

Calendar No. 50

112TH CONGRESS
1ST SESSION**H. R. 1229**

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Received; read the first time

MAY 16, 2011

Read the second time and placed on the calendar

AN ACT

To amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

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

1 **TITLE I—AMENDMENT TO THE**
2 **OUTER CONTINENTAL SHELF**
3 **LANDS ACT**

4 **SEC. 101. AMENDMENT TO OUTER CONTINENTAL SHELF**
5 **LANDS ACT.**

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

9 “(d) DRILLING PERMITS.—

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

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

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

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

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

1 “(B) oil spill response and containment re-
2 quirements.

3 “(3) TIMELINE.—

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

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

19 “(i) in writing, clear and comprehen-
20 sive reasons why the application was not
21 accepted and detailed information con-
22 cerning any deficiencies, and

23 “(ii) an opportunity to remedy any de-
24 ficiencies.

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

6 (b) DEADLINE FOR CERTAIN PERMIT APPLICATIONS
7 UNDER EXISTING LEASES.—

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

16 (A) before the end of the 30-day period be-
17 ginning on the date of enactment of this Act,
18 in the case of a covered application submitted
19 before such date of enactment; or

20 (B) before the end of the 30-day period be-
21 ginning on the date the application is received
22 by the Secretary, in the case of a covered appli-
23 cation submitted on or after such date of enact-
24 ment.

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

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

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

14 **SEC. 102. EXTENSION OF CERTAIN OUTER CONTINENTAL**
15 **SHELF LEASES.**

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

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

22 or

23 (B) was suspended from operations, permit
24 processing, or consideration, in accordance with the
25 moratorium set forth in the Minerals Management

1 Service Notice to Lessees and Operators No. 2010–
2 N04, dated May 30, 2010, or the decision memo-
3 randum of the Secretary of the Interior entitled
4 “Decision memorandum regarding the suspension of
5 certain offshore permitting and drilling activities on
6 the Outer Continental Shelf” and dated July 12,
7 2010; and

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

10 (b) EXTENSION OF COVERED LEASES.—The Sec-
11 retary of the Interior shall extend the term of a covered
12 lease by 1 year.

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

19 **TITLE II—JUDICIAL REVIEW OF**
20 **AGENCY ACTIONS RELATING**
21 **TO OUTER CONTINENTAL**
22 **SHELF ACTIVITIES IN THE**
23 **GULF OF MEXICO**

24 **SEC. 201. DEFINITIONS FOR TITLE.**

25 In this title—

1 (1) the term “covered civil action” means a civil
2 action containing a claim under section 702 of title
3 5, United States Code, regarding agency action (as
4 defined for the purposes of that section) affecting a
5 covered energy project in the Gulf of Mexico; and

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

16 **SEC. 202. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
17 **RELATING TO COVERED ENERGY PROJECTS**
18 **IN THE GULF OF MEXICO.**

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

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

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

1 **SEC. 204. EXPEDITION IN HEARING AND DETERMINING THE**
2 **ACTION.**

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

5 **SEC. 205. STANDARD OF REVIEW.**

6 In any judicial review of a covered civil action, admin-
7 istrative findings and conclusions relating to the chal-
8 lenged Federal action or decision shall be presumed to be
9 correct, and the presumption may be rebutted only by the
10 preponderance of the evidence contained in the adminis-
11 trative record.

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

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

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

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

1 **TITLE III—RESTARTING AMER-**
2 **ICAN OFFSHORE LEASING**
3 **NOW ACT**

4 **SEC. 301. SHORT TITLE.**

5 This title may be cited as the “Restarting American
6 Offshore Leasing Now Act”.

7 **SEC. 302. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
8 **GAS LEASE SALE 216 IN THE CENTRAL GULF**
9 **OF MEXICO.**

10 (a) IN GENERAL.—The Secretary of the Interior shall
11 conduct offshore oil and gas Lease Sale 216 under section
12 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
13 1337) as soon as practicable, but not later than 4 months
14 after the date of enactment of this Act.

15 (b) ENVIRONMENTAL REVIEW.—For the purposes of
16 that lease sale, the Environmental Impact Statement for
17 the 2007–2012 5-Year OCS Plan and the Multi-Sale Envi-
18 ronmental Impact Statement are deemed to satisfy the re-
19 quirements of the National Environmental Policy Act of
20 1969 (42 U.S.C. 4321 et seq.).

21 **SEC. 303. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
22 **GAS LEASE SALE 218 IN THE WESTERN GULF**
23 **OF MEXICO.**

24 (a) IN GENERAL.—The Secretary of the Interior shall
25 conduct offshore oil and gas Lease Sale 218 under section

1 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
2 1337) as soon as practicable, but not later than 8 months
3 after the date of enactment of this Act.

4 (b) ENVIRONMENTAL REVIEW.—For the purposes of
5 that lease sale, the Environmental Impact Statement for
6 the 2007–2012 5-Year OCS Plan and the Multi-Sale Envi-
7 ronmental Impact Statement are deemed to satisfy the re-
8 quirements of the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.).

10 **SEC. 304. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
11 **GAS LEASE SALE 220 ON THE OUTER CONTI-**
12 **NENTAL SHELF OFFSHORE VIRGINIA.**

13 (a) IN GENERAL.—The Secretary of the Interior shall
14 conduct offshore oil and gas Lease Sale 220 under section
15 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
16 1337) as soon as practicable, but not later than one year
17 after the date of enactment of this Act.

18 (b) PROHIBITION ON CONFLICTS WITH MILITARY
19 OPERATIONS.—The Secretary shall not make any tract
20 available for leasing under this section if the President,
21 through the Secretary of Defense, determines that drilling
22 activity on that tract would create an unreasonable con-
23 flict with military operations.

1 **SEC. 305. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
2 **GAS LEASE SALE 222 IN THE CENTRAL GULF**
3 **OF MEXICO.**

4 (a) IN GENERAL.—The Secretary of the Interior shall
5 conduct offshore oil and gas Lease Sale 222 under section
6 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
7 1337) as soon as practicable, but not later than June 1,
8 2012.

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

15 **SEC. 306. DEFINITIONS.**

16 In this title:

17 (1) The term “Environmental Impact State-
18 ment for the 2007–2012 5 Year OCS Plan” means
19 the Final Environmental Impact Statement for
20 Outer Continental Shelf Oil and Gas Leasing Pro-
21 gram: 2007–2012 (April 2007) prepared by the Sec-
22 retary of the Interior.

23 (2) The term “Multi-Sale Environmental Im-
24 pact Statement” means the Environmental Impact
25 Statement for Proposed Western Gulf of Mexico
26 OCS Oil and Gas Lease Sales 204, 207, 210, 215,

1 and 218, and Proposed Central Gulf of Mexico OCS
2 Oil and Gas Lease Sales 205, 206, 208, 213, 216,
3 and 222 (September 2008) prepared by the Sec-
4 retary of the Interior.

Passed the House of Representatives May 11, 2011.

Attest: KAREN L. HAAS,
Clerk.

Calendar No. 50

112TH CONGRESS
1ST Session

H. R. 1229

AN ACT

To amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes.

MAY 16, 2011

Read the second time and placed on the calendar