

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.

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 title 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 **SEC. 102. EXTENSION OF CERTAIN OUTER CONTINENTAL**
17 **SHELF LEASES.**

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

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

1 (B) was suspended from operations, permit
2 processing, or consideration, in accordance with the
3 moratorium set forth in the Minerals Management
4 Service Notice to Lessees and Operators No. 2010–
5 N04, dated May 30, 2010, or the decision memo-
6 randum of the Secretary of the Interior entitled
7 “Decision memorandum regarding the suspension of
8 certain offshore permitting and drilling activities on
9 the Outer Continental Shelf” and dated July 12,
10 2010; and

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

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

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

1 **TITLE II—JUDICIAL REVIEW OF**
2 **AGENCY ACTIONS RELATING**
3 **TO OUTER CONTINENTAL**
4 **SHELF ACTIVITIES IN THE**
5 **GULF OF MEXICO**

6 **SEC. 201. DEFINITIONS FOR TITLE.**

7 In this title—

8 (1) the term “covered civil action” means a civil
9 action containing a claim under section 702 of title
10 5, United States Code, regarding agency action (as
11 defined for the purposes of that section) affecting a
12 covered energy project in the Gulf of Mexico; and

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

1 **SEC. 202. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS**
2 **RELATING TO COVERED ENERGY PROJECTS**
3 **IN THE GULF OF MEXICO.**

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

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

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

11 **SEC. 204. EXPEDITION IN HEARING AND DETERMINING THE**
12 **ACTION.**

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

15 **SEC. 205. STANDARD OF REVIEW.**

16 In any judicial review of a covered civil action, admin-
17 istrative findings and conclusions relating to the chal-
18 lenged Federal action or decision shall be presumed to be
19 correct, and the presumption may be rebutted only by the
20 preponderance of the evidence contained in the adminis-
21 trative record.

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

23 In a covered civil action, the court shall not grant
24 or approve any prospective relief unless the court finds
25 that such relief is narrowly drawn, extends no further than
26 necessary to correct the violation of a legal requirement,

1 and is the least intrusive means necessary to correct that
2 violation.

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

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

10 **TITLE III—RESTARTING AMER-**
11 **ICAN OFFSHORE LEASING**
12 **NOW ACT**

13 **SEC. 301. SHORT TITLE.**

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

16 **SEC. 302. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
17 **GAS LEASE SALE 216 IN THE CENTRAL GULF**
18 **OF MEXICO.**

19 (a) **IN GENERAL.**—The Secretary of the Interior shall
20 conduct offshore oil and gas Lease Sale 216 under section
21 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
22 1337) as soon as practicable, but not later than 4 months
23 after the date of enactment of this Act.

24 (b) **ENVIRONMENTAL REVIEW.**—For the purposes of
25 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. 303. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
6 **GAS LEASE SALE 218 IN THE WESTERN GULF**
7 **OF MEXICO.**

8 (a) IN GENERAL.—The Secretary of the Interior shall
9 conduct offshore oil and gas Lease Sale 218 under section
10 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
11 1337) as soon as practicable, but not later than 8 months
12 after the date of enactment of this Act.

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. 304. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
20 **GAS LEASE SALE 220 ON THE OUTER CONTI-**
21 **NENTAL SHELF OFFSHORE VIRGINIA.**

22 (a) IN GENERAL.—The Secretary of the Interior shall
23 conduct offshore oil and gas Lease Sale 220 under section
24 8 of the Outer Continental Shelf Lands Act (33 U.S.C.

1 1337) as soon as practicable, but not later than one year
2 after the date of enactment of this Act.

3 (b) PROHIBITION ON CONFLICTS WITH MILITARY
4 OPERATIONS.—The Secretary shall not make any tract
5 available for leasing under this section if the President,
6 through the Secretary of Defense, determines that drilling
7 activity on that tract would create an unreasonable con-
8 flict with military operations.

9 **SEC. 305. REQUIREMENT TO CONDUCT PROPOSED OIL AND**
10 **GAS LEASE SALE 222 IN THE CENTRAL GULF**
11 **OF MEXICO.**

12 (a) IN GENERAL.—The Secretary of the Interior shall
13 conduct offshore oil and gas Lease Sale 222 under section
14 8 of the Outer Continental Shelf Lands Act (33 U.S.C.
15 1337) as soon as practicable, but not later than June 1,
16 2012.

17 (b) ENVIRONMENTAL REVIEW.—For the purposes of
18 that lease sale, the Environmental Impact Statement for
19 the 2007–2012 5-Year OCS Plan and the Multi-Sale Envi-
20 ronmental Impact Statement are deemed to satisfy the re-
21 quirements of the National Environmental Policy Act of
22 1969 (42 U.S.C. 4321 et seq.).

23 **SEC. 306. DEFINITIONS.**

24 In this title:

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

7 (2) The term “Multi-Sale Environmental Im-
8 pact Statement” means the Environmental Impact
9 Statement for Proposed Western Gulf of Mexico
10 OCS Oil and Gas Lease Sales 204, 207, 210, 215,
11 and 218, and Proposed Central Gulf of Mexico OCS
12 Oil and Gas Lease Sales 205, 206, 208, 213, 216,
13 and 222 (September 2008) prepared by the Sec-
14 retary of the Interior.

Passed the House of Representatives May 11, 2011.

Attest:

Clerk.

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