

112TH CONGRESS
1ST SESSION

H. R. 1229

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

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **TITLE I—AMENDMENT TO THE**
5 **OUTER CONTINENTAL SHELF**
6 **LANDS ACT**

7 **SEC. 101. AMENDMENT TO OUTER CONTINENTAL SHELF**
8 **LANDS ACT.**

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

12 “(d) DRILLING PERMITS.—

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

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

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

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

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

3 “(B) oil spill response and containment re-
4 quirements.

5 “(3) TIMELINE.—

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

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

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

1 “(ii) an opportunity to remedy any de-
2 ficiencies.

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

8 (b) DEADLINE FOR CERTAIN PERMIT APPLICATIONS
9 UNDER EXISTING LEASES.—

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

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

22 (B) before the end of the 30-day period be-
23 ginning on the date the application is received
24 by the Secretary, in the case of a covered appli-

1 cation submitted on or after such date of enact-
2 ment.

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

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

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

16 **TITLE II—JUDICIAL REVIEW OF**
17 **AGENCY ACTIONS RELATING**
18 **TO OUTER CONTINENTAL**
19 **SHELF ACTIVITIES IN THE**
20 **GULF OF MEXICO**

21 **SEC. 201. DEFINITIONS FOR TITLE.**

22 In this title—

23 (1) the term “covered civil action” means a civil
24 action containing a claim under section 702 of title
25 5, United States Code, regarding agency action (as

1 defined for the purposes of that section) affecting a
2 covered energy project in the Gulf of Mexico; and

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

13 **SEC. 202. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
14 **RELATING TO COVERED ENERGY PROJECTS**
15 **IN THE GULF OF MEXICO.**

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

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

20 A covered civil action is barred unless filed no later
21 than the end of the 60-day period beginning on the date
22 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.