all appropriate  
12 measures to prevent or mitigate any adverse envi-  
13 ronmental impact or disruption of historic properties  
14 in connection with the construction, operation, and  
15 maintenance of the United States facilities.

16 (3) For the purpose of the permit approved  
17 under subsection (a) (regardless of any modifications  
18 under subsection (d))—

19 (A) the final environmental impact state-  
20 ment issued by the Secretary of State on Au-  
21 gust 26, 2011, satisfies all requirements of the  
22 National Environmental Policy Act of 1969 (42  
23 U.S.C. 4321 et seq.) and section 106 of the Na-  
24 tional Historic Preservation Act (16 U.S.C.  
25 470f);

1 (B) any modification required by the Sec-  
2 retary of State to the Plan described in para-  
3 graph (4)(A) shall not require supplementation  
4 of the final environmental impact statement de-  
5 scribed in that paragraph; and

6 (C) no further Federal environmental re-  
7 view shall be required.

8 (4) The construction, operation, and mainte-  
9 nance of the facilities shall be in all material re-  
10 spects similar to that described in the application  
11 described in subsection (b) and in accordance with—

12 (A) the construction, mitigation, and rec-  
13 lamation measures agreed to by the permittee  
14 in the Construction Mitigation and Reclamation  
15 Plan found in appendix B of the final environ-  
16 mental impact statement issued by the Sec-  
17 retary of State on August 26, 2011, subject to  
18 the modification described in subsection (d);

19 (B) the special conditions agreed to be-  
20 tween the permittee and the Administrator of  
21 the Pipeline Hazardous Materials Safety Ad-  
22 ministration of the Department of Transpor-  
23 tation found in appendix U of the final environ-  
24 mental impact statement described in subpara-  
25 graph (A);

1 (C) if the modified route submitted by the  
2 Governor of Nebraska under subsection  
3 (d)(3)(B) crosses the Sand Hills region, the  
4 measures agreed to by the permittee for the  
5 Sand Hills region found in appendix H of the  
6 final environmental impact statement described  
7 in subparagraph (A); and

8 (D) the stipulations identified in appendix  
9 S of the final environmental impact statement  
10 described in subparagraph (A).

11 (5) Other requirements that are standard in-  
12 dustry practice or commonly included in Federal  
13 permits that are similar to a permit approved under  
14 subsection (a).

15 (d) MODIFICATION.—The permit approved under  
16 subsection (a) shall require—

17 (1) the reconsideration of routing of the Key-  
18 stone XL pipeline within the State of Nebraska;

19 (2) a review period during which routing within  
20 the State of Nebraska may be reconsidered and the  
21 route of the Keystone XL pipeline through the State  
22 altered with any accompanying modification to the  
23 Plan described in subsection (c)(4)(A); and

24 (3) the President—



1 (A) to coordinate review with the State of  
2 Nebraska and provide any necessary data and  
3 reasonable technical assistance material to the  
4 review process required under this subsection;  
5 and

6 (B) to approve the route within the State  
7 of Nebraska that has been submitted to the  
8 Secretary of State by the Governor of Ne-  
9 braska.

10 (e) EFFECT OF NO APPROVAL.—If the President  
11 does not approve the route within the State of Nebraska  
12 submitted by the Governor of Nebraska under subsection  
13 (d)(3)(B) not later than 10 days after the date of submis-  
14 sion, the route submitted by the Governor of Nebraska  
15 under subsection (d)(3)(B) shall be considered approved,  
16 pursuant to the terms of the permit approved under sub-  
17 section (a) that meets the requirements of subsection (c)  
18 and this subsection, by operation of law.

19 (f) PRIVATE PROPERTY SAVINGS CLAUSE.—Nothing  
20 in this section alters the Federal, State, or local processes  
21 or conditions in effect on the date of enactment of this  
22 Act that are necessary to secure access from private prop-  
23 erty owners to construct the Keystone XL pipeline.

1   **SEC. 8. REQUIREMENT TO EXPEDITE PERMITTING FOR EX-**  
2                   **ISTING OIL AND GAS LEASES.**

3           The President shall direct the Secretary of the Inte-  
4 rior to expedite permitting of activities under oil and gas  
5 leases for Federal onshore lands and Federal submerged  
6 lands in the Gulf of Mexico.

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