

Union Calendar No. 63

104TH CONGRESS
1ST SESSION

H. R. 70

[Report No. 104-139, Part I]

To permit exports of certain domestically produced crude oil, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. THOMAS (for himself, Mr. YOUNG of Alaska, Mr. ROHRBACHER, Mr. DOOLITTLE, Mr. DOOLEY, Mr. GALLEGLY, and Mr. ARCHER) introduced the following bill; which was referred to the Committee on Resources and, in addition, to the Committee on International Relations, 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

MAY 4, 1995

Additional sponsors: Mr. MCCRERY, Mr. COX of California, Mr. CALVERT, Mr. LAUGHLIN, Mr. ENGLISH of Pennsylvania, Mr. TAUZIN, Mr. BALLENGER, Mr. FIELDS of Texas, Mr. SOLOMON, Mr. POMBO, Mr. PARKER, Mr. STUDDS, Mr. MCKEON, Mr. PETE GEREN of Texas, Mr. BREWSTER, Mr. FLANAGAN, Mr. EDWARDS, Mr. CHAPMAN, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. SKEEN, Mr. HORN, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. DELAY, Mr. BONO, Mr. KIM, Mr. GENE GREEN of Texas, Mr. BOEHNER, Mrs. SEASTRAND, Mr. KLUG, Mr. ROYCE, Mr. MANTON, Mr. HUNTER, Mr. COMBEST, Mr. THORNBERRY, Mrs. LINCOLN, Mrs. CHENOWETH, Mr. SMITH of Texas, Mr. EHRLICH, Mr. BARTLETT of Maryland, Mr. PAXON, Mr. BONILLA, Mr. RADANOVICH, Mr. CHABOT, Mr. HASTINGS of Washington, Mr. BILBRAY, Mr. ANDREWS, Mr. CLEMENT, Mr. STENHOLM, Mr. LARGENT, Mr. POSHARD, Mr. UNDERWOOD, Mr. ROBERTS, Mr. SAM JOHNSON of Texas, Mr. WATTS of Oklahoma, Mr. MOORHEAD, Mr. HALL of Texas, Mr. FAZIO of California, Mr. CREMEANS, Mr. MARTINEZ, Mrs. VUCANOVICH, Mr. TORKILDSEN, and Mr. FROST

Deleted sponsor: Mr. TORRES (added February 3, 1995; deleted February 28, 1995)

JUNE 15, 1995

Reported from the Committee on Resources, with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

JUNE 15, 1995

Referral to the Committee on International Relations extended for a period
ending not later than June 15, 1995

JUNE 15, 1995

Additional sponsors: Mr. BENTSEN, Mr. BARTON of Texas, Mr.
FALEOMAVAEGA, Mr. DORNAN, Mr. HAYES, and Mr. RIGGS

JUNE 15, 1995

Committee on International Relations discharged, committed to the Committee
of the Whole House on the State of the Union, and ordered to be printed

A BILL

To permit exports of certain domestically produced crude
oil, 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. EXPORTS OF ALASKAN NORTH SLOPE OIL.**

4 Section 28 of the Mineral Leasing Act (30 U.S.C.
5 185) is amended—

6 (1) by amending subsection (s) to read as fol-
7 lows:

8 “EXPORTS OF ALASKAN NORTH SLOPE OIL

9 “(s)(1) Subject to paragraphs (2) and (3), notwith-
10 standing any other provision of law (including any regula-
11 tion), any oil transported by pipeline over a right-of-way
12 granted pursuant to section 203 of the Trans-Alaska Pipe-
13 line Authorization Act (43 U.S.C. 1652) may be exported.

1 “(2) Except in the case of oil exported to a country
 2 pursuant to a bilateral international oil supply agreement
 3 entered into by the United States with the country before
 4 June 25, 1979, or to a country pursuant to the Inter-
 5 national Emergency Oil Sharing Plan of the International
 6 Energy Agency, the oil shall be transported by a vessel
 7 documented under the laws of the United States and
 8 owned by a citizen of the United States (as determined
 9 in accordance with section 2 of the Shipping Act, 1916
 10 (46 U.S.C. App. 802)).

11 “(3) Nothing in this subsection shall restrict the au-
 12 thority of the President under the Constitution, the Inter-
 13 national Emergency Economic Powers Act (50 U.S.C.
 14 1701 et seq.), or the National Emergencies Act (50 U.S.C.
 15 1601 et seq.) to prohibit exportation of the oil.”; and

16 (2) by striking subsection (u).

17 **SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.**

18 *Section 28 of the Mineral Leasing Act (30 U.S.C. 185)*
 19 *is amended—*

20 (1) by amending subsection (s) to read as fol-
 21 *lows:*

22 “EXPORTS OF ALASKAN NORTH SLOPE OIL

23 “(s)(1) Subject to paragraphs (2) through (6) of this
 24 subsection and notwithstanding any other provision of law
 25 (including any regulation), any oil transported by pipeline
 26 over right-of-way granted pursuant to section 203 of the

1 *Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652)*
2 *may be exported unless the President finds that exportation*
3 *of this oil is not in the national interest. In evaluating*
4 *whether the proposed exportation is in the national interest,*
5 *the President—*

6 “(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States;

9 “(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of the enactment of this subsection; and

15 “(C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous States.

23 *The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental*

1 *review, whichever is earlier. The President may make his*
2 *determination subject to such terms and conditions (other*
3 *than a volume limitation) as are necessary or appropriate*
4 *to ensure that the exportation is consistent with the na-*
5 *tional interest.*

6 “(2) *Except in the case of oil exported to a country*
7 *with which the United States entered into a bilateral inter-*
8 *national oil supply agreement before November 26, 1979,*
9 *or to a country pursuant to the International Emergency*
10 *Oil Sharing Plan of the International Energy Agency, any*
11 *oil transported by pipeline over a right-of-way granted pur-*
12 *suant to section 203 of the Trans-Alaska Pipeline Author-*
13 *ization Act (43 U.S.C. 1652) shall, when exported, be trans-*
14 *ported by a vessel documented under the laws of the United*
15 *States and owned by a citizen of the United States (as de-*
16 *termined in accordance with section 2 of the Shipping Act,*
17 *1916 (46 U.S.C. App. 802)).*

18 “(3) *Nothing in this subsection shall restrict the au-*
19 *thority of the President under the Constitution, the Inter-*
20 *national Emergency Economic Powers Act (50 U.S.C. 1701*
21 *et seq.), or the National Emergencies Act (50 U.S.C. 1601*
22 *et seq.) to prohibit exportation of the oil.*

23 “(4) *The Secretary of Commerce shall issue any rules*
24 *necessary for implementation of the President’s national in-*
25 *terest determination within 30 days of the date of such de-*

1 *termination by the President. The Secretary of Commerce*
2 *shall consult with the Secretary of Energy in administering*
3 *the provisions of this subsection.*

4 “(5) *If the Secretary of Commerce finds that anti-*
5 *competitive activity by a person exporting crude oil under*
6 *authority of this subsection has caused sustained material*
7 *crude oil supply shortages or sustained crude oil prices sig-*
8 *nificantly above world market levels and further finds that*
9 *these supply shortages or price increases have caused sus-*
10 *tained material adverse employment effects in the United*
11 *States, the Secretary of Commerce, in consultation with the*
12 *Secretary of Energy, may recommend to the President ap-*
13 *propriate action against such person, which may include*
14 *modification of the authorization to export crude oil.*

15 “(6) *Administrative action under this subsection is not*
16 *subject to sections 551 and 553 through 559 of title 5,*
17 *United States Code.”; and*

18 (2) *by striking subsection (u).*

19 **SEC. 2. GAO REPORT.**

20 (a) *REVIEW.*—*The Comptroller General of the United*
21 *States shall conduct a review of energy production in Cali-*
22 *fornia and Alaska and the effects of Alaskan North Slope*
23 *crude oil exports, if any, on consumers, independent refin-*
24 *ers, and shipbuilding and ship repair yards on the West*
25 *Coast and in Hawaii. The Comptroller General shall com-*

1 *mence this review two years after the date of enactment of*
2 *this Act and, within six months after commencing the re-*
3 *view, shall provide a report to the Committee on Energy*
4 *and Natural Resources of the Senate and the Committee on*
5 *Resources of the House of Representatives.*

6 *(b) CONTENTS OF REPORT.—The report shall contain*
7 *a statement of the principal findings of the review and rec-*
8 *ommendations for Congress and the President to address*
9 *job loss in the shipbuilding and ship repair industry on*
10 *the West Coast, as well as adverse impacts on consumers*
11 *and refiners in Hawaii, that the Comptroller General at-*
12 *tributes to Alaska North Slope crude oil exports.*

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