

111TH CONGRESS
1ST SESSION

H. R. 1813

To terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2009

Mrs. BACHMANN (for herself and Mr. MCHENRY) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce and Agriculture, 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 terminate or provide for suspension of the application of Federal laws that restrict exploration, development, or production of oil, gas, or oil shale, to facilitate the construction of new crude oil refineries, 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 Act may be cited as the “Emergency Energy
5 Cut the Red Tape Now Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Gas prices have skyrocketed to record high
4 levels and are negatively impacting America's econ-
5 omy, consumers, and businesses.

6 (2) In July 2006, the average price of gas in
7 the United States was \$2.98 per gallon and the
8 price of a barrel of oil was \$68.86.

9 (3) As of July 1, 2008, the average price of
10 gasoline in the United States was \$4.07 per gallon
11 and the price of a barrel of oil was \$142.00.

12 (4) The United States currently imports from
13 foreign nations over 60 percent of all crude oil, gaso-
14 line, and diesel fuel consumed by Americans annu-
15 ally.

16 (5) The Minerals Management Service has esti-
17 mated that 88.85 billion barrels of oil are available
18 in the Outer Continental Shelf (OCS) areas of the
19 Pacific Ocean, Atlantic Ocean, Gulf of Mexico, and
20 Alaska, yet over 80 percent of the OCS is under
21 Federal leasing moratorium.

22 (6) The United States Geological Survey esti-
23 mates that there are 16 billion barrels of recoverable
24 oil in the Arctic National Wildlife Refuge (ANWR).

25 (7) The Bureau of Land Management estimates
26 that the United States holds the world's largest

1 known unconventional oil source, known as oil shale,
2 and that more than 70 percent of American oil shale
3 lies on Federal land, primarily in Colorado, Utah,
4 and Wyoming.

5 (8) These Federal lands contain an estimated
6 1.23 trillion barrels of oil, which is more than 50
7 times the Nation's proven conventional oil reserves.

8 (9) There are currently no unconventional fuels
9 leasing programs operating in the United States
10 that would allow oil and gas companies to explore
11 and drill for oil.

12 (10) The Federal Government could open land
13 in Colorado, Utah, and Wyoming for oil exploration
14 and the United States could offset all of its imports
15 from Saudi Arabia according to Bureau of Land
16 Management statistics.

17 (11) There has not been a new oil refinery built
18 in the United States since 1981 and between 1980
19 and 2006 over half of existing United States refin-
20 eries closed.

21 (12) The current bureaucratic permitting proc-
22 ess to drill for oil and gas contributes to extensive
23 delays in exploring United States natural resources.

24 (13) It has been estimated that it takes seven
25 years and an average of \$5,000,000,000 for one off-

1 shore platform to be built and permitted before nat-
2 ural gas or oil is produced.

3 **SEC. 3. TERMINATION OR WAIVER OF RESTRICTIONS ON**
4 **LEASING FOR EXPLORATION, DEVELOPMENT,**
5 **AND PRODUCTION OF OIL, GAS, AND OIL**
6 **SHALE DURING PERIOD OF HIGH OIL PRICES.**

7 (a) TERMINATION OF STATUTORY PROHIBITIONS.—
8 Any Federal law that prohibits the leasing of Federal
9 Outer Continental Shelf, Bureau of Land Management,
10 or National Forest lands or Federal submerged lands for
11 exploration, development, or production of oil, gas, or oil
12 shale, that withdraws such lands from such leasing, or
13 that prohibits the expenditure of Federal funds for such
14 leasing, shall have no force or effect.

15 (b) WAIVER OF PERMIT REQUIREMENTS.—The Sec-
16 retary of the Interior—

17 (1) may waive the application of any provision
18 of Federal law that requires a permit to engage in
19 drilling for oil or gas under a lease of Federal lands
20 or Federal submerged lands for exploration, develop-
21 ment, or production of oil or gas, during any period
22 in which the most recent the spot market price for
23 West Texas Intermediate crude oil at the domestic
24 spot market at Cushing, Oklahoma, as published by

1 the Energy Information Administration, is less than
2 \$100 per barrel; and

3 (2) shall waive the application of such provi-
4 sions during any period in which the most recent
5 such spot market price is greater than \$100 per bar-
6 rel.

7 **SEC. 4. REFINERY PROCESS AND PROCEDURES.**

8 (a) DEFINITIONS.—In this section—

9 (1) the term “designated refinery” means a fa-
10 cility designed and operated to receive, load, unload,
11 store, transport, process, and refine crude oil by any
12 chemical or physical process, including distillation,
13 fluid catalytic cracking, hydrocracking, coking,
14 alkylation, etherification, polymerization, catalytic
15 reforming, isomerization, hydrotreating, blending,
16 and any combination thereof, in order to produce
17 gasoline or other fuel;

18 (2) the term “Federal refinery authorization”—

19 (A) means any authorization required
20 under Federal law, whether administered by a
21 Federal or State administrative agency or offi-
22 cial, with respect to siting, construction, expan-
23 sion, or operation of a refinery; and

24 (B) includes any permits, special use au-
25 thorizations, certifications, opinions, or other

1 approvals required under Federal law with re-
2 spect to siting, construction, expansion, or oper-
3 ation of a refinery;

4 (3) the term “refinery” means—

5 (A) a facility designed and operated to re-
6 ceive, load, unload, store, transport, process,
7 and refine crude oil by any chemical or physical
8 process, including distillation, fluid catalytic
9 cracking, hydrocracking, coking, alkylation,
10 etherification, polymerization, catalytic reform-
11 ing, isomerization, hydrotreating, blending, and
12 any combination thereof, in order to produce
13 gasoline or other fuel; or

14 (B) a facility designed and operated to re-
15 ceive, load, unload, store, transport, process,
16 and refine coal by any chemical or physical
17 process, including liquefaction, in order to
18 produce gasoline, diesel, or other liquid fuel as
19 its primary output;

20 (4) the term “Secretary” means the Secretary
21 of Energy; and

22 (5) the term “State” means a State, the Dis-
23 trict of Columbia, the Commonwealth of Puerto
24 Rico, and any other territory or possession of the
25 United States.

1 (b) DESIGNATION AS LEAD AGENCY.—

2 (1) IN GENERAL.—The Department of Energy
3 shall act as the lead agency for the purposes of co-
4 ordinating all applicable Federal refinery authoriza-
5 tions and related environmental reviews with respect
6 to a designated refinery.

7 (2) OTHER AGENCIES.—Each Federal and
8 State agency or official required to provide a Fed-
9 eral refinery authorization shall cooperate with the
10 Secretary and comply with the deadlines established
11 by the Secretary.

12 (c) SCHEDULE.—

13 (1) SECRETARY'S AUTHORITY TO SET SCHED-
14 ULE.—The Secretary shall establish a schedule for
15 all Federal refinery authorizations with respect to a
16 designated refinery. In establishing the schedule, the
17 Secretary shall—

18 (A) ensure expeditious completion of all
19 such proceedings; and

20 (B) accommodate the applicable schedules
21 established by Federal law for such proceedings.

22 (2) FAILURE TO MEET SCHEDULE.—If a Fed-
23 eral or State administrative agency or official does
24 not complete a proceeding for an approval that is re-
25 quired for a Federal refinery authorization in ac-

1 cordance with the schedule established by the Sec-
2 retary under this subsection, not later than 30 days
3 after such failure, the Secretary shall award the ap-
4 proval of the application.

5 (d) CONSOLIDATED RECORD.—The Secretary shall,
6 with the cooperation of Federal and State administrative
7 agencies and officials, maintain a complete consolidated
8 record of all decisions made or actions taken by the Sec-
9 retary or by a Federal administrative agency or officer (or
10 State administrative agency or officer acting under dele-
11 gated Federal authority) with respect to any Federal re-
12 finery authorization.

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