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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God, at times it seems You have rejected us. Our defenses have broken down, and we feel vulnerable. Come and renew us with Your spirit.

You have rocked the whole country, and it is split open. You have let some of our people suffer hardships. Others seem drunken on fine wine.

But, You have warned those who fear You, there is no escape before the judgment falls.

Deliver those who are dear to You. Save them with Your powerful right hand. Answer with the word spoken from Your holy sanctuary.

The memorials built on the past speak of Your victories. Now, You need the cooperation of Your people. So once again with Your help, they may do valiantly. And You, our God, will prove victorious and receive the glory, both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. KRATOVIL) come forward and lead the House in the Pledge of Allegiance.

Mr. KRATOVIL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

HONORING SALISBURY ALUMNI CHAPTER OF KAPPA ALPHA PSI FRATERNITY

(Mr. KRATOVIL asked and was given permission to address the House for 1 minute.)

Mr. KRATOVIL. Madam Speaker, today I ask my colleagues to join me in celebrating the accomplishments of the Salisbury Alumni Chapter of Kappa Alpha Psi Fraternity for their outstanding service to the community. This year marks 20 years of dedication to the youth of Salisbury, Maryland, by providing them with a positive outlet through their summer basketball league.

The co-directors are Bruce Wharton and Tom Vanlandingham. With support from friends, they created a program that keeps children off the streets when schools are closed. The league started for kids on the west side of Salisbury and over the years has shown numerous children what possibilities life has to offer.

While basketball is the hook, Kappa Alpha Psi brothers also strive to show kids the positive side of life by surrounding them with examples of positive male and female role models. Bruce and Tom plan seminars on everything from avoiding the temptations of joining a gang to good eating habits.

Their league is free to all children and includes children from ages 10 to 18. They play Monday through Thursday evenings, four games per night. A recent expansion has allowed students from nearby cities and States to form teams and play in the league as well.

Kappa Alpha Psi Fraternity is a prime example of how to give kids the support guidance they need through sports. I commend them on this milestone anniversary.

EXTEND TAX CUTS FOR JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday I highlighted the significant tax increases that are heading toward hardworking Americans at the beginning of next year. Families, married couples, and parents are going to be paying more taxes. Washington liberals are planning to reinstate the marriage penalties and cut the child tax credit in half.

Cutting the child tax credit in half from $1,000 to $500 per child will cost the average American family around $1,033 in higher taxes in 2011.

Reinstating the marriage penalty will cost an average of $595 for each family in 2011. In these tough economic times, raising taxes will eliminate jobs. It is time for Washington liberals to stop passing policies that penalize families and start passing incentives that promote job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the Global War on Terrorism.

AMERICAN BUSINESS COMPETITIVENESS ACT

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, our current Tax Code is riddled with loopholes for big multinational corporations. Many industries, especially those with high-paid lobbyists, get special tax breaks, many of which actually reward companies for sending jobs overseas.

The Syracuse Post-Standard pointed out these breaks cost us up to $123 billion a year. Now, most businesses employ hardworking citizens and keep the economy afloat. Where are the tax breaks for them? Instead, they pay one

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of the highest tax rates, 35 percent, simply because they are American businesses.

We are putting our entire business community at a competitive disadvantage in the worldwide market while rewarding corporations that build factories in China and Mexico.

Mr. Speaker, the bill that I have introduced this week will eliminate the irresponsible tax loopholes that move our jobs overseas and use the money saved from that to lower the corporate tax rate by a third. That would help create millions of manufacturing jobs and other jobs here in America.

SPECIAL TREATMENT FOR SPECIAL PEOPLE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute).

Mr. POE of Texas. Mr. Speaker, the Federal Government has decided some people are more special than others. The administration thinks the Wall Street elites are special. The big banks and the big auto industries, well, they are really special and too big to fail, but the administration has decided the blue-collar workers who do the rough work on the oil rigs and provide American energy—just aren't special.

The blue-collar guys don't want handouts like the special interest big shots got. They just want their jobs back.

But the administration not only won't treat these workers special, the administration just took their jobs away because of the offshore drilling moratorium. Now these American jobs are headed to Brazil, Libya and to Egypt.

The drilling moratorium is not based on science, it's arbitrary. Two courts have so ruled. Five Americans are killed on highways every hour. I don't see anyone wanting to close all the roads down.

The deep-water moratorium should end. The offshore workers should get their jobs back, but that's not going to happen any time soon because it's only special treatment for special folks, and they are just not that special.

And that's just the way it is.

SOCIAL SECURITY

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today to join all of America in celebrating 75 years of a bedrock promise to our seniors, to our retirees, of Social Security. That's right, 75 years of Social Security, a promise from one generation to the next generation.

In this country, 6 in 10 seniors rely on Social Security for more than half of their income. Over 6 million children, nearly 1 in 10, receive part of their income from Social Security.

I was one of those young people when my father was disabled. I and my siblings received Social Security to help us continue to support our family in a real time of need. It really is one promise from one generation to the next.

Now, there are some on the other side of the aisle who want to privatize Social Security. They would put Social Security into the stock market, and maybe we would face a year like we have faced in the last couple of years, and retirees would lose a third or more of their income.

But that's not the promise that we make from one generation to another. So this summer I and my colleagues are going to be talking about Social Security. I will be doing it this weekend at a senior forum out in Prince George's County, Maryland. A promise from one generation to the next generation, it's a promise that Democrats plan to honor. It's a promise that we make to the American people, and we will keep that promise no matter what our Republican colleagues try to do.

□ 0910

DEMOCRATIC AGENDA IS TO SCARE SENIORS

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, once again this morning my Democratic colleagues are trying to scare this country. The facts of the case are that, as a result of the economic downturn of this country because of high taxes and more rules and regulations, more people are unemployed in America today than since the Great Depression. That is what will kill Social Security.

Republicans are not interested in killing Social Security. They are interested in America having a vibrant economic output. They are interested in people being employed and being able to take care of their families. And so perhaps the Democratic message will be to scare seniors and scare people about what Republicans would do to Social Security. Let's get it right: Republicans want to make sure that we have a vibrant economy. We are for Social Security. We support Social Security. I am disappointed that the Democratic agenda is going to be—that we heard about today—to scare seniors about their future.

SOCIAL SECURITY

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, some of my friends on the other side of the aisle are always warning the young people of this country that Social Security won't be there for them, so we should just scrap it now, raise the retirement age, and privatize Social Security. They are wrong.

Social Security is critical for those who depend on it. It is essential for the family who has a loved one who needs disability insurance. It's essential for our senior citizens who paid their whole lives into a system so they would have a safety net when they need it most. However, Social Security is not just a retirement benefit; it's also an insurance program. If a spouse or parent of a child dies, Social Security is there for his or her widow, widower or child. This is not just a retirement program for seniors. It's a social safety net for all of us.

The young people of this country need to know Social Security is there for them and that it can be there in the future, just as it was for generations and for our seniors today. However, we must fiercely defend Social Security from some Republican efforts to privatize funds and gamble it on Wall Street. We must protect and strengthen Social Security, not dismantle it.

PROVIDING FOR CONSIDERATION OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1574

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and amendments specified in this section and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that

amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Natural Resources or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in part C of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor; and (2) one motion to recommit with or without instructions.

SEC. 4. (a) In the engrossment of H.R. 3534, the Clerk shall—

(1) add the text of H.R. 5851, as passed by the House, as new matter at the end of H.R. 3534;

(2) assign appropriate designations to provisions within the engrossment; and

(3) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 5851 to the engrossment of H.R. 3534, H.R. 5851 shall be laid on the table.

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1574 provides for consideration of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010, under a structured rule; and H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, under a closed rule.

Mr. Speaker, April 20, 2010, became a day that will live in history as one of the worst environmental disasters in decades. When explosion and fire ripped through the Deepwater Horizon, the first priority was saving the lives of the crew. Sadly, for 11 men it was too late.

□ 0920

As the oil flowed out of the well and as BP unsuccessfully tried to stop it, the Nation watched, captivated by the story and by the untold damage to gulf coast communities. We learned a new language, the language of the offshore oil and gas industry. Terms like ''blowout preventer'' and ''top kill'' became common words to the American people, to news shows and on the House floor. The evening news was soon filled with pictures of oil-coated beaches, dead pelicans, and fishermen who were afraid that their way of life was slipping away.

Today, as we debate these two very important bills, I wonder why it has taken us, Congress, so many years to act on the issues we are taking up today. The problems and challenges facing the management of our resources, like offshore oil and gas, are not new. In 2007, before I was elected to this body, Chairman RAHALL recognized that we needed to reform the dysfunctional system that allowed BP to run the Deepwater Horizon rig without regard to the safety of their workers or to the health of the environment. Additionally, the ideas behind the CLEAR Act are not new. They are commonsense reforms that should have happened years ago. Maybe, if they had happened, the workers on the Deepwater Horizon would still be alive and the gulf would not be soaked in oil.

Mr. Speaker, we need to continue responding to the disaster in the gulf and not forget that catastrophic environmental damage has been done. We need to clean up and repair the gulf, to hold BP accountable for its oil spill, to enact stronger environmental, technological, and spill response standards, to conserve our natural resources, and to invest in an American clean energy future.

We must also remember that, in addition to cleaning up the mess, repairing the damage, and cracking down on big oil companies, we also have to get serious about ending our dependence on oil and creating new sources of clean energy. If we had a clean energy economy, powered by wind and solar and tidal power, we probably wouldn't be here having this discussion today.

Frankly, it is almost impossible for me to imagine what would have happened if my State, the State of Maine, had experienced a massive oil spill that had polluted the Gulf of Maine. It is almost impossible for me to imagine the devastation to our fishing families, to our tourism, and to our beautiful coastline if millions of gallons of crude oil were to begin washing offshore, but it is possible for me to imagine the same Gulf of Maine dotted with floating offshore wind turbines, wind turbines which would create good-paying jobs and provide an endless source of clean energy without the risk of environmental disaster.

Today, we are considering two bills that will help address some of our most egregious problems. This bill will provide protection for whistleblowers who alert the government to dangerous violations of Federal law. Nobody should be forced to choose between his or her job and reporting unsafe conditions. It will also improve the leasing process, making sure all companies follow the environmental and safety rules, and it will ensure royalties are paid on all oil drilled or spilled.

The CLEAR Act reorganizes the Department of the Interior to provide better management of the Nation's energy resources located on Federal lands and water. The act eliminates conflicts that arise when the same agency which is in charge of the environmental reviews of leases, of issuing leases, and of making sure the leaseholders and rig operators are in compliance with safety and environmental laws, then turns around and collects royalties from these same companies.

The disaster in the gulf makes it clear that we should be working to transition our economy to a clean energy future. Investments in clean energy will help in the recovery of our economy, and supporting renewable energy projects, like offshore wind, will strengthen the economy and help create good jobs that can't be shipped overseas.

I am glad that language is included in the bill that will reform royalty collection. I am proud of the work that we have done on this issue, and I thank Chairman RAHALL for working with me on language included in this manager's amendment that will guarantee that BP pays royalties on every drop of oil spilled in the gulf.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentlewoman for yielding time to me, and I yield myself such time as I may consume.

Here we are, Mr. Speaker, today, a brand new day. It is the 35th time this Congress that I have handled a rule. Once again, it is another closed rule. In fact, as we aim for our 6-week recess, we recognize how important it is for Members of this body to go back home and to receive feedback about what a great job we are doing here in Congress, to have the American people be very supportive of increasing taxes and

of more rules and regulations. Today, we are sticking it to the consumer again at the gas pump because we are going to take it out on energy companies. It is going to be a very interesting recess.

Mr. Speaker, as I talk about this being my 35th time during this session to handle a closed rule, in fact, the Democratic majority has not allowed one open rule, not for me and not for my colleagues. There has not been one open rule this entire Congress. Yet, this week, we are passing two appropriations bills, which, under normal rules and regulations, at least before the Democrats took over, would have been open to all Members to have come in and to have not only openly debated but to have shown up on the floor and to have offered their ideas about appropriations bills.

I just don't believe that closing down debate, limiting Members' abilities to come talk, having limited amendments, and really shutting out Republicans and Democrats—that is, unless you are in the leadership of the Democratic Party—is really the way that we should run this ship. Once again, during the break, I think the American people are going to have a chance to provide some feedback to Members. It is my hope that we will listen.

Today, we are discussing two bills that are reactions to the gulf oil spill crisis. While reforms are clearly needed to make the American offshore drilling safer and cleaner, today's legislation requires new blanket regulations without a good sense of, I think, what the problem was and what the facts say. The investigation of events should be completed so that Congress can act intelligently and correctly. The focus should be on permanently stopping the leak, on cleaning up the oil, on assisting gulf coast communities, on holding BP accountable, and on finding the cause of the disaster. We ought to wait until we get that.

What we are doing is trying to put through a bill here where we already assume that we understand what the problem is, and, of course, if you are in Washington, you understand these energy companies just need to be taxed more. We need to raise taxes on them to discourage the drilling in the gulf.

There was a comment made a few minutes ago that the Democrat majority wants to save jobs from going overseas. In fact, that is exactly what this will do. It will keep America continually reliant on energy from other nations around the globe, nations that not only do not like America but, perhaps, even worse than that, will use those resources that we give them against America. It is a bad deal. Anybody who listens to this debate can figure out in half a heartbeat that using American resources, keeping American jobs and more fully working with the industry instead of trying to punish the industry would be what any rational American would do.

Once again, we are not rational in this town. It is about punishing people. It's just like President Obama, who wants to pick a fight with everybody in town in order to go and ruin the free enterprise system. Well, that is what we are doing again today. We are on record. We are going to have the vote today. We are going to lose thousands of jobs.

Yesterday, the gentleman Mr. SCALISE from Louisiana and the gentleman Mr. CASSIDY from Louisiana came forward to the Rules Committee. They talked about this moratorium in the gulf and that, if it continues, thousands of jobs will be lost in their home State. Thousands of middle class Americans who need to have work, once again, will be in trouble.

The Obama moratorium on deepwater drilling has already cost tens of thousands of jobs. This bill will eliminate even more American energy jobs, making it harder and more expensive to produce both energy on- and offshore. Additionally, this legislation will only further enhance our economic troubles in the gulf region and throughout the Nation because it will create a diminished supply of energy which will be available at a higher cost, and the American consumers will be the people who will be paying for this—I'm sorry—the taxpayers, also, because they will be the people who will be unemployed.

□ 0930

Mr. Speaker, my good friends on that side of the aisle are using H.R. 3534 to exploit this oil spill tragedy as a political opportunity to rush to Washington and put energy items on their agenda.

The underlying bill imposes job-killing changes and higher taxes. This underlying bill imposes job-killing charges and higher taxes for both onshore natural gas and oil production and offshore. The bill creates over $30 billion in new mandatory spending, $30 billion in new mandatory spending for two new government bureaucracies that have absolutely nothing to do with the oil spill. It raises taxes over $22 billion in 10 years. This is a direct tax on natural gas and oil that will raise energy prices for American families, businesses, hurt domestic job creation, and increase our dependence on foreign oil. But don't worry, I'm sure we can blame George Bush for the passage of this bill and the outcome that will come from that.

Additionally, H.R. 3534 requires a Federal takeover of State authority to permit in State waters which reverses 60 years of precedence of law in this country. Why are we rewarding the mismanagement, corruption and oversight failures of the Federal Government and giving them expanded authority now? They were a joint partner down in the gulf, and they failed too. We should not empower them even more.

The bill includes unlimited spill liability for offshore operators, which could effectively eliminate all independent producers from offshore drilling if they cannot obtain insurance policies to cover their operations. However, this does not mean that drilling up and down our coasts will stop. Nope. Countries like China and Russia are in the process of negotiating with Cuba for access to these same oil fields right now, which means that others will come and reap the benefits, sell it to us at an exorbitant price, and we will be shipping American jobs overseas.

According to an independent study from IHS Global Insight: ''By 2020, an exclusion of the independents from the Gulf of Mexico would eliminate 300,000 jobs and result in a loss of $147 billion in Federal, State and local taxes from the gulf region over 10 years.''

The gulf region has suffered enough, Mr. Speaker. Our consumers and businesses need an adequate supply of natural gas and energy. What this Congress does is only going to diminish jobs, lower local revenue in areas, and cause our businesses to be noncompetitive because we will pay more for the energy to supply the needs to business.

Week after week, Mr. Speaker, I come down to this floor to debate the importance of economic growth and job opportunities, and my friends on the other side of the aisle continue this same agenda, the same agenda that does not work. And then they question, Why don't you Republicans—at least one of you—come vote for this? Well, the answer is, We're not going to vote for what's not going to work. And what does not work, Mr. Speaker, is the taxing, the borrowing, the spending policies that week after week after week diminish jobs and push our economy into further debt.

Unemployment is the highest it's been. More people are unemployed in this country than since the time of the Great Depression and for a longer period of time. That is not a record of success, Mr. Speaker. It's one that I would be embarrassed about. Americans want solutions. They want Congress to produce results, and this bill does not do that. It's my hope that when we go home for the August break once again that the American people say what's on their mind, and I think it's up to us, as Members of Congress, to listen.

Additionally, in the Natural Resources Committee, Congressman CASSIDY from Louisiana offered an amendment that passed the committee without any objections for Congress to establish a bipartisan independent commission to investigate the oil spill, yet it has been stripped from the bill, and that amendment was not made in order last night in the Rules Committee. This Democrat majority continues to use their power to shut out bipartisan solutions to everyday issues that are here on the floor.

Under this rule, we're also providing consideration for H.R. 5749, the Offshore Whistleblower Protection Act. While providing whistleblower protections for offshore workers is essential to the safety of those workers and others, I remain concerned that H.R. 5749,

which was just introduced on Monday evening of this week, should have gone through regular order review, allowing Members the appropriate time not only to read the bill—I'm sorry, did I say read the bill? Yes, Members need to be able to read the bill, understand the content, have some dialogue, and then it would allow them an opportunity to provide feedback. Of course, I know and you know, Mr. Speaker, that in the Rules Committee, anything that deals with common sense, bipartisanship, or that might be a position taken by some part of the free enterprise system is shut out of the Rules Committee week after week, day after day.

So with the current fiscal crisis our government faces and record unemployment, why do we have this bill on the floor today? To make unemployment even worse—in particular, in Louisiana and Mississippi—increase taxes, further implode the debt and the deficit. Mr. Speaker, it makes no sense why week after week this Democrat majority does that. We should be doing job-saving and job-creation bills, not job-killing bills. But once again, this is the agenda of the Democratic Party.

Mr. Speaker, the voices of the American public have been clear. Americans need this Congress to get it. We need pro-growth solutions that will encourage job creation and keep America competitive with the world. This legislation further diminishes private sector jobs while adding billions to our national debt.

So I don't know when my friends on the other side of the aisle are going to catch on; but it is my hope that at the August break, they will have an opportunity to hear from Americans who are unemployed, seeking an opportunity to find a job who look to this Congress to do something about the jobs.

Mr. Speaker, the question once again today, Where are the jobs? Where is the agenda on this floor that will be about saving jobs? And, Mr. Speaker, perhaps more pointedly, when will we quit killing jobs in this country with an agenda by the Democratic Party that the Democratic Members vote for that diminishes America's ability to compete?

Mr. Speaker, I urge a ''no'' vote on the rule.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I very happily yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my colleague on the Rules Committee.

Mr. MCGOVERN. I thank the gentlelady for yielding to me and for her leadership on this issue.

Mr. Speaker, I rise in strong support of the rule, and I rise in strong support of the underlying bill. And to my friend from Texas who talks about listening to our constituents, let me assure him, I listen to my constituents every week when I go home. And what I hear from them is that they are sick and they are tired of my friends on the other side of the aisle continuing to rise on this floor to be apologists for Big Oil. What my constituents want and I think what the American people want is smart regulation, better safety standards, whistleblower protection. They want to make sure that a repeat of what we just saw in the gulf never happens again.

My friend talks about jobs. How many jobs have been lost because of this oil spill? How many fishermen are out of business? How many hotels and restaurants have lost business because of this terrible crisis? You know, this crisis has had such a negative impact on jobs that I can't even begin to quantify. So my friend talks about jobs, it is because of the recklessness and the lack of oversight by the Bush administration that got us here, and we don't want to see this repeated again and again and again.

So this is a good bill, and it's a smart bill. If you want to apologize for Big Oil, go right ahead. But the American people are not on your side on this one.

Mr. Speaker, I also rise to express my strong support for the Land and Water Conservation Fund program and particularly for the Stateside program. The Stateside program provides matching Federal grants to States and local communities to develop outdoor recreation facilities and parks and conserves brilliant natural spaces throughout the country. Since the creation of the Land and Water Conservation Fund program in the 1960s, funding levels for the Stateside program have fluctuated widely.

□ 0940

This is especially evident over the past decade. Between fiscal years 2002 and 2005, between $91 million and $140 million per year was appropriated for the Stateside program. Unfortunately, in sharp contrast, only $19 million to $40 million has been appropriated between fiscal years 2006 and 2007, representing less than 10 percent of the total land and water conservation funding per year. The Stateside program is a good program that benefits communities across the country. It is a good, strong program that deserves adequate funding.

Now, Mr. Speaker, I would like to enter into a colloquy with the chairman of the Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. Chairman, as you know, I have serious concerns about the funding levels for the Stateside LWCF program. I am pleased that that the CLEAR Act provides for permanent funding for the entire LWCF program, but I remain concerned that there is no statutory program supporting equitable funding for the Stateside program.

As you know, unfortunately, the Stateside program has been chronically underfunded. I think we can all agree that these programs positively contribute to the vibrancy of our communities, and actually create jobs. Stateside funding has widespread support, and I seek your assurance that we can find a way to provide increased funding for the Stateside LWCF program.

I yield to the gentleman from West Virginia.

Mr. RAHALL. I appreciate the gentleman from Massachusetts yielding.

The Stateside LWCF program does provide vital support for States and local communities for access to outdoor recreation. My home State of West Virginia, for example, has benefited greatly from these formula-driven matching grants, and I am pleased that the CLEAR Act will provide stable, permanent funding for the Stateside program.

I agree with the gentleman that the funding levels for Stateside in recent years have been completely inadequate, and I look forward to working with you, our colleagues on the Appropriations Committee, the administration, and others who support this critical program to ensure it receives adequate and equitable funding going forward.

Mr. MCGOVERN. Mr. Speaker, I have a letter from Interior Secretary Salazar that acknowledges the Stateside program needs additional funding to carry out its work.

U.S. DEPT. OF THE INTERIOR,
SECRETARY OF THE INTERIOR,
Washington, DC, July 29, 2010.

Hon. JAMES P. MCGOVERN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MCGOVERN: Thank you for your interest and support for the Stateside Assistance portion of the Land and Water Conservation Fund (LWCF). President Obama has committed to fully fund LWCF by 2014 through the budget process. If Congress decides to include a full funding provision in the CLEAR Act and full funding occurs in 2014 or earlier, there will be excellent opportunities to develop a vibrant Stateside Assistance program that will help us to meet the conservation needs of the 21st century.

As the Executive Director of the Colorado Department of Natural Resources and as a U.S. Senator from Colorado, I have demonstrated my commitment to local and state parks and the State-side program. While in the U.S. Senate, I was a principal sponsor of the Gulf of Mexico Energy Security Act of 2006, which created additional funding for State-side LWCF programs.

The Department of the Interior is committed to finding the best ways to improve and strategically invest LWCF funds. I also understand that States need additional funding in order to expand outdoor recreational opportunities and to conserve important places. If we are to accomplish these goals and achieve the full potential of the Stateside LWCF program in challenging economic times we must work together.

We have an opportunity with the growth of LWCF funds to build a program that will address these needs. Through the President's America's Great Outdoors Initiative, we are hearing from state and local governments, recreation advocates, nonprofit organizations, and other supporters about ways to enhance the State-side Grant program. In addition to the great projects now funded by the State-side program, there is strong support for investments in (1) the creation and expansion of urban parks and river greenways close to where people live, (2) providing rural communities with better recreational opportunities, and (3) connecting our local and

state public recreation lands with Federal lands throughout the Country.

It's important that we chose our projects carefully to ensure that these funds make a big difference in our states and communities. We need to remind the American people of the value that outdoor recreation and land conservation offers everyone and how it makes our society a richer place in which to live and raise our families.

As we do this, I look forward to working with you on the best ways to protect our treasured landscapes.

Sincerely,

KEN SALAZAR.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman 1 additional minute.

Mr. MCGOVERN. I want to thank Chairman RAHALL for allowing me the opportunity to address my concerns, and for working with me toward ensuring the Stateside program receives the funding it deserves.

Again, I want to thank the gentlelady from Maine for the time. I will close by urging my colleagues to support the rule, support the CLEAR Act, and let this Congress go on record as standing with the people of this country and not standing with Big Oil.

Mr. SESSIONS. Mr. Speaker, I am delighted to hear back from my colleagues about how this change is doing such a great job for their constituents back home. Robust, I am sure, economic times in Massachusetts to where they don't have to worry about an adequate supply of energy or the costs associated with that.

But, Mr. Speaker, today I received a copy of a Key Vote Alert from the U.S. Chamber. The U.S. Chamber represents employers and employees all across this country. They have some things to say about this bill, too, which every single Member of Congress has a chance to receive. That doesn't mean they agree with it or want to read it.

But it says this: ''There's a bright line between increasing safety and creating a regulatory environment so unfit for business that oil and gas companies that operate in the United States will take their business elsewhere. That line is crossed repeatedly throughout H.R. 3534.''

I continue from this Key Alert, U.S. Chamber. ''At this time, it is premature for Congress to legislate prescriptive solutions when the causes of the well blowout and any associated failures that led to the catastrophe have not yet been conclusively determined.''

Mr. Speaker, once again it's a ready, aim, fire by our friends the Democrats, who bring bills to the floor, once again a mundane bill that really nobody knew was going to be here on the floor, and here it is. I continue, ''The bill would make it economically nonviable to lease or explore offshore for energy resources, and the offshore energy industry would be driven largely out of U.S. waters. This outcome would increase U.S. dependence on foreign oil at higher costs in the short-and long-term, and could cripple the gulf coast economy by jeopardizing the 46,000 jobs''—they should say that remain—''the 46,000 jobs that the oil and natural gas industry supports in the gulf coast region.''

Mr. Speaker, they've got it right. They've got it exactly right what this bill does. What they fail to talk about is the reason why. The reason why is it's an assault on the free enterprise system. It's a continued assault on people who are workers in this country, a continued assault to raise the price at the pump and to raise the price of heating and fuel that fuel our businesses.

Mr. Speaker, as we already understand, and we know this, the cost of energy now exceeds the cost of employees. And if we keep this dangerous trend up, rather than providing reliable sources of energy at a cost-effective price, it means that America will continue to be noncompetitive. Once again, a direct result of this Congress, a direct result of the votes that take place in this body.

The facts of the case are the Chamber also strongly opposes new energy taxes, which will cost consumers $25 billion at the pump and in their homes. It's a continued assault on America. And I am disappointed. The Chamber nailed it. They got it right, Mr. Speaker.

CONGRESSIONAL AND PUBLIC AFFAIRS,
U.S. CHAMBER OF COMMERCE,
Washington, DC, July 29, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes H.R. 3534, the ''Consolidated Land, Energy, and Aquatic Resources Act of 2010,'' in its current form. There is a bright line between increasing safety and creating a regulatory environment so unfit for business that oil and gas companies that operate in the United States will take their business elsewhere. That line is crossed repeatedly throughout H.R. 3534.

As the Chamber has stated in prior communications, Congress should resist the rush to act on legislation in the midst of the ongoing catastrophe in the Gulf; priority number one must remain permanently sealing the well and mitigating the extensive environmental damage. At this time, it is premature for Congress to legislate prescriptive solutions when the causes of the well blowout and any associated failures that led to the catastrophe have not yet been conclusively determined. The Obama Administration's National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling has not yet reported its findings, and the Chamber believes that an independent commission, similar to the one included in bipartisan legislation reported by the Senate Energy and Natural Resources Committee, would inform the legislative process by providing important data, technical analysis, and expertise.

H.R. 3534 would have serious and negative impacts on U.S. energy and economic security. The bill would make it economically nonviable to lease or explore offshore for energy resources, and the offshore energy industry would be driven largely out of U.S. waters. This outcome would increase U.S. dependence on foreign oil at higher costs in the short- and long-term, and could cripple the Gulf Coast economy by jeopardizing the 46,000 jobs that the oil and natural gas industry supports in the Gulf Coast region.

Provisions eliminating the cap on liability provided in the Oil Pollution Act of 1990 could discourage major integrated oil companies as well as independent producers from exploring in domestic waters, as they would be unable to afford adequate insurance to cover the potential liability risk, if they could obtain insurance coverage at all. Independent producers, which hold approximately 90 percent of Gulf leases and produce approximately 30 percent of the oil and 60 percent of natural gas in the Gulf, would be particularly hard hit. Moreover, the retroactive application of the liability cap raises serious constitutional issues that may, if stricken down by the courts, force Congress to readdress the issue in the future.

H.R. 3534 would force the CEOs of energy companies to attest personally that their systems will never, ever fail and that their companies are in strict compliance with all environmental and natural resource laws. Violations would subject CEOs to civil penalties, through citizen suits and enforcement actions, and criminal liability, which could include imprisonment. In practice, these provisions in H.R. 3534 are unworkable, and few—if any—companies could meet them. The intent of this provision appears to be political demagoguery of energy company CEOs. However, the real impact of these provisions would be severe; few domestic or foreign energy companies would be willing to explore for energy in U.S. waters.

The Chamber strongly opposes the new energy taxes included in H.R. 3534, which Congressional Budget Office analysis indicates would ultimately cost consumers $25 billion. Termed a ''conservation tax,'' it would do nothing of the sort; all monies raised by this tax would go directly to the federal treasury for Congress to appropriate. Congress should not exploit the tragedy in the Gulf as a rationale to levy excessive new energy taxes on American consumers and producers. The nascent economic recovery cannot afford additional extreme taxes on domestically produced commodities that the entire United States depends on every day. Ultimately, such new taxes could encourage American operators to move investments elsewhere. Excessive taxes levied exclusively on domestically produced energy would also increase U.S. dependence on imported energy as it did in the 1980s, further increasing the risks to U.S. energy security.

The Environmental Diligence provisions, purportedly intended to ban BP leases, would set conditions so that virtually no firm could develop Gulf energy resources. H.R. 3534 would create a ''doomed to fail'' policy, making certain isolated violations of safety, health and environmental statutes punishable by a ban on leasing or exploration on federal land. When viewed in conjunction with the CEO liability provisions, the Environmental Diligence provisions would create, in essence, a system whereby making even one mistake could bar future access to leasing. Rather than enduring the hostile and risky relationship with federal regulators that this legislation would force upon both regulators and the regulated community, firms would likely forgo further investments in U.S. waters.

H.R. 3534 would expand dramatically the reach and scope of federal environmental law by imposing unnecessary layers of duplicative environmental reviews, prolonging decisions on permits, and changing the criteria agencies must consider when issuing a lease or permit. Furthermore, the legislation would minimize the ability of federal regulators to consider the economic benefits of

energy exploration projects. As a result, the economic growth of communities along the Gulf Coast and U.S. energy security would become much less relevant to federal regulators under H.R. 3534.

The provisions of H.R. 3534 that would expand the scope of the Outer Continental Shelf (OCS) Lands Act and establish a massive new regulatory framework for shallow water energy exploration would essentially eliminate this industry in its current form. Shallow water drilling does not present the same risks as deepwater exploration and has operated with an exceedingly high level of environmental performance for more than 50 years.

Even in the area of renewable energy, H.R. 3534 would pose new challenges to domestic energy security. By expanding the scope of the OCS Lands Act to offshore renewables, H.R. 3534 would subject the deployment of new offshore technologies to the same plethora of unworkable requirements for oil and gas exploration. As a result, not only would oil and gas energy production be forced from American waters, but renewables would not necessarily be erected in their place.

The Chamber opposes the ''Build America'' provisions in the bill, which would require that offshore facilities be built in the United States with only limited exceptions. Similar Build and Buy American provisions have been proven to be counterproductive. Not only would such provisions harm United States' global standing, it could inhibit the ability of companies to adopt the best technology from around the world. Moreover, the U.S. shipbuilding industry does not have the domestic capacity to build large mobile drilling rigs. Ultimately, this provision would increase costs and be very difficult to implement given the complexity of offshore platform supply chains.

The Chamber strongly opposes H.R. 3534 in its current form because of its negative impact on energy and economic security. The Chamber urges Congress to take the time necessary to understand the causes of the Gulf spill before proceeding with legislation to purportedly ''fix'' the problem. The Chamber may include votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I inquire if my colleague has any remaining speakers. I am the last speaker for my side, and I am going to reserve my time until the gentleman has closed.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentlewoman for letting me know that she is through with her speakers.

Mr. Speaker, here we are on the floor talking about raising energy prices, diminishment of jobs, further debt, a Federal Government that's going to be empowered to do more in the gulf with regulation, and yet we haven't even taken time to find out what really happened, what needs to be corrected, and how that needs to take place.

Secondly, we learned very clearly that a bipartisan idea about us making sure that we do look into this, to give the American people the confidence that we can work together in Washington that went through the Natural Resources Committee without objection on a bipartisan basis, goes up to the Rules Committee, rejected. Rejected straight up.

We learned again today, no open rule in this entire Congress. My 35th time to come to the floor leading the charge for Republicans on a rule, not an open rule. Today we had an opportunity just a minute ago to provide the information from the U.S. Chamber. What's the impact of this bill? Diminishment of American jobs. More taxation on consumers at the pump. And perhaps worst of all, people who will lose their jobs. Tremendous job loss.

And in the long run, we learned that what happens is that it's not an unintended consequence when these jobs move overseas; it is a direct result of the pressure, the taxation, the rules, the regulations, the absolute meaning of the bill to diminish American jobs and to push our reliance on foreign oil and jobs overseas. That is the agenda of the Democratic Party: higher taxes, higher spending, more debt, pushing jobs overseas. We don't need those jobs here. Higher prices for consumers and incredible unemployment and debt.

You would think, Mr. Speaker, that instead of us being on the floor to diminish and kill jobs, which is what this Democratic majority does, we should be enhancing jobs. I am disappointed to know that, as the gentleman from Louisiana came to talk about people who they represent, those ideas were tossed out of hand. It's a real shame.

We do not have a body that's interested in encouraging economic development, investment, or the creation of jobs. In fact, what we are for is a political agenda that we are working through now, about two-tenths through this agenda, that will net lose 10 million American jobs, the continued assault against employers and certainly the workers of this country.

□ 0950

Mr. Speaker, I think it's, once again, another sad day. I know it's another new day in Washington, but a sad way to look at this.

Mr. Speaker, I have a letter from the National Association of Manufacturers, and what they say is, ''While we appreciate efforts made earlier this week to improve H.R. 3534,'' meaning their members lobbied, I assume, Speaker PELOSI, ''NAM members continue to oppose this bill, as it would, in its current form,'' the form that we have here on the floor, ''drive up energy costs, create uncertainties in the availability of supply and adversity affect U.S. jobs.''

Once again, these are people that are job creators and people that are trying to hang on at a time of continued assault against the American worker by the Democratic Party. I think Mr. Jay Timmons, executive vice president of the National Association of Manufacturers, has it right. They are asking all Members of Congress, regardless of party, please oppose this job-killing, tax-increasing, consumer-higher-payments-at-the-pump bill that will result in more unemployment, higher costs.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, July 29, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to oppose H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

Our nation continues to face a setback in energy security and independence every day the drilling moratorium remains in place. Thousands of jobs in the oil and gas industry have been lost. Companies that make and supply equipment, services, engines, boats and materials such as steel and concrete will soon feel massive economic consequences from the moratorium.

Manufacturers believe it is critically important to understand the causes of the Gulf of Mexico accident and its long-term environmental impacts before enacting policies that could make a serious problem much worse. While we appreciate efforts made earlier this week to improve H.R. 3534, NAM members continue to oppose the bill, as it would, in its current form, drive up energy costs, create uncertainties in the availability of supply and adversely affect U.S. jobs.

While there appears widespread agreement in the industry and on Capitol Hill that the $75 million liability cap needs to be updated, requiring an unattainable level of insurance coverage for domestic energy producers on the Outer Continental Shelf is not the solution. By eliminating the cap, H.R. 3534 would effectively retain the moratorium on offshore drilling for all but a handful of the world's largest international companies, forcing the vast majority of American companies out of U.S. waters.

NAM members support energy policies that: (1) expand domestic supplies in an environmentally safe way; and (2) lower costs for U.S. consumers and for manufacturers, which use one-third of our nation's energy. Access to competitively priced energy helps U.S. companies compete in the global economy and preserves high-paying jobs here at home.

The NAM's Key Vote Advisory Committee has indicated that votes related to H.R. 3534, including votes on procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

Mr. Speaker, Republicans continue to offer commonsense solutions to rein in the current spending spree, and the best way to do it is not to tax and not to lose jobs. The creation of jobs is how you go about turning this economy around.

There was talk about Social Security earlier. It is the Democratic Party that is losing the jobs in this country, and that is why Social Security is in trouble. I think blaming someone else is a sad way to go through life.

Republicans, like the American people, would like some transparency and accountability. They should expect it. American people should expect it from their leaders, Members of Congress, and I don't think they're getting it. Democrats are using the oil spill as an excuse to raise $22 billion worth of new

taxes and over $300 billion in new, unrelated mandatory Federal spending.

I don't see a lot of people down here who are exactly worried about this on the Democratic side. I hear people who are down here talking about that it's the right thing to do, and that is what the Democratic majority will get credit for with this bill: more taxing, more spending, more rules and regulations, more unemployment, more high debt, pushing jobs offshore.

Mr. Speaker, reforms are needed to make America more competitive. The reforms should be about making sure that the drilling that takes place in the gulf or anywhere else is done safely and that we do follow best practices and rules and regulations. It should be done to encourage the government to work successfully with business, with industry, with the American worker, but that's not what we have here. What we have is a bill designed to kill the industry, to diminish its effectiveness, to increase costs for consumers, and to make pump costs and costs on natural gas more expensive.

I think that this economic plan by the Democratic majority they should get full credit for: higher taxes, more spending, assault on the free enterprise system, more unemployment, more debt, more things that are not working.

I'm going to give the Democratic majority credit today. Good for you. Now we know what that is. I know you're two-tenths through this agenda of killing 10 million American jobs, but you need to know this. You're going to get credit for this, and I hope the American people, in just a few days, when we go home, talk to their Members of Congress about changing that, because we ought to have a jobs bill on this floor to create jobs, not kill jobs.

The Republican Party is for the creation of jobs. We are for balancing the budget. We are for stopping the assault on employers, and we're for empowering the American people to have a brighter future, not one that simply empowers Washington, DC.

Mr. Speaker, the numbers are stunning. Over the time that President Obama has been in office, we have lost 2.5 million free enterprise system jobs, and yet 500,000 Federal Government jobs have been added in that period of time. The assault on the common man of this country is unrelenting by the Democratic majority.

For that reason, I encourage a ''no'' vote on the previous question to bring some fiscal sanity and sense and restraint to this body, and I'm going to offer a ''no'' vote on the rule.

Mr. Speaker, the facts of the case are simple. The American people have got it. It is time for a real change.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, throughout the spring and summer, the public outrage has been palpable—in Washington, among the pundits and talking heads, in my own State of Maine and, truly, everywhere in this country.

In Maine, we have a special understanding about the impact the BP oil spill is having on the people of the gulf coast. Just like them, our lives and livelihoods are closely linked to the ocean. Off the Maine coast, there is an amazing renewable resource—strong winds and tides that can power our economy and create good-paying jobs and reduce greenhouse gas pollution. I think it's time for us to start using it.

As someone from a community who relies on its working waterfront, I am asking that we stand with the hard-working men and women of the gulf coast in their time of need and make sure that those responsible are the ones that pay for the spill and that we strive to ensure that a spill like this never happens again.

I urge my fellow Members to vote for the rule and the underlying bill. I urge a ''yes'' vote on the previous question and on the rule.

Mr. HOLT. Mr. Speaker, I rise today in support of the rule for the CLEAR Act which would, among other provisions, provide full and dedicated funding for the Land and Water Conservation Fund.

Congress created LWCF in 1965 on the principle that some funds from the sale and extraction of oil and gas from federal lands be used for the protection of important lands and waters; so they remain available for the enjoyment of all Americans. Only once in 45 years has LWCF received its full funding.

My colleagues on the other side of the aisle say that the $2.00 per barrel conservation fee will be an undue burden on consumers. One fourth of a cent per gallon at the pump, 2 cents per tank, is well worth it for preserving Yellowstone, the Everglades, a battlefield, or building a local park in Shrewsbury or a playground in Lawrence Township.

This bill ensures that $900 million will be provided annually for LWCF without appropriation and achieve a long-awaited, much-needed balance between resource extraction and resource conservation. I urge my colleagues to support it.

Mr. POMEROY. Mr. Speaker, I rise today in opposition to the rule allowing for consideration of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

Congress has a responsibility to take action to respond to the terrible tragedy in the Gulf region and work to ensure that such an event never happens again. However, in doing so, we must also be careful to only advance legislation that is narrowly focused on responding to the root causes of the Gulf Oil Spill. Unfortunately, that is not the case with H.R. 3534, which I believe is overreaching and will have negative effects on domestic onshore production and on independent oil producers' ability to continue operating offshore. Among my concerns is subjecting oil and gas wells to new and unnecessary Environmental Protection Agency, EPA, storm water discharge permitting requirements. A report from the Department of Energy has shown that should the storm water provisions pass, it could result in the loss of up to 10 percent of domestic oil and gas production.

My colleagues, Congressman HARRY TEAGUE and Congressman JASON ALTMIRE, offered amendment to this legislation in the Rules Committee to remove these problematic provisions. However, it was not made in order. I believe that the inclusion of this amendment would have improved this bill by helping to more limit its scope towards responding to the oil spill and not place new unnecessary burdens on onshore development. Without this amendment, and because of my concerns about the impact these provisions will have on North Dakota's growing energy sector, I am voting against this rule.

Ms. PINGREE of Maine. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1000

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

INCREASING FLEXIBILITY IN AMOUNT OF PREMIUMS CHARGED FOR FHA SINGLE FAMILY HOUSING MORTGAGE INSURANCE

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5981) to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORTGAGE INSURANCE PREMIUMS.

(a) FLEXIBILITY.—Subparagraph (B) of section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''shall'' and inserting ''may''; and

(B) by striking ''0.50 percent'' and inserting ''1.5 percent''; and

(2) in clause (ii), by striking ''shall be in an amount not exceeding 0.55 percent'' and inserting ''may be in an amount not exceeding 1.55 percent''.

(b) IMPLEMENTATION.—The Secretary may adjust the amount of any initial or annual

premium charged pursuant to subsection (a) through notice published in the Federal Register or mortgagee letter. Such notice or mortgagee letter shall establish the effective date of any premium adjustment therein.

SEC. 2. CONGRESSIONAL TESTIMONY.

The Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner shall appear before the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives within 270 days after the enactment of this Act to discuss the finances, including premiums, of the Federal Housing Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

We have for these couple of years now had a bipartisan effort that began in the Bush administration and has been continued in the Obama administration—and it's been bipartisan on the Committee of Financial Services—to make sure that the FHA is both an effective and an efficient means for housing finance. Having a reliable way to provide the funding needed for housing finance in its various aspects is important both for the citizens who benefit from it and for the economy.

The FHA had not been in a great shape. We have a package of measures and we have had administrations—and as I say it's been bipartisan on the two administrations in our committee—to improve the FHA's capacity, to increase its capacity, but also to provide that it will be done in a reasonable way.

This House passed earlier this year overwhelmingly, by a bipartisan vote, a comprehensive reform of the FHA. It may shock the Members to know, Mr. Speaker, that the United States Senate has not acted expeditiously on this noncontroversial measure, and there are a couple of pieces of it that cannot wait.

It is my intention—and I want to assure the gentlewoman from West Virginia, the ranking member of the subcommittee who put a lot of good work in this bill and who was responsible for some of its most important provisions and safeguards—that we do not intend to let those die. We will continue to press the Senate for the rest of this bill; and we will also, in accordance with what we have said, have the administrator of the FHA before us to talk about how this is being done.

But what we need to do now is to take the authority we gave the FHA to raise the fees—this is a bill when it had the CBO certification they say doesn't result in any direct spending. In fact, it will save money. It will price the FHA appropriately. People have been worried about the FHA's fiscal solvency. This helps it.

So it's a bill—and I will say finally, it's taken from the larger bill we have passed. We are reenacting today a small piece of a comprehensive bill because while I am still fully committed and I know others are to the comprehensive bill, it's important we do this now. We're about to be without legislative capacity for 6 weeks.

So I urge that the House pass the bill.

I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

I'm rising today in support of this bill, H.R. 5981, and as our chairman said, we have been working diligently, I think, to bring forth solid FHA reform. We passed that bill almost unanimously—I think it was 406–4—probably about a month ago, and so the majority, the large majority of this House is in agreement with a lot of the provisions in that bill.

One of the provisions, as he said, is raising the annual premium on FHA, and I think this is right and proper; and I think it's something we need to do because, as we know and as has been brought forth in our committee, the capital reserve fund has fallen, I believe, dangerously low. And what we're trying to avoid is a situation where we may be asked to bail or at least to help the FHA in some sort of infusion of dollars from the Treasury.

So I wholeheartedly will support this bill, but I do want to reemphasize, as the chairman said, we had a whole host of reforms in our original bill. We cannot forget the other important reforms that were in the original H.R. 5072, and we need to move forward with those after our district work period and recess. We need to move forward with this as expeditiously as we did before we left.

One thing in the short bill we're considering today, it does say that the commissioner has to come before the committee within 270 days. I would like to ask the chairman if we could have a hearing in September on this very topic so that we can see what the status, at least interim status, of the fund is.

Mr. FRANK of Massachusetts. Will the gentlewoman yield?

Mrs. CAPITO. I yield to the gentleman.

Mr. FRANK of Massachusetts. My answer is absolutely, we will have the commissioner. I have to say HUD, the Secretary and the commissioner have been very cooperative, and we will have such a hearing in September.

Mrs. CAPITO. I thank the chairman for that.

I have no requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material with regard to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 5981.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1025

PARLIAMENTARY INQUIRY

Mr. CAMP. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAMP. Is the House in session at this time?

The SPEAKER pro tempore. The House is in session. Does the gentleman have an inquiry?

Mr. CAMP. Thank you.

Is it in order to ask the Speaker the next order of business?

The SPEAKER pro tempore. The gentleman can consult with the leadership.

Mr. CAMP. Does the Speaker have an agenda with the next order of business before him?

The SPEAKER pro tempore. That is a matter of scheduling. The gentleman can consult with the leadership.

Mr. CAMP. I understand there will be a suspension under the committee of jurisdiction of which I am ranking member. I have no information on that.

Does the Chair have any information on that?

The SPEAKER pro tempore. The Chair cannot speak to matters of scheduling.

Mr. CAMP. We understand that the measure may involve tax implications, which are, of course, of great importance to the American people.

Does this legislation have a bill number?

The SPEAKER pro tempore. Again, the Chair cannot speak to matters of scheduling.

Mr. CAMP. I am not asking about a matter of scheduling, Mr. Speaker. I am asking about a bill number for tax legislation of great importance to the American people which I understand may be up momentarily. However, we have no information on this side about that. And as the minority, I do believe we are entitled to some notice and understanding of the business that will be coming before the House.

The SPEAKER pro tempore. The gentleman may speak with the clerks at the hopper——

Mr. CAMP. I'm sorry. Could the Speaker repeat that?

The SPEAKER pro tempore: The gentleman may speak to the bill clerk regarding a particular bill's number.

Mr. CAMP. Is the Speaker aware that the clerks have a bill number that I could speak to and obtain?

The SPEAKER pro tempore. The gentleman may consult with the bill clerk at the hopper.

Mr. CAMP. I understand there is no bill number for the clerks to give me. Is there text available on the legislation?

The SPEAKER pro tempore. Again, matters of scheduling are not within the purview of the Chair.

Mr. CAMP. Well, Mr. Speaker, I am not asking about a scheduling matter. I am asking, is the text of the bill available at the desk at which you are standing?

The SPEAKER pro tempore. The Chair is preparing to entertain a motion from the gentleman from Michigan. (Mr. LEVIN).

Mr. CAMP. Well, I am asking a parliamentary inquiry, Mr. Speaker. My inquiries are, I think, a fairly basic one for the American people, and that is, as we conduct the people's business in what used to be the people's House, is there text of the legislation we may consider at the desk at which you are standing?

The SPEAKER pro tempore. The Chair is ready to entertain a motion.

Mr. CAMP. I have another parliamentary inquiry, Mr. Speaker. I didn't receive an answer to my last question. I think that's regrettable.

But I would ask, is any legislative text posted online? Has any legislative text for the bill we are about to consider been put online in bill form for the American people to read?

The SPEAKER pro tempore. The gentleman will suspend.

The Chair will receive a message.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill and concurrent resolution of the House of the following titles:

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H. Con. Res. 308. Concurrent resolution providing for a conditional adjournment of the House of Representatives.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 258. An act to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors.

SMALL BUSINESS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5982) to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Tax Relief Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—REPEAL OF CERTAIN INFORMATION REPORTING REQUIREMENTS

Sec. 101. Repeal of expansion of certain information reporting requirements to corporations and to payments for property.

TITLE II—REVENUE PROVISIONS

Subtitle A—Foreign Provisions

Sec. 201. Rules to prevent splitting foreign tax credits from the income to which they relate.

Sec. 202. Denial of foreign tax credit with respect to foreign income not subject to United States taxation by reason of covered asset acquisitions.

Sec. 203. Separate application of foreign tax credit limitation, etc., to items resourced under treaties.

Sec. 204. Limitation on the amount of foreign taxes deemed paid with respect to section 956 inclusions.

Sec. 205. Special rule with respect to certain redemptions by foreign subsidiaries.

Sec. 206. Modification of affiliation rules for purposes of rules allocating interest expense.

Sec. 207. Termination of special rules for interest and dividends received from persons meeting the 80-percent foreign business requirements.

Sec. 208. Source rules for income on guarantees.

Sec. 209. Limitation on extension of statute of limitations for failure to notify Secretary of certain foreign transfers.

Subtitle B—Other Revenue Provisions

Sec. 211. Required minimum 10-year term, etc., for grantor retained annuity trusts.

Sec. 212. Crude tall oil ineligible for cellulosic biofuel producer credit.

Sec. 213. Increase in information return penalties.

Sec. 214. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

TITLE III—PAYGO COMPLIANCE

Sec. 301. Paygo compliance.

TITLE I—REPEAL OF CERTAIN INFORMATION REPORTING REQUIREMENTS

SEC. 101. REPEAL OF EXPANSION OF CERTAIN INFORMATION REPORTING REQUIREMENTS TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY.

Section 9006 of the Patient Protection and Affordable Care Act is repealed. Each provision of law amended by such section is amended to read as such provision would read if such section had never been enacted.

TITLE II—REVENUE PROVISIONS

Subtitle A—Foreign Provisions

SEC. 201. RULES TO PREVENT SPLITTING FOREIGN TAX CREDITS FROM THE INCOME TO WHICH THEY RELATE.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new section:

''SEC. 909. SUSPENSION OF TAXES AND CREDITS UNTIL RELATED INCOME TAKEN INTO ACCOUNT.

''(a) IN GENERAL.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by the taxpayer, such tax shall not be taken into account for purposes of this title before the taxable year in which the related income is taken into account under this chapter by the taxpayer.

''(b) SPECIAL RULES WITH RESPECT TO SECTION 902 CORPORATIONS.—If there is a foreign tax credit splitting event with respect to a foreign income tax paid or accrued by a section 902 corporation, such tax shall not be taken into account—

''(1) for purposes of section 902 or 960, or

''(2) for purposes of determining earnings and profits under section 964(a),

before the taxable year in which the related income is taken into account under this chapter by such section 902 corporation or a domestic corporation which meets the ownership requirements of subsection (a) or (b) of section 902 with respect to such section 902 corporation.

''(c) SPECIAL RULES.—For purposes of this section—

''(1) APPLICATION TO PARTNERSHIPS, ETC.—In the case of a partnership, subsections (a) and (b) shall be applied at the partner level. Except as otherwise provided by the Secretary, a rule similar to the rule of the preceding sentence shall apply in the case of any S corporation or trust.

''(2) TREATMENT OF FOREIGN TAXES AFTER SUSPENSION.—In the case of any foreign income tax not taken into account by reason of subsection (a) or (b), except as otherwise provided by the Secretary, such tax shall be so taken into account in the taxable year referred to in such subsection (other than for purposes of section 986(a)) as a foreign income tax paid or accrued in such taxable year.

''(d) DEFINITIONS.—For purposes of this section—

''(1) FOREIGN TAX CREDIT SPLITTING EVENT.—There is a foreign tax credit splitting event with respect to a foreign income tax if the related income is (or will be) taken into account under this chapter by a covered person.

''(2) FOREIGN INCOME TAX.—The term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(3) RELATED INCOME.—The term 'related income' means, with respect to any portion of any foreign income tax, the income (or, as appropriate, earnings and profits) to which such portion of foreign income tax relates.

''(4) COVERED PERSON.—The term 'covered person' means, with respect to any person

who pays or accrues a foreign income tax (hereafter in this paragraph referred to as the 'payor')—

''(A) any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value),

''(B) any person which holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor,

''(C) any person which bears a relationship to the payor described in section 267(b) or 707(b), and

''(D) any other person specified by the Secretary for purposes of this paragraph.

''(5) SECTION 902 CORPORATION.—The term 'section 902 corporation' means any foreign corporation with respect to which one or more domestic corporations meets the ownership requirements of subsection (a) or (b) of section 902.

''(e) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides—

''(1) appropriate exceptions from the provisions of this section, and

''(2) for the proper application of this section with respect to hybrid instruments.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end the following new item:

''Sec. 909. Suspension of taxes and credits until related income taxes taken into account.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) foreign income taxes (as defined in section 909(d) of the Internal Revenue Code of 1986, as added by this section) paid or accrued after December 31, 2010; and

(2) foreign income taxes (as so defined) paid or accrued by a section 902 corporation (as so defined) on or before such date (and not deemed paid under section 902(a) or 960 of such Code on or before such date), but only for purposes of applying sections 902 and 960 with respect to periods after such date.

Section 909(b)(2) of the Internal Revenue Code of 1986, as added by this section, shall not apply to foreign income taxes described in paragraph (2).

SEC. 202. DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.

(a) IN GENERAL.—Section 901 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) DENIAL OF FOREIGN TAX CREDIT WITH RESPECT TO FOREIGN INCOME NOT SUBJECT TO UNITED STATES TAXATION BY REASON OF COVERED ASSET ACQUISITIONS.—

''(1) IN GENERAL.—In the case of a covered asset acquisition, the disqualified portion of any foreign income tax determined with respect to the income or gain attributable to the relevant foreign assets—

''(A) shall not be taken into account in determining the credit allowed under subsection (a), and

''(B) in the case of a foreign income tax paid by a section 902 corporation (as defined in section 909(d)(5)), shall not be taken into account for purposes of section 902 or 960.

''(2) COVERED ASSET ACQUISITION.—For purposes of this section, the term 'covered asset acquisition' means—

''(A) a qualified stock purchase (as defined in section 338(d)(3)) to which section 338(a) applies,

''(B) any transaction which—

''(i) is treated as an acquisition of assets for purposes of this chapter, and

''(ii) is treated as the acquisition of stock of a corporation (or is disregarded) for purposes of the foreign income taxes of the relevant jurisdiction,

''(C) any acquisition of an interest in a partnership which has an election in effect under section 754, and

''(D) to the extent provided by the Secretary, any other similar transaction.

''(3) DISQUALIFIED PORTION.—For purposes of this section—

''(A) IN GENERAL.—The term 'disqualified portion' means, with respect to any covered asset acquisition, for any taxable year, the ratio (expressed as a percentage) of—

''(i) the aggregate basis differences (but not below zero) allocable to such taxable year under subparagraph (B) with respect to all relevant foreign assets, divided by

''(ii) the income on which the foreign income tax referred to in paragraph (1) is determined (or, if the taxpayer fails to substantiate such income to the satisfaction of the Secretary, such income shall be determined by dividing the amount of such foreign income tax by the highest marginal tax rate applicable to such income in the relevant jurisdiction).

''(B) ALLOCATION OF BASIS DIFFERENCE.—For purposes of subparagraph (A)(i)—

''(i) IN GENERAL.—The basis difference with respect to any relevant foreign asset shall be allocated to taxable years using the applicable cost recovery method under this chapter.

''(ii) SPECIAL RULE FOR DISPOSITION OF ASSETS.—Except as otherwise provided by the Secretary, in the case of the disposition of any relevant foreign asset—

''(I) the basis difference allocated to the taxable year which includes the date of such disposition shall be the excess of the basis difference with respect to such asset over the aggregate basis difference with respect to such asset which has been allocated under clause (i) to all prior taxable years, and

''(II) no basis difference with respect to such asset shall be allocated under clause (i) to any taxable year thereafter.

''(C) BASIS DIFFERENCE.—

''(i) IN GENERAL.—The term 'basis difference' means, with respect to any relevant foreign asset, the excess of—

''(I) the adjusted basis of such asset immediately after the covered asset acquisition, over

''(II) the adjusted basis of such asset immediately before the covered asset acquisition.

''(ii) BUILT-IN LOSS ASSETS.—In the case of a relevant foreign asset with respect to which the amount described in clause (i)(II) exceeds the amount described in clause (i)(I), such excess shall be taken into account under this subsection as a basis difference of a negative amount.

''(iii) SPECIAL RULE FOR SECTION 338 ELECTIONS.—In the case of a covered asset acquisition described in paragraph (2)(A), the covered asset acquisition shall be treated for purposes of this subparagraph as occurring at the close of the acquisition date (as defined in section 338(h)(2)).

''(4) RELEVANT FOREIGN ASSETS.—For purposes of this section, the term 'relevant foreign asset' means, with respect to any covered asset acquisition, any asset (including any goodwill, going concern value, or other intangible) with respect to such acquisition if income, deduction, gain, or loss attributable to such asset is taken into account in determining the foreign income tax referred to in paragraph (1).

''(5) FOREIGN INCOME TAX.—For purposes of this section, the term 'foreign income tax' means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States.

''(6) TAXES ALLOWED AS A DEDUCTION, ETC.—Sections 275 and 78 shall not apply to any tax which is not allowable as a credit under subsection (a) by reason of this subsection.

''(7) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including to exempt from the application of this subsection certain covered asset acquisitions, and relevant foreign assets with respect to which the basis difference is de minimis.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to covered asset acquisitions (as defined in section 901(m)(2) of the Internal Revenue Code of 1986, as added by this section) after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any covered asset acquisition (as so defined) with respect to which the transferor and the transferee are not related if such acquisition is—

(A) made pursuant to a written agreement which was binding on May 20, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) RELATED PERSONS.—For purposes of this subsection, a person shall be treated as related to another person if the relationship between such persons is described in section 267 or 707(b) of the Internal Revenue Code of 1986.

SEC. 203. SEPARATE APPLICATION OF FOREIGN TAX CREDIT LIMITATION, ETC., TO ITEMS RESOURCED UNDER TREATIES.

(a) IN GENERAL.—Subsection (d) of section 904 is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

''(6) SEPARATE APPLICATION TO ITEMS RESOURCED UNDER TREATIES.—

''(A) IN GENERAL.—If—

''(i) without regard to any treaty obligation of the United States, any item of income would be treated as derived from sources within the United States,

''(ii) under a treaty obligation of the United States, such item would be treated as arising from sources outside the United States, and

''(iii) the taxpayer chooses the benefits of such treaty obligation,

subsections (a), (b), and (c) of this section and sections 902, 907, and 960 shall be applied separately with respect to each such item.

''(B) COORDINATION WITH OTHER PROVISIONS.—This paragraph shall not apply to any item of income to which subsection (h)(10) or section 865(h) applies.

''(C) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provides that related items of income may be aggregated for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 204. LIMITATION ON THE AMOUNT OF FOREIGN TAXES DEEMED PAID WITH RESPECT TO SECTION 956 INCLUSIONS.

(a) IN GENERAL.—Section 960 is amended by adding at the end the following new subsection:

''(c) LIMITATION WITH RESPECT TO SECTION 956 INCLUSIONS.—

''(1) IN GENERAL.—If there is included under section 951(a)(1)(B) in the gross income of a domestic corporation any amount attributable to the earnings and profits of a foreign corporation which is a member of a qualified group (as defined in section 902(b)) with respect to the domestic corporation, the amount of any foreign income taxes deemed to have been paid during the taxable year by such domestic corporation under section 902 by reason of subsection (a) with respect to such inclusion in gross income shall not exceed the amount of the foreign income taxes which would have been deemed to have been paid during the taxable year by such domestic corporation if cash in an amount equal to the amount of such inclusion in gross income were distributed as a series of distributions (determined without regard to any foreign taxes which would be imposed on an actual distribution) through the chain of ownership which begins with such foreign corporation and ends with such domestic corporation.

''(2) AUTHORITY TO PREVENT ABUSE.—The Secretary shall issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which prevent the inappropriate use of the foreign corporation's foreign income taxes not deemed paid by reason of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to acquisitions of United States property (as defined in section 956(c) of the Internal Revenue Code of 1986) after December 31, 2010.

SEC. 205. SPECIAL RULE WITH RESPECT TO CERTAIN REDEMPTIONS BY FOREIGN SUBSIDIARIES.

(a) IN GENERAL.—Paragraph (5) of section 304(b) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULE IN CASE OF FOREIGN ACQUIRING CORPORATION.—In the case of any acquisition to which subsection (a) applies in which the acquiring corporation is a foreign corporation, no earnings and profits shall be taken into account under paragraph (2)(A) (and subparagraph (A) shall not apply) if more than 50 percent of the dividends arising from such acquisition (determined without regard to this subparagraph) would neither—

''(i) be subject to tax under this chapter for the taxable year in which the dividends arise, nor

''(ii) be includible in the earnings and profits of a controlled foreign corporation (as defined in section 957 and without regard to section 953(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to acquisitions after December 31, 2010.

SEC. 206. MODIFICATION OF AFFILIATION RULES FOR PURPOSES OF RULES ALLOCATING INTEREST EXPENSE.

(a) IN GENERAL.—Subparagraph (A) of section 864(e)(5) is amended by adding at the end the following: ''Notwithstanding the preceding sentence, a foreign corporation shall be treated as a member of the affiliated group if—

''(i) more than 50 percent of the gross income of such foreign corporation for the taxable year is effectively connected with the conduct of a trade or business within the United States, and

''(ii) at least 80 percent of either the vote or value of all outstanding stock of such foreign corporation is owned directly or indirectly by members of the affiliated group (determined with regard to this sentence).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 207. TERMINATION OF SPECIAL RULES FOR INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.

(a) IN GENERAL.—Paragraph (1) of section 861(a) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(b) GRANDFATHER RULE WITH RESPECT TO WITHHOLDING ON INTEREST AND DIVIDENDS RECEIVED FROM PERSONS MEETING THE 80-PERCENT FOREIGN BUSINESS REQUIREMENTS.—

(1) IN GENERAL.—Subparagraph (B) of section 871(i)(2) is amended to read as follows:

''(B) The active foreign business percentage of—

''(i) any dividend paid by an existing 80/20 company, and

''(ii) any interest paid by an existing 80/20 company.''.

(2) DEFINITIONS AND SPECIAL RULES.—Section 871 is amended by redesignating subsections (l) and (m) as subsections (m) and (n), respectively, and by inserting after subsection (k) the following new subsection:

''(l) RULES RELATING TO EXISTING 80/20 COMPANIES.—For purposes of this subsection and subsection (i)(2)(B)—

''(1) EXISTING 80/20 COMPANY.—

''(A) IN GENERAL.—The term 'existing 80/20 company' means any corporation if—

''(i) such corporation met the 80-percent foreign business requirements of section 861(c)(1) (as in effect before the date of the enactment of this subsection) for such corporation's last taxable year beginning before January 1, 2011,

''(ii) such corporation meets the 80-percent foreign business requirements of subparagraph (B) with respect to each taxable year after the taxable year referred to in clause (i), and

''(iii) there has not been an addition of a substantial line of business with respect to such corporation after the date of the enactment of this subsection.

''(B) FOREIGN BUSINESS REQUIREMENTS.—

''(i) IN GENERAL.—Except as provided in clause (iv), a corporation meets the 80-percent foreign business requirements of this subparagraph if it is shown to the satisfaction of the Secretary that at least 80 percent of the gross income from all sources of such corporation for the testing period is active foreign business income.

''(ii) ACTIVE FOREIGN BUSINESS INCOME.—For purposes of clause (i), the term 'active foreign business income' means gross income which—

''(I) is derived from sources outside the United States (as determined under this subchapter), and

''(II) is attributable to the active conduct of a trade or business in a foreign country or possession of the United States.

''(iii) TESTING PERIOD.—For purposes of this subsection, the term 'testing period' means the 3-year period ending with the close of the taxable year of the corporation preceding the payment (or such part of such period as may be applicable). If the corporation has no gross income for such 3-year period (or part thereof), the testing period shall be the taxable year in which the payment is made.

''(iv) TRANSITION RULE.—In the case of a taxable year for which the testing period includes 1 or more taxable years beginning before January 1, 2011—

''(I) a corporation meets the 80-percent foreign business requirements of this subparagraph if and only if the weighted average of—

''(aa) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in subparagraph (B) of section 861(c)(1) (as in effect before the date of the enactment of this subsection)) for the portion of the testing period that includes taxable years beginning before January 1, 2011, and

''(bb) the percentage of the corporation's gross income from all sources that is active foreign business income (as defined in clause (ii) of this subparagraph) for the portion of the testing period, if any, that includes taxable years beginning on or after January 1, 2011,

is at least 80 percent, and

''(II) the active foreign business percentage for such taxable year shall equal the weighted average percentage determined under subclause (I).

''(2) ACTIVE FOREIGN BUSINESS PERCENTAGE.—Except as provided in paragraph (1)(B)(iv), the term 'active foreign business percentage' means, with respect to any existing 80/20 company, the percentage which—

''(A) the active foreign business income of such company for the testing period, is of

''(B) the gross income of such company for the testing period from all sources.

''(3) AGGREGATION RULES.—For purposes of applying paragraph (1) (other than subparagraphs (A)(i) and (B)(iv) thereof) and paragraph (2)—

''(A) IN GENERAL.—The corporation referred to in paragraph (1)(A) and all of such corporation's subsidiaries shall be treated as one corporation.

''(B) SUBSIDIARIES.—For purposes of subparagraph (A), the term 'subsidiary' means any corporation in which the corporation referred to in subparagraph (A) owns (directly or indirectly) stock meeting the requirements of section 1504(a)(2) (determined by substituting '50 percent' for '80 percent' each place it appears and without regard to section 1504(b)(3)).

''(4) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide for the proper application of the aggregation rules described in paragraph (3).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 861 is amended by striking subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Paragraph (9) of section 904(h) is amended to read as follows:

''(9) TREATMENT OF CERTAIN DOMESTIC CORPORATIONS.—In the case of any dividend treated as not from sources within the United States under section 861(a)(2)(A), the corporation paying such dividend shall be treated for purposes of this subsection as a United States-owned foreign corporation.''.

(3) Subsection (c) of section 2104 is amended in the last sentence by striking ''or to a debt obligation of a domestic corporation'' and all that follows and inserting a period.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) GRANDFATHER RULE FOR OUTSTANDING DEBT OBLIGATIONS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to payments of interest on obligations issued before the date of the enactment of this Act.

(B) EXCEPTION FOR RELATED PARTY DEBT.—Subparagraph (A) shall not apply to any interest which is payable to a related person (determined under rules similar to the rules of section 954(d)(3)).

(C) SIGNIFICANT MODIFICATIONS TREATED AS NEW ISSUES.—For purposes of subparagraph (A), a significant modification of the terms

of any obligation (including any extension of the term of such obligation) shall be treated as a new issue.

SEC. 208. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts received for the provision of guarantees of indebtedness''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 209. LIMITATION ON EXTENSION OF STATUTE OF LIMITATIONS FOR FAILURE TO NOTIFY SECRETARY OF CERTAIN FOREIGN TRANSFERS.

(a) IN GENERAL.—Paragraph (8) of section 6501(c) is amended—

(1) by striking ''In the case of any information'' and inserting the following:

''(A) IN GENERAL.—In the case of any information''; and

(2) by adding at the end the following:

''(B) APPLICATION TO FAILURES DUE TO REASONABLE CAUSE.—If the failure to furnish the information referred to in subparagraph (A) is due to reasonable cause and not willful neglect, subparagraph (A) shall apply only to the item or items related to such failure.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 513 of the Hiring Incentives to Restore Employment Act.

Subtitle B—Other Revenue Provisions

SEC. 211. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2) and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right,

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'', and

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)'', and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 212. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 213. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) is amended—

(A) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(B) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(C) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) is amended by striking ''such taxable year'' and inserting ''such calendar year''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2014, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ADDITIONAL ADJUSTMENTS MADE ONLY EVERY FIFTH YEAR.—Notwithstanding paragraph (1), in the case of any calendar year beginning after 2015 (other than every fifth calendar after 2015), each increase determined under paragraph (1) shall not exceed the amount of such increase determined for the preceding year.

''(3) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 is amended to read as follows:

''SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

''(a) IMPOSITION OF PENALTY.—

''(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of $100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $1,500,000.

''(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

''(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

''(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

''(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

''(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

''(A) the penalty imposed by subsection (a) shall be $30 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed $250,000.

''(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

''(A) the penalty imposed by subsection (a) shall be $60 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed $500,000.

''(c) EXCEPTION FOR DE MINIMIS FAILURES.—

''(1) IN GENERAL.—If—

''(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

''(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

''(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

''(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

''(A) 10, or

''(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

''(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

''(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

''(A) subsection (a)(1) shall be applied by substituting '$500,000' for '$1,500,000',

''(B) subsection (b)(1)(B) shall be applied by substituting '$75,000' for '$250,000', and

''(C) subsection (b)(2)(B) shall be applied by substituting '$200,000' for '$500,000'.

''(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

''(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

''(1) subsections (b), (c), and (d) shall not apply,

''(2) the penalty imposed under subsection (a)(1) shall be $250, or, if greater—

''(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

''(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

''(3) in the case of any penalty determined under paragraph (2)—

''(A) the $1,500,000 limitation under subsection (a) shall not apply, and

''(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2014, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ADDITIONAL ADJUSTMENTS MADE ONLY EVERY FIFTH YEAR.—Notwithstanding paragraph (1), in the case of any calendar year beginning after 2015 (other than every fifth calendar after 2015), each increase determined under paragraph (1) shall not exceed the amount of such increase determined for the preceding year.

''(3) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 214. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 is amended by adding at the end the following new subsection:

''(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' for 'stock or securities' in subsections (a) and (b)(1), and

''(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to an agreement which was binding on March 15, 2010, and at all times thereafter;

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date; or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

TITLE III—PAYGO COMPLIANCE

SEC. 301. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

□ 1030

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

PARLIAMENTARY INQUIRY

Mr. CAMP. Mr. Speaker, parliamentary inquiry.

As this bill was just introduced seconds ago, is it in order to ask that the bill be read for the American people and for Members who are going to be required to understand and vote on this legislation in a short time?

The SPEAKER pro tempore. Under the rule, the Clerk reports the title of the bill.

Mr. CAMP. And so is it in order for me to make a motion to ask that the bill be read for understanding by the American people?

The SPEAKER pro tempore. That would not be a proper motion.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I urge all Members to support this legislation that indeed has been posted online.

The SPEAKER pro tempore. The gentleman will suspend.

Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

Again, the Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, again I urge all Members to support this legislation, which has indeed been posted online. This bill would eliminate a reporting requirement which has been identified as a potentially onerous burden for small businesses. The provision itself is not currently in place—it does not take effect until 2012—but recent studies have indicated that it could pose challenges for small businesses throughout this country.

The Independent Taxpayer Advocate recently stated the provision, ''may present significant administrative challenges to taxpayers and the IRS.'' The advocate is concerned that the reporting requirement for small business—and again I quote—''may turn out to be disproportionate as compared with any resulting improvement in tax compliance.''

So here we are today to provide this House with an up-or-down vote on eliminating this requirement. This bill is fiscally responsible, covering the cost by reducing tax incentives that encourage companies to ship jobs overseas. This is a win-win for American jobs.

This bill both provides relief to small businesses and reduces incentives for some large, multinational corporations to ship jobs overseas. It also closes an egregious loophole in the gift tax, the Grantor Retained Annuity Trust, that is only available for extremely wealthy individuals.

So in a few words, all Members on both sides of the aisle have a choice today—to stand up for millions of American small businesses and their workers, or keep a tax loophole and side with those companies that ship jobs overseas.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my 20 years in Congress, I don't think I have seen a more disappointing time for this House. I had great hopes when my colleague from Michigan, SANDER LEVIN, assumed the chairmanship of the Ways and Means Committee after the ethical charges against a man I worked closely with, Mr. RANGEL, who was the chairman. I know it's difficult to come into

a leadership position partway through a Congress, but I have to say to a fellow colleague from Michigan, the lack of consultation, the lack of discussion, the lack of attempts to bring things to this Congress in a bipartisan way, which I believe has more balance than bills written alone, in secret by the Democratic Party late at night than are brought to this floor with maybe moments notice—I think this bill was given to us less than 10 minutes ago. I think that is regrettable. I think it is unfortunate. I don't think it needed to be that way. We have always had a great working relationship. Many delegation meetings over the years in working on behalf of issues common to Michigan, now I had hoped we would work together on behalf of issues important to America.

It is unfortunate that the leaders of this Congress on the Democrat side have really taken control and not given the chairman the latitude he needs to really draft bills in a bipartisan way. I think it's unfortunate that control has been ceded to the leaders in such a way that make it impossible for us to work together on issues that I think the American people are crying out for to be worked on in a bipartisan manner.

This was supposed to be the most open, the most transparent, the most ethical Congress. I think we have seen events of this week prove that otherwise. And I don't mean just the publicity events. I mean events on the way these bills are brought to the floor without any discussions or consultation.

We have great staffs on both sides in the Ways and Means Committee. Our staffs do tremendous work. They are capable of working together if given the opportunity. And I think we could resolve these issues in a way that would benefit all Americans.

Last night, I intended to offer a motion to recommit that we gave full notice to the other side about—unlike what we are seeing today—that would have eliminated the new onerous job-killing 1099 requirement that's in the health care law. In addition to helping small business, the motion to recommit would have better protected taxpayers from erroneously paying too much in health insurance subsidies. And the motion would have cut taxes, cut spending, protected taxpayers, and reduced the deficit. But as we saw last night, because Democrat leaders were too afraid to let their Members vote on a pro-jobs, pro-small business, pro-taxpayer, pro-deficit reduction bill, they canceled the vote and pulled the bill from consideration by the House.

Instead, we are here today, as we have been so often under the heavy-handed tactics of the majority, voting on a bill that has not been reviewed by committee, that has not been posted online for 72 hours, has not been reviewed by the employers this bill will affect, and most importantly, has not been reviewed by the American public in any way. The result? The Democrats have created a bill that pits American employers against other American employers, worker against worker, neighbor against neighbor. With unemployment stuck at nearly 10 percent, Democrats are again playing politics with American jobs. This is not the time for politics; this is a time to get serious about the economy and helping businesses create jobs. Frankly, it didn't have to be this way, and it should not have been this way. There is a way to pay for the repeal of the 1099 requirement without punishing job providers and their workers and their families.

Additionally, we would have protected taxpayers by cracking down on fraud and abuse. And if someone received an erroneous or excessive benefit that they were not entitled to, they would have been required to repay it. The bill before us leaves that very important flaw in place. I have in my hands a way to do this without raising taxes and killing jobs: It is the motion to recommit I intended to offer last night but was not given the opportunity to do so. I will have it inserted into the CONGRESSIONAL RECORD so that everyone can see that we can save jobs without raising taxes.

Small businesses supported the measure, Republicans supported the measure, and it's clear that rank-and-file Democrats would have supported the measure. Somehow, Democrat leaders are so opposed to helping small businesses—the real job creators in this country—that they wouldn't even allow a vote on a full repeal of the 1099 requirement that also didn't include a massive job-killing tax increase.

Why are Democrats so afraid to work with Republicans to help America's job creators? Why don't Democrats allow Republicans to offer amendments on behalf of small businesses? And why are they so bent on raising taxes?

□ 1040

Isn't $670 billion alone in tax increases in this Congress enough? Why?

It is because Democrats are more interested in protecting their $1 trillion health care law than solving legitimate problems being expressed by the American people and American employers. So, while it is clear that Democrats have admitted that the burden imposed by their health care law is a job killer, they are offering no solution today, because the bill before us will undoubtedly have the effect of killing jobs.

Frankly, this is a missed opportunity. It is a missed opportunity to fix a fundamental flaw in the health care law, and it is a missed opportunity to truly help American employers in the jobs they provide. A job is a job is a job.

I urge my colleagues to stand up for job providers by demanding a full repeal of the 1099 requirement that does not impose other job-killing tax increases.

MOTION TO RECOMMIT WITH INSTRUCTIONS OFFERED BY MR. CAMP OF MICHIGAN

Mr. Camp moves to recommit the bill H.R. 5893 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. INCREASE IN AMOUNT OF OVERPAYMENT OF HEALTH CARE CREDIT WHICH CAN BE RECAPTURED.

(a) IN GENERAL.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''$400 ($250'' and inserting ''$2,000 ($1,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 2013.

SEC. 2. REPEAL OF EXPANSION OF CERTAIN INFORMATION REPORTING REQUIREMENTS TO CORPORATIONS AND TO PAYMENTS FOR PROPERTY.

Section 9006 of the Patient Protection and Affordable Care Act is repealed. Each provision of law amended by such section is amended to read as such provision would read if such section had never been enacted.

SEC. 3. BUDGETARY PROVISIONS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 7.25 percentage points.

(b) PAYGO COMPLIANCE.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Estimated Changes in Revenues and Direct Spending
Motion to Recommit H.R. 5893, The Investing in American Jobs and Closing Tax Loopholes Act of 2010
(As received on July 29, 2010 -- F:\M11\CAMP\CAMP_023.XML)

(Millions of dollars, by fiscal year)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-2015	2010-2020
CHANGES IN REVENUES													
TOTAL CHANGES IN REVENUES[a]	0	0	-324	-3,097	-1,568	3,281	-5,099	-446	-367	-332	-310	-1,709	-8,263
CHANGES IN DIRECT SPENDING													
TOTAL CHANGES IN DIRECT SPENDING													
Budget Authority	0	0	0	0	-610	-1,297	-2,167	-2,639	-2,893	-3,081	-3,283	-1,907	-15,970
Estimated Outlays	0	0	0	0	-610	-1,297	-2,167	-2,639	-2,893	-3,081	-3,283	-1,907	-15,970
NET INCREASE OR DECREASE (-) IN DEFICITS FROM REVENUES AND DIRECT SPENDING													
NET CHANGES IN DEFICITS[b, c]	0	0	324	3,097	958	-4,578	2,932	-2,193	-2,526	-2,749	-2,973	-198	-7,707

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation.

Notes:

Components may not sum to totals because of rounding.

a. Negative numbers denote a decrease in federal revenues; positive numbers denote an increase in revenues.
b. Positive numbers denote an increase in the budget deficit; negative numbers denote a decrease in the deficit.
c. All effects are on-budget.

CBO Estimate of the Statutory Pay-As-You-Go Effects for the Motion to Recommit H.R. 5893, The Investing in American Jobs and Closing Tax Loopholes Act of 2010, to the Committee on Ways and Means (File: F:\M11\CAMP\CAMP_023.XML), as received July 29, 2010

July 29, 2010

	By Fiscal Year, in Millions of Dollars												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010 - 2015	2010 - 2020
NET INCREASE OR DECREASE (-) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	**0**	**0**	**324**	**3,097**	**958**	**-4,578**	**2,932**	**-2,193**	**-2,526**	**-2,749**	**-2,973**	**-198**	**-7,707**

Source: Congressional Budget Office and the Joint Committee on Taxation.

Note: Components may not sum to totals because of rounding.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Number one, you received more notice about this than we did about your motion to recommit.

Mr. CAMP. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Michigan.

Mr. CAMP. That is just simply an untrue statement, and it is beneath the dignity of the chairman of the Ways and Means Committee to assert that.

Mr. LEVIN. Mr. Speaker, I reclaim my time.

Mr. CAMP, you may not like the bill——

The SPEAKER pro tempore. All Members will suspend.

The gentleman from Michigan (Mr. LEVIN) controls the time.

Mr. LEVIN. Mr. CAMP, abide by the rules of the House. I did not yield to you to rant and rave.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentlemen will direct all remarks to the Chair.

Mr. LEVIN. We received a couple-minutes' notice of the motion to recommit.

Mr. BOUSTANY. Will the gentleman yield?

Mr. LEVIN. I will continue and then I will yield.

Mr. BOUSTANY. Thank you.

Mr. LEVIN. It was handed to us as it was being submitted. So, if there is an effort for bipartisanship, then a motion to recommit can be submitted early on, without any effort to surprise, and we can see if we can work it out. That's the fact.

Number two, in terms of worker against worker, what you don't like about our proposal is that we protect and safeguard the workers of the United States of America, and we make sure that jobs are not shipped overseas that may help workers in other countries but not workers in the United States of America. That is what our bill provides.

Number three, in terms of added taxes, the taxes on the very wealthy, closing the loophole is something that should be done. You are not protecting the typical taxpayers in this country. They don't use these annuity provisions. They don't try to escape gift taxes through this device. The administration has pleaded with this Congress to close this loophole, and you, today, are essentially saying you don't want to vote for this bill because it addresses outsourcing and because it addresses a tax loophole. You don't like that. All right. Then vote ''no.''

We find a way to eliminate the 1099 requirement and pay for it by making sure companies don't have an inducement to ship jobs overseas and the very, very wealthy to escape gift taxation. So that is really what this is all about. Everybody here has a choice: eliminate the 1099 and not use a hammer on millions of families in this country and eliminate it in a way that saves jobs in this country.

Mr. BOUSTANY. Will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Louisiana.

Mr. BOUSTANY. I thank the gentleman.

Mr. Speaker, as a member of the committee and as the ranking member on Oversight, I was sitting in my office. This debate began, and the bill was not even in electronic form for us to review.

Mr. LEVIN. Okay. I reclaim my time.

I told you that it was placed on the Internet, number one. Number two, every provision in this bill in terms of the pay-for has been before this Congress before—every single provision. So don't say you're surprised by these provisions.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Again, Members are reminded that all remarks must be addressed to the Chair.

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, to correct the RECORD, I would just say the motion to recommit that I tried to offer last night was available for several hours to the majority. They pulled the bill and didn't allow me to ultimately offer it. That's why I introduced it in the RECORD today.

At this time, I yield such time as he may consume to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, again, I am in my office. This debate begins, and we can't find the actual bill language in electronic form. I understand it is now available, but to have the debate begin I don't think is very fair to Members of this House, and it is not what the American people would expect of us.

I think it is entirely regrettable that—we are dealing with an issue of national importance. This body can act. This body can act in the national interest if we work together, but these kinds of trust-destroying measures are not in the interest of this body or in the interest of the American people.

My objection to the bill still stands. Even though there is a move to incorporate the repeal of the 1099 provisions, I still have a significant objection because we are talking about some very complicated international tax provisions for which we really have not had the kind of hearings necessary to understand the consequences. We should not be doing this type of ad hoc tax tinkering.

We ought to be taking a more comprehensive approach in understanding the economic consequences. These tax provisions, from what I am hearing from those who are trying to engage in international business to create American jobs, will be a job killer. They will destroy American jobs. What we need to do is look at this in a more comprehensive way.

Now, if we haven't had the kind of hearings to vet this, to explore this, how can we expect the American people to understand the complexity of the nature of these tax provisions?

What we ought to be doing is creating jobs. What we ought to be doing is promoting American competitiveness. What we ought to be doing is promoting economic growth and private sector job growth. That is the problem with the bill.

Now, if you have U.S. companies that are trying to compete against foreign-owned companies in a very complex economic environment and if U.S. companies are subject to double taxation, you can call it a loophole. I call it hurting American competitiveness.

The bottom line is we want a Tax Code that promotes private sector job growth. We want a Tax Code that promotes American corporations and businesses that are going to be competitive worldwide to create jobs at the highest standards possible, and we want to see economic growth, which we know will lead to private sector job growth.

□ 1050

So my objection to the bill still stands based on the policy. But I am deeply, deeply regretful and distressed at the way this bill has been taken to the floor of the House this morning.

Mr. LEVIN. I now yield 3 minutes to the distinguished gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I rise today supporting House bill 5982, the Small Business Tax Relief Act of 2010. This bill is incredibly important for us to pass. As I travel around my district in upstate New York, I hear consistently, all the time from my small business owners that they need regulatory relief, and they need support if they're going to invest and expand our economic recovery that we have going on.

As somebody who has been a small business owner, who has started small businesses and has been building them up all of my life, I know what a burden regulatory hurdles can be for small businesses. This bill is going to repeal what could potentially be a huge hassle for a lot of small businesses. This 1099 reporting was a well-intentioned provision to try to catch people who were cheating on their taxes; but it has some unintended consequences, in my opinion, that will create a lot of extra work and hassle for our small businesses.

This is something I hear about every day when I travel my district. I am sure that our colleagues across the aisle hear this from their small business owners as well. And everyone in this body who knows what's going on with our economy will know how important it is to stimulate activity and to get people back to work. The best way we do that is to support our small businesses. They're the ones who create new jobs. Sixty to 80 percent of the

new jobs are created by small businesses—in particular, new small businesses. That's where the economic activity comes from in our country. That's who we have got to be supporting. This bill does a great job of doing that.

I know that many of my colleagues on the other side know that this hurdle that we have out there, with this 1099 reporting, needs to be repealed. They've been talking about it. We've been talking about it. There's bipartisan consensus there, but this bill does something else that's very valuable for the American public as well. It closes some foreign tax loopholes. Some of these are very egregious. Companies are getting the United States Government to refund foreign tax credits they're paying on income that they had never reported in the United States. This is something that should be fixed. We need to make sure our corporations have incentives to invest here, not incentives to invest overseas based on complex tax schemes that keep them from paying taxes.

I want to be building stuff in America. I want to be making stuff in America. I want our tax policy to encourage corporations to make stuff here in America. That's what I hear from big companies. They want to build it here, but our tax rules make it so that it's better for them to build it somewhere else. This is how we solve that. This will bring American jobs back here. It will bring American investment back from American corporations, and it will help our small businesses get some regulatory relief. This is a win on both sides. This is a bipartisan kind of solution because we're helping our small businesses by getting government out of the way. We're fixing our Tax Code to make it so that American companies will have incentives to invest here in America, not in China and not anyplace else around the world.

This is the kind of policy that will help get our economy moving. This will put Americans back to work. This will help our middle class folks who are struggling all over this country, looking for good jobs. This is the way that we do that. I think this is a great piece of legislation. I expect we'll have good bipartisan support for it.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I would just say I agree with a portion of what the previous speaker said. I agree, there is a serious flaw in this health care bill. This is one of many, and this serious flaw is a job-killer. So I commend the majority for their recognition of these serious flaws in the health care bill and that there are job-killing provisions in it that many of us warned them about before the bill came to the floor but weren't really allowed to be part of the process to try to correct those before they came. And, frankly, not many people here were able to do that either, as it was just rolled out.

But the answer isn't to hurt other job providers. We're in a recession. Unemployment isn't getting better. We know the stimulus didn't work. We're still at a national rate of about 10 percent. But let's look at what job providers say about the way that they pay for this fix. The fix we're for—and we had a legitimate way to do it, as I said, without raising taxes, without hurting other job providers, and by actually helping to prevent the potentially fraudulent way this provision was drafted.

And let me just tell you what an association of employers that promotes America's Competitive Edge Group said. They represent more than 63 million American jobs, and they say the $12 billion imposed in the proposed international tax increases would further disadvantage U.S. companies, harming their competitiveness. We are competing around the world, like it or not, and that would reduce U.S. earnings. That would reduce U.S. earnings and thereby reduce investment in U.S. plant and equipment research and expanding U.S. payrolls.

Let me read to you what the National Association of Manufacturers says about the way they pay for this bill. Why not use the anti-fraud corrections that we had in the motion to recommit last night? They represent about 22 million people in the United States, U.S. workers. Manufacturers feel strongly that imposing this $11.5 billion tax increase on these companies will jeopardize the jobs of American manufacturers. We've already lost 700,000 American manufacturing jobs. Why impose a greater burden on them? It's not necessary, and it would stifle our fragile economy.

The United States Chamber of Commerce, they represent more than 3 million businesses and millions more U.S. employees. They say this legislation would impose Draconian tax increases on American worldwide companies, would hinder job creation, decrease the competitiveness of American businesses, and deter economic growth. If there's one thing this country needs, it's economic growth and the jobs that provides.

I don't know why they're so bent on increasing taxes when we could fix this flaw in the health care bill—which I commend my colleagues on the other side for recognizing the flaw in the health care bill, and there are others that we need to fix as well—but it is not a fix when we have these reputable employers and businesses say that this is going to hurt our recovery, hurt job creation; and, frankly, the record on job creation in the last year has not been a good one. We need to do better. We can do better, and I would urge a ''no'' vote.

With that, I yield 1 minute to my distinguished colleague from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I thank my friend, the ranking member of the full committee.

I want to respond to a couple of things the gentleman from New York brought up. This 1099 provision, we agree on it. It's an egregious issue. It needs to be repealed. We need to do it in the right way, along with many of these other issues in the health care bill.

But with regard to small businesses, the President himself has said that he wants to double exports in 5 years, and the best way to do that is to expand export opportunities. And if we're going to do that for small businesses and mid-sized companies, we have to do this in a way that allows them to partner with large corporations and have the infrastructure. These tax provisions in the bill will subject our companies, who are doing this type of work, to double taxation, making us less competitive, inhibiting economic growth, and reducing our ability to export. It's clear.

Secondly, we haven't had the hearings to actually flesh all this out. I think it's critical that we really look at this if we're going to promote American competitiveness. My fear is that, yes, we might double exports in 5 years, but it will be the export of American jobs.

Mr. LEVIN. I now yield 3 minutes to a very distinguished colleague of ours from New York (Mr. OWENS).

Mr. OWENS. I thank the gentleman from Michigan, Chairman LEVIN.

I rise today in support of H.R. 5982, the Small Business Tax Relief Act. This legislation repeals the new 1099 reporting requirements that impose a flood of new tax paperwork on small businesses. This bill evidences our commitment to listening to our constituents and acting to resolve their legitimate concerns. We, on our side of the aisle, are listening. We are acting.

I have heard from numerous constituents, farmers, manufacturers and other small businesses, about this issue. Repealing these requirements is critical to protecting small businesses and family farms from having to mail hundreds of forms to vendors each year. H.R. 5982 is fully paid for by eliminating $11.6 billion in tax breaks for companies that ship jobs overseas.

□ 1100

We hear constantly about the need for regulatory reform. This bill provides regulatory relief. Foreign tax credits do not incentivize production or manufacturing in the United States, as my colleague, Mr. MURPHY, amply and adequately pointed out. We need to focus on incentivizing U.S.-based production by focusing on appropriate tax incentives and reduction in regulatory activity by the government.

We have an opportunity today to continue to improve on the health reform law by passing this bill, by helping to create U.S. jobs, and focusing and incentivizing companies to grow the American economy.

I urge my colleagues to support H.R. 5982.

Mr. LEVIN. I yield 2 minutes to the very vigorous gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Give America a chance and America will outcompete the world. Give American business a chance, and it will outcompete China and the world. Give American workers a chance, a level playing field, and we will outcompete the world. We can build things, make things, and grow things better in this country than anywhere in the world if we give a level playing field. We have a chance once again today to level that playing field and let America win again.

We can do that by closing this outsourcing loophole that rewards companies for sending jobs overseas. And we can do it in a way that also provides relief to our small business owners, who are trying to work hard and play by the rules. Well-intentioned efforts to make sure people were not cheating on their taxes, to make sure people were paying their burden, can also be done in a way that doesn't cost those who have been working hard and playing by the rules.

We have a chance to do two great things today. We have a chance to level that playing field so that America can win in manufacturing, in agriculture, in forestry, in farming. These are things we can do better than anyone when we don't have the trade deals and the tax code that rewards all the worst things of sending those much-needed American jobs overseas. And we can do so at the same time by reducing that regulatory pressure on small business.

We worked hard this year to support our small businesses, with the Small Business Lending Fund that is dying in the Senate, with tax credits for small business, too many of which have died in the Senate. Here is a chance today to provide relief to small business, and most importantly, to level that playing field so that we can make it in America again, so that we can have those good jobs that make the middle class and working class in this country thrive, that reward entrepreneurship and innovation, that reward people who work hard and play by the rules. This is an opportunity today that is beyond Democrat and Republican. It's just about common sense and making a difference in the economy.

Washington should have the same sense of urgency I feel back home every weekend when we talk to small business owners. This is a chance for us to come together, to do good things to let America win again. This is important for American business, for American workers, and for American families.

I urge all of my colleagues on both sides of the aisle to be part of the solution.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Madam Speaker, this bill never went through committee, never was marked up in committee. And you know what, it's awfully good to hear the other side finally admit that they messed up in the health care bill, that it is going to have a tremendous impact on small businesses. You know, you can't raise taxes on small businesses in the health care bill, use that revenue to say ObamaCare will reduce the deficit, and then turn around and remove those same business tax increases and tell small businesses that you are doing them a favor. That's known as a shell game in a carnival. That's shameful. You know what, you are not doing them a favor.

Representative LUNGREN introduced the Small Business Paperwork Mandate Elimination Act to remove that huge burden on entrepreneurs that was found in the health care bill. That language was here yesterday, and it was not allowed to be voted on. Rather, the majority pulled the bill so that we could not have that very meaningful vote. This morning it was turned around and added to language that raises taxes elsewhere. And ironically, it's called the Small Business Tax Relief bill. And Members are going to be forced to vote on that. This is totally unacceptable.

The majority first needs to make up its mind whether or not it really wants to help small businesses. Then I think that the majority needs to be honest about that decision. There is a reason, Madam Speaker, why Members on the opposite side of the aisle are afraid to go home and face election, and it's exactly this kind of chicanery that causes that fear.

Mr. LEVIN. Madam Speaker, could you please give us the time remaining on both sides?

The SPEAKER pro tempore. Mr. LEVIN of Michigan has 7 minutes remaining, and Mr. CAMP of Michigan has 3½ minutes.

Mr. LEVIN. I now yield 1 minute to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Madam Speaker, this bill is very simple. It does two things. There has been a lot of talk here to confuse people, but it's very simple. One, it provides regulatory reform to our small businesses so they can get busy putting Americans back to work. And two, very important, it closes a tax loophole that encourages businesses to invest overseas. The other side is claiming somehow that's a bad thing. It's exactly what we should do.

I want the tax code to be set up to encourage businesses to invest in America. Because if we do that, we will see more investment in America. We will see American workers back to work. We will see our middle class back to work and feeling their incomes rising, and we will see the greatness that has made this country, the innovation, the forward thinking. It comes from doing our manufacturing, our agriculture, our mining here in the United States. But we've let our tax code incent businesses to go away. So this does two things. One, it helps our small businesses with relief. Two, it turns our tax code in the right direction so that businesses have incentives to be here.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to a very distinguished member of our committee, Mr. XAVIER BECERRA from California.

Mr. BECERRA. I thank the gentleman for yielding.

My friends, when was the last time you picked up a product that you just purchased at a store, turned it over, and took a look at where it was made? When was the last time you saw that product say ''Made in America''? Well, this legislation is all about making sure the next time you buy something in a store in America that product will have been made in America. Because guess what? Not only do we have to face unfair competition by some of our very fierce competitors who are using tactics that are unreasonable to somehow defeat American business and American workers, but we even have things in our tax code that encourage American companies to ship jobs abroad and get paid by the taxpayers through tax credits for doing so.

This legislation is all about getting rid of that unfair competition for America's workers so we can make it in America. That's what this is all about. This is also about making sure that small businesses have a chance to compete without bureaucratic regulation. And so there is bipartisan agreement on removing the burden under 1099 tax return filings that would make it difficult for small businesses to compete. And that's in this bill as well.

What is not in this bill is the process, is the frustration that American workers are feeling. Some people it sounds like in this Chamber would like you to vote ''no'' on a good bill because they are complaining about a process. The only folks in America who have a right to complain about process right now are Americans who are trying to pay their mortgage and keep their jobs. And they are sick and tired of a process where people say ''no'' to good legislation. It is time for us to say ''yes'' to good legislation.

Let us once again make things in America and make them by Americans. Pass H.R. 5982 and make sure that we can tell Americans when they turn over that product that they just bought it was made in America.

□ 1110

GENERAL LEAVE

Mr. LEVIN. I ask that all Members have leave to enter extraneous material into the RECORD.

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Madam Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. ROSKAM), a

distinguished member of the Ways and Means Committee.

Mr. ROSKAM. I thank the gentleman for yielding.

If you're Peyton Manning, the football great for the Indianapolis Colts, and you come to the line of scrimmage, you have the right to do an audible call at the line of scrimmage. I mean, Peyton's a champion. Time and time and time again he's come out, he sees the play, he recognizes that the play has to change, he shouts out the play to the team, and they score and they're famous and they're successful.

Unfortunately, Madam Speaker, we don't have any Peyton Manning's on the other side of the aisle who are driving this process. In other words, there is nobody that has the breadth and the depth and the comprehensive understanding—there's, frankly, nobody in this Chamber that has that—to come in and say, You know what? New plan. We're going to do something completely different.

Last night, ironically, the chairman of the Ways and Means Committee was on this very floor in that very seat and said, There are no excuses to vote against this bill. He said that once or twice or three times. I jotted it down. And I reminded him of that during the debate last night, and yet, ironically, within that very short period of time, it's my understanding that the chairman, himself, found that there was a reason to vote against the very bill that moments before he was arguing for.

And why is that? Because the Founders have a process in place that is a process of deliberation. The Founders understood that this process is one that is made better by robust participation.

Now, the majority has known about this 1099 requirement since November of last year, and what have they done? They have stifled the minority. They have said, No, no, no, no. We've got this all figured out. You Republicans, you just continue to press your nose up against the glass and look in and mouth suggestions, but we're really not interested in what you have to say. All right.

Then there's a revelation. The public gets to see this 1099 requirement, and they recognize this is a disaster. We had friends on the other side of the aisle minutes ago recounting about how bad this is going to be for farmers and small businesses. And you know what? They're right.

The 1099 requirement is absurd. The 1099 requirement, I would submit to you, is the result of line of scrimmage audible calls by the majority.

Now, it doesn't have to be this way. Mr. CAMP laid out a very articulate process moments ago about how best to improve this. And this is an underperformance. The chairman said that we shouldn't be surprised by things that are in this bill. And, frankly, I'm not surprised by anything the majority does. I've seen the majority run roughshod over process in the name of a better product, and time and again, it has fallen short.

So here we are basically with an admission that ObamaCare is fundamentally flawed in this sense, a mandate on business. I promise you there will be efforts in the future to revisit other parts of ObamaCare—the individual mandate, the employer mandate, health savings account taxes, and on and on and on, all things that the American public has been speaking out—they're even calling right now, they're so upset about it.

Madam Speaker, the reason Republicans are opposed to this is process, but, fundamentally, bad process yields a bad product. This is a bad product. It creates a Hobson's choice. It says we're going to remove the 1099 requirement and, instead, we're going to jeopardize job producers in exchange. We should vote ''no.''

Mr. LEVIN. First, I yield 30 seconds to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. I just wanted to add one thing that didn't come out in the debate yet. There's a lot of talk about this being a bill from our side, and the Republicans seem to disagree that it's going to be helpful for business. The National Federation of Independent Business has endorsed this bill and is asking people to vote in favor of it. I wanted to make sure all the Members knew that.

PARLIAMENTARY INQUIRIES

Mr. DANIEL E. LUNGREN of California. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DANIEL E. LUNGREN of California. Is there any rule, under the House, that requires notice being given to the author of a bill when it is being brought up without any notice whatsoever, since I am the author of the 1099 repeal bill and have had it before this House since April of this year and given no notice? Is there any requirement under the rules that this be notified that this bill is going to come up?

The SPEAKER pro tempore. The Chair notes that the motion before the House is a motion to suspend the rules.

Mr. DANIEL E. LUNGREN of California. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. DANIEL E. LUNGREN of California. The Speaker has just told us that because this is a bill being brought up under suspension of the rules that all rules are, therefore, suspended. My parliamentary inquiry is under regular rules.

Is there any requirement that the author of a bill be at least given notice that that bill is to be brought up to the floor for consideration before it is considered?

The SPEAKER pro tempore. There is no such rule.

The gentleman from Michigan is recognized.

Mr. LEVIN. Madam Speaker, there's obvious discomfort on the side of the minority. There's a claim about procedure.

What I said before about our notice to motion on the motion to recommit is exactly correct. Now, you say we should act on elimination of 1099? That's exactly what we're doing, exactly what we're doing. Then you say you don't like the pay-fors. You act as if this is a new issue. We have debated these provisions time and time and time and time again, and you know it.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield on that?

Mr. LEVIN. No. I'm going to finish my statement.

The outsourcing provision has been before us a number of times.

And you keep talking about workers. We talk about having workers in the United States having work. That's what this is all about. And essentially what the provision does in the Tax Code is to help those companies that ship jobs overseas, and what we're saying is that that should be prevented, period. We've been saying it time and time and time again.

We've also discussed another loophole that's here that you don't seem to discuss, and that is for a relatively few very wealthy people taking a loophole in the Code and setting up a gift to others in the family, taking back the money, hoping that there will be an increase and no gift tax paid. That is a grievous loophole that should be closed, and we provide payment for this bill by closing it.

Now, I want to finish about outsourcing.

We have lost so many jobs in this country. If it comes through competition that's fair, so be it. If it comes, however, from companies using a provision that says you get a foreign tax credit on income, you're supposed to bring that income back here and not use the foreign tax credit to avoid taxation.

□ 1120

It's not an issue of double taxation. It is an issue of companies avoiding any taxation.

So essentially everybody who comes to the floor to vote on this has the opportunity to eliminate the 1099 provision and to close loopholes and to stop some of the outsourcing of American jobs. There could not be stronger reasons to vote for a bill.

So I close: Vote for it.

Mr. LEVIN. Mr. Speaker, I and Ways and Means Committee Ranking Member CAMP have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of H.R. 5982, the ''Small Business Tax Relief Act of 2010''. This technical explanation provides information on the Committee's understanding and legislative intent behind the legislation. It is available on the Joint Committee's website at www.jct.gov and is listed under document number JCX–43–10.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Small Business Tax Relief Act of 2010, and I commend my colleagues Representative SCOTT MURPHY and Representative BILL OWENS for bringing it to the floor today.

Simply put, this bill does two things: It provides information reporting relief to small businesses—and it closes loopholes in current law that encourage U.S. multinationals to invest overseas.

The question members must ask themselves is this: Do we want jobs in America, or do we want a tax code that rewards companies for shipping jobs overseas?

For every small business seeking to expand and create jobs, and for every American looking for work, I urge a yes vote.

Mr. LEVIN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 5982.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Res. 1574, by the yeas and nays;

H. Res. 1558, by the yeas and nays;

H.R. 5901, by the yeas and nays;

H. Res. 1566, by the yeas and nays;

H.R. 5414, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010; AND PROVIDING FOR CONSIDERATION OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1574, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 220, nays 194, not voting 18, as follows:

[Roll No. 500]

YEAS—220

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—194

Aderholt
Adler (NJ)
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Green, Gene
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—18

Akin
Buyer
Carney
Griffith
Himes
Hinojosa
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1151

Messrs. ALTMIRE, BARRETT of South Carolina, BOYD, BERRY, MARSHALL, GOHMERT, AUSTRIA and CULBERSON changed their vote from "yea" to "nay."

Mr. RANGEL changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Madam Speaker, on rollcall No. 500, had I been present, I would have voted "yes."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5278. An act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building".

H.R. 5395. An act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''.

GROWN IN AMERICA ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will resume.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H.Res 1558) expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CARDOZA) that the House suspend the rules and agree to the resolution, H. Res. 1558.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 1, not voting 28, as follows:

[Roll No. 501]

YEAS—403

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Paul

NOT VOTING—28

Akin
Bachmann
Becerra
Butterfield
Buyer
Carney
Conaway
Conyers
Delahunt
Edwards (TX)
Griffith
Himes
Hoekstra
Kennedy
Kilpatrick (MI)
Linder
Luján
McCarthy (CA)
Moran (KS)
Peterson
Radanovich
Rodriguez
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1159

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 11, not voting 19, as follows:

[Roll No. 502]

YEAS—402

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn

Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—11

Broun (GA)
Campbell
Duncan
Flake
Garrett (NJ)
McClintock
Paul
Petri
Rohrabacher
Royce
Taylor

NOT VOTING—19

Akin
Buyer
Carney
Delahunt
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Melancon
Moran (KS)
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 1209

Messrs. MCCLINTOCK, BROUN of Georgia, and ROHRABACHER changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MELANCON. Madam Speaker, on roll-call No. 502, had I been present, I would have voted "yes."

RECOGNIZING 50TH ANNIVERSARY OF STUDENT NONVIOLENT COORDINATING COMMITTEE AND THE NATIONAL SIT-IN MOVEMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1566) recognizing the 50th anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the pioneering of college students whose determination and nonviolent resistance led to the desegregation of lunch counters and places of public accommodation over a 5-year period, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 503]

YEAS—410

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson

Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—22

Akin
Buyer
Carney
Delahunt
Gohmert
Griffith
Himes
Hoekstra
Inglis
Kilpatrick (MI)
Linder
McCarthy (CA)
McMorris Rodgers
Moran (KS)
Price (GA)
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. JACKSON of Illinois) (during the vote). Two minutes remain in this vote.

□ 1216

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FRANCIS MARION NATIONAL FOREST LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5414) to provide for the conveyance of a small parcel of National Forest System land in the Francis Marion National Forest in South Carolina, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 504]

YEAS—408

Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—24

Ackerman
Akin
Buyer
Carney
Delahunt
Ellison
Gohmert
Griffith
Himes
Hoekstra
Kilpatrick (MI)
LaTourette
Linder
Mack
McCarthy (CA)
Miller (NC)
Moran (KS)
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1223

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 30, 2010, I was absent from the House and missed rollcall votes 500, 501, 502, 503 and 504.

Had I been present, I would have voted "no" on rollcall 500, "yes" on rollcall 501, "yes" on rollcall 502, "yes" on rollcall 503 and "yes" on rollcall 504.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5081

Mr. CARTER. Mr. Speaker, I request that my name be removed as a cosponsor on H.R. 5081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 1574, I call up the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Offshore Oil and Gas Worker Whistleblower Protection Act of 2010''.

SEC. 2. WHISTLEBLOWER PROTECTIONS; EMPLOYEE PROTECTION FROM OTHER RETALIATION.

(a) PROHIBITION AGAINST RETALIATION.—

(1) IN GENERAL.—No employer may discharge or otherwise discriminate against a covered employee because the covered employee, whether at the covered employee's initiative or in the ordinary course of the covered employee's duties—

(A) provided, caused to be provided, or is about to provide or cause to be provided to the employer or to a Federal or State Government official, information relating to any violation of, or any act or omission the covered employee reasonably believes to be a violation of, any provision of the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.), or any order, rule, regulation, standard, or prohibition under that Act, or exercised any rights provided to employees under that Act;

(B) testified or is about to testify in a proceeding concerning such violation;

(C) assisted or participated or is about to assist or participate in such a proceeding;

(D) testified or is about to testify before Congress on any matter covered by such Act;

(E) objected to, or refused to participate in any activity, policy, practice, or assigned task that the covered employee reasonably believed to be in violation of any provision of such Act, or any order, rule, regulation, standard, or ban under such Act;

(F) reported to the employer or a State or Federal Government official any of the following related to the employer's activities described in section 3(1): an illness, injury, unsafe condition, or information regarding the adequacy of any oil spill response plan required by law; or

(G) refused to perform the covered employee's duties, or exercised top work authority, related to the employer's activities described in section 3(1) if the covered employee had a good faith belief that performing such duties could result in injury to or impairment of the health of the covered employee or other employees, or cause an oil spill to the environment.

(2) GOOD FAITH BELIEF.—For purposes of paragraph (1)(E), the circumstances causing the covered employee's good faith belief that performing such duties would pose a health and safety hazard shall be of such a nature that a reasonable person under circumstances confronting the covered employee would conclude there is such a hazard.

(b) PROCESS.—

(1) IN GENERAL.—A covered employee who believes that he or she has been discharged or otherwise discriminated against (hereafter referred to as the ''complainant'') by any employer in violation of subsection (a)(1) may, not later than 180 days after the date on which such alleged violation occurs or the date on which the covered employee knows or should reasonably have known that such alleged violation occurred, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the ''Secretary'') alleging such discharge or discrimination and identifying employer or employers responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the employer or employers named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

(2) INVESTIGATION.—

(A) IN GENERAL.—Not later than 90 days after the date of receipt of a complaint filed under paragraph (1) the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the employer or employers alleged to have committed a violation of subsection (a)(1) of the Secretary's findings. The Secretary shall, during such investigation afford the complainant and the employer or employers named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses. The complainant shall be provided with an opportunity to review the information and evidence provided by employer or employers to the Secretary, and to review any response or rebuttal by such the complaint, as part of such investigation.

(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a)(1) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the employer or employers alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record before an administrative law judge of the Department of Labor. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review. The Secretary of Labor is authorized to enforce preliminary reinstatement orders in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia.

(C) DISMISSAL OF COMPLAINT.—

(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in subparagraphs (A) through (F) of subsection (a)(1) was a contributing factor in the adverse action alleged in the complaint.

(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same adverse action in the absence of that behavior.

(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a)(1) has occurred only if the complainant demonstrates that any behavior described in subparagraphs (A) through (F) of such subsection was a contributing factor in the adverse action alleged in the complaint.

(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same adverse action in the absence of that behavior.

(3) ORDERS.—

(A) IN GENERAL.—Not later than 90 days after the receipt of a request for a hearing under subsection (b)(2)(B), the administrative law judge shall issue findings of fact and order the relief provided under this paragraph or deny the complaint. At any time before issuance of an order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation. Such a settlement may not be agreed by such parties if it contains conditions which conflict with rights protected under this Act, are contrary to public policy, or include a restriction on a complainant's right to future employment with employers other than the specific employers named in the complaint.

(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the administrative law judge determines that a violation of subsection (a)(1) has occurred, the administrative law judge shall order the employer or employers who committed such violation—

(i) to take affirmative action to abate the violation;

(ii) to reinstate the complainant to his or her former position together with compensation (including back pay and prejudgment interest) and restore the terms, conditions, and privileges associated with his or her employment; and

(iii) to provide compensatory and consequential damages, and, as appropriate, exemplary damages to the complainant.

(C) ATTORNEY FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the employer or employers a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued at the conclusion of any stage of the proceeding.

(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer reasonable attorneys' fees, not exceeding $1,000, to be paid by the complainant.

(E) ADMINISTRATIVE APPEAL.—Not later than 30 days after the receipt of findings of fact or an order under subparagraph (B), the employer or employers alleged to have committed the violation or the complainant may file, with objections, an administrative appeal with the Secretary, who may designate such appeal to a review board. In reviewing a decision and order of the administrative law judge, the Secretary shall affirm the decision and order if it is determined that the factual findings set forth therein are supported by substantial evidence and the decision and order are made in accordance with applicable law. The Secretary shall issue a final decision and order affirming, or reversing, in whole or in part, the decision under

review within 90 days after receipt of the administrative appeal under this subparagraph. If it is determined that a violation of subsection (a)(1) has occurred, the Secretary shall order relief provided under subparagraphs (B) and (C). Such decision shall constitute a final agency action with respect to the matter appealed.

(4) ACTION IN COURT.—

(A) IN GENERAL.—If the Secretary has not issued a final decision within 300 days after the filing of the complaint, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States, which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

(B) RELIEF.—The court may award all appropriate relief including injunctive relief, compensatory and consequential damages, including—

(i) reinstatement with the same seniority status that the covered employee would have had, but for the discharge or discrimination;

(ii) the amount of back pay sufficient to make the covered employee whole, with prejudgment interest;

(iii) exemplary damages, as appropriate; and

(iv) litigation costs, including reasonable attorney fees and expert witness fees.

(5) REVIEW.—

(A) IN GENERAL.—Any person aggrieved by a final order issued under paragraph (3) or a judgment or order under paragraph (4) may obtain review of the order in the appropriate United States Court of Appeals. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall be accordance with chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

(B) NO OTHER JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any other proceeding.

(6) FAILURE TO COMPLY WITH ORDER.—Whenever any employer has failed to comply with an order issued under paragraph (3), the Secretary may obtain in a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

(A) IN GENERAL.—Whenever an employer has failed to comply with an order issued under paragraph (3), the complainant on whose behalf the order was issued may obtain in a civil action in an appropriate United States district court against the employer to whom the order was issued, all appropriate relief.

(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

(c) CONSTRUCTION.—

(1) EFFECT ON OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(d) ENFORCEMENT OF NONDISCRETIONARY DUTIES.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

(e) POSTING OF NOTICE AND TRAINING.—All employers shall post a notice which has been approved as to form and content by the Secretary of Labor in a conspicuous location in the place of employment where covered employees frequent which explains employee rights and remedies under this section. Each employer shall provide training to covered employees of their rights under this section within 30 days of employment, and at not less than once every 12 months thereafter, and provide covered employees with a card which contains a toll free telephone number at the Department of Labor which covered employees can call to get information or file a complaint under this section.

(f) DESIGNATION BY THE SECRETARY.—The Secretary of Labor shall, within 30 days of the date of enactment of this Act, designate by order the appropriate agency officials to receive, investigate, and adjudicate complaints of violations of subsection (a)(1).

SEC. 3. DEFINITIONS.

As used in this Act the following definitions apply:

(1) The term ''covered employee''—

(A) means an individual performing services on behalf of an employer that is engaged in activities on or in waters above the Outer Continental Shelf related to—

(i) supporting, or carrying out exploration, development, production, processing, or transportation of oil or gas; or

(ii) oil spill cleanup, emergency response, environmental surveillance, protection, or restoration, or other oil spill activities related to occupational safety and health; and

(B) includes an applicant for such employment.

(2) The term ''employer'' means one or more individuals, partnerships, associations, corporations, trusts, unincorporated organizations, nongovernmental organizations, or trustees, and includes any agent, contractor, subcontractor, grantee or consultant of such employer.

(3) The term ''Outer Continental Shelf'' has the meaning that the term ''outer Continental Shelf'' has in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

The SPEAKER pro tempore. Pursuant to House Resolution 1574, the amendment printed in part C of House Report 111–582 is adopted, and the bill, as amended, is considered read.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks and submit extraneous material for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, the legislation before the House today closes a loophole in current law regarding the rights of workers to blow the whistle over unsafe conditions on offshore oil rigs.

As the Obama administration told Congress, individuals working on the Outer Continental Shelf, like on the Deepwater Horizon, shockingly have zero whistleblower protections. This is unconscionable. There is no good policy reason for treating onshore and offshore workers differently. This is because the whistleblower may be the only thing that's standing between a safe workplace and a catastrophe.

H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act, will fix this glaring omission. Whether it is refineries, underground coal mines, or oil drilling rigs, our enforcement agencies cannot be at all workplaces at all times. That's why it's up to workers to be the eyes and the ears when these agencies can't.

While the precise cause of the British Petroleum Deepwater Horizon tragedy is still under investigation, two things are clear from the media reports and from the congressional hearings. First, workers on the rig had safety concerns prior to the tragedy. And second, workers believed that they would lose their job if they raised these safety concerns with management.

Not long before the Deepwater Horizon explosion, rig worker Jason Anderson told his wife that working conditions on the rig were not safe. He talked to her about getting his will and getting his affairs in order. But he wouldn't talk about his safety concerns when he was on the rig. He once told his wife he couldn't talk about the safety concerns because ''the walls are too thin.'' Jason did not survive the explosion. He perished, along with 10 others. He left behind a wife and two young children.

No worker should ever have to choose between his or her life and their livelihood, but that's a decision these workers face. As Deepwater Horizon worker Daniel Barron said, safety is only convenient for employers when they needed it. There was a lot of rhetoric that everybody had the right to call a timeout for safety, but when push comes to shove, if you called that timeout, Daniel Barron said, you're going to get fired.

Mr. Speaker, this bill is narrowly tailored and will protect offshore workers who call for a timeout for safety. It simply extends the whistleblower protections to workers engaged in oil and gas exploration, drilling, production, and oil spill cleanup on the Outer Continental Shelf. It mirrors other recently enacted whistleblower laws contained in the Consumer Product Safety Improvement Act and the Federal Railroad Safety Act.

Specifically, H.R. 5851 will prohibit discrimination against employees who report violations of the Outer Continental Shelf Lands Act. It protects workers who report injuries or unsafe conditions to an employer or the government, and protects workers who

refuse to perform on the assigned task when there is a reasonable belief of injury or spill. The bill will also require employers to post notice and provide training that explains these rights.

Finally, like other modern whistleblowing statutes, the bill provides for a fair process for resolving whistleblower complaints at the Department of Labor or through the courts if necessary. The Education and Labor Committee recently approved strong mine safety and OSHA reform bills that include nearly identical whistleblower protections.

I want to thank my colleague, Congressman MARKEY, and his staff for their work on this legislation, and Mr. CONYERS and the Judiciary Committee for their constructive advice and suggestions.

I again want to thank Mr. MARKEY. He offered very similar whistleblower language in the Energy and Commerce Committee, and they reported that language out as part of a larger oil spill response bill 48–0.

□ 1230

I urge my colleagues to support the closing of this dangerous loophole and provide the protections for these workers. Workers in the oil and gas industry deserve a voice on safety issues regardless of whether or not they work onshore or offshore.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 2010.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking a formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 5851 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward, so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the CONGRESSIONAL RECORD during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.
Chairman.

COMMITTEE ON EDUCATION & LABOR,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 29, 2010.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I am writing in response to your letter of July 29, 2010, concerning the Committee on the Judiciary's jurisdictional interest in H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010.

Acknowledging your jurisdictional interest in matters being considered in H.R. 5851, we have consulted with your Committee on several provisions and appreciate the contributions you have made in crafting the legislation. Thank you for your willingness to allow the bill to proceed to the floor expeditiously by waiving any referral.

We will continue to appropriately consult and involve your Committee as the bill moves forward and will support your request to have Judiciary conferees appointed during any House-Senate conference. I will submit a copy of your July 29, 2010, letter and this response to the CONGRESSIONAL RECORD during floor consideration.

Thank you for your cooperation in this matter.

Sincerely,

GEORGE MILLER,
Chairman.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, whistleblower protections are a longstanding part of our Federal safety and health laws. Simply put, they protect workers' ability to speak freely about dangers in the workplace. They allow working men and women to protect themselves and their coworkers. The ultimate goals of our worker safety laws should be that no worker ever needs to blow the whistle. We need a culture of safety in our workplaces, a system in which employers have the information and resources they need to comply with the law and avoid unnecessary risks to workers' health and safety.

But in those rare instances where employers are not following the law and workers' safety is at risk, we offer protections to those individuals who speak up. These protections are widely available to workers and enforced by the Whistleblower Protection Program at the Occupational Safety and Health Administration.

However, we recently became aware that a gap may exist in those protections. Safety on offshore oil rigs is overseen by the Coast Guard and the Bureau of Ocean Energy Management, unlike most workplaces where safety is overseen by OSHA. As a result, it is not clear whether these workers are covered by the OSH Act's whistleblower protections or any of the 17 other statutes enforced by OSHA's Whistleblower Protection Program. Some might argue oil rig workers are covered by the Maritime Transportation and Security Act, while others point to a 1983 agreement in which OSHA retained whistleblower authority for these workers.

In the few days since this legislation was introduced, we have found confusion and conflicting information. This confusion was illustrated in recent news accounts detailing the experiences of workers on the Deepwater Horizon who were concerned about safety practices on the rig but were afraid to voice those concerns. If workers themselves believe they can be fired or otherwise retaliated against for identifying safety concerns, we must create or restate those protections. It is as simple as that. Yet the bill before us is not so simple.

H.R. 5851 creates a brand-new whistleblower framework for any individual directly or indirectly involved with a company that drills on the Outer Continental Shelf. We all agree on the need to clarify protections for workers on the rigs, but what about other workers, those who are already covered by other law?

H.R. 5851 adds a new layer of legal processes, deadlines, and remedies for workers who are already covered. It creates legal confusion, particularly for those workers who would now be covered by parallel and possibly conflicting statutes.

I'm also troubled by the differences between these new whistleblower protections and those existing under current law. This bill seems to prioritize resolution by the Federal courts, adding costs and delaying results for workers who simply want to remain on the job.

These are the types of questions normally addressed through hearings and committee votes. Members weigh the opinions of Federal regulatory officials, legal experts, industry personnel, and workers themselves. We evaluate which agency would be best suited to enforce protections and remedies under the law, and we prevent duplication and confusion by clearly defining which workers are covered.

Unfortunately, we did not use that process for H.R. 5851. It was never given a committee hearing. It was never given a committee vote. Last month, the committee held a hearing to examine broad jurisdictional questions about which Federal agency is ultimately responsible for worker safety on offshore oil rigs. We heard from the Coast Guard, the National Institute for Occupational Safety and Health, OSHA, and the Bureau of Ocean Energy Management. Those agencies told us they did not know which Federal whistleblower laws, if any, applied to workers on oil rigs on the Outer Continental Shelf. There was confusion.

Since that time, the committee has heard no further testimony, received no further information, and considered no legislation. Yet, on Monday of this week, the majority introduced H.R. 5851 and promptly announced Members of the full House would be asked to cast a vote on whether these are the best protections for workers on oil rigs. And, as has become all too common, we are here under a closed rule with no amendments being considered.

Mr. Speaker, this is a serious issue and it deserves a serious process, one it has not been given.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentlewoman from California (Ms. WOOLSEY), the subcommittee chair on the Education and Labor Committee.

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010.

Chairman MILLER, I want to thank you and commend you for the commitment to the health and safety of American workers. And Ranking Member KLINE, thank you very much for outlining exactly the confusion that we are faced with regarding employee safety, particularly on our oil rigs.

Now, following the Gulf of Mexico disaster, it is clearer than ever that providing strong protections to offshore oil and gas workers would be a positive step in encouraging workers to speak out about work safety and health issues at the worksite. Obviously, inspectors cannot be at all workplaces at all times, and so the system relies on willingness of employees to come forward, because these employees, these workers, know their worksite better than anyone else. Yet too many workers fear doing so because they fear repercussions. They don't fear imagined repercussions; they fear real ones.

We heard this from the families of the 29 miners who were killed at the Upper Big Branch Mine in West Virginia and from the families of those miners who died at the Crandall Canyon, Darby, Sago, and Aracoma mines. We've heard this in the wake of other workplace disasters as well.

And now we have discovered that before the BP disaster in the gulf which took the lives of 11 workers, workers did not come forward about safety hazards because they were afraid they would lose their jobs. Sadly, their fears were well-founded. Those brave souls who blow the whistle often do lose their jobs and suffer other indignities such as harassment, intimidation, and blacklisting. In this situation of the BP disaster, they lost their lives.

In May of 2007, my Subcommittee on Workforce Protections held a hearing on the adequacy of whistleblower protections. The now famous whistleblower Jeffrey Wigand, who ''blew the whistle'' on Big Tobacco, testified at that hearing. He was not protected by any antiretaliation law when he lost his job. He was not protected when he was threatened, harassed, and intimidated for his actions.

Like Mr. Wigand, offshore gas and oil workers have no whistleblower protections. This is absolutely unacceptable, and we know it.

In crafting H.R. 5851, we ensure workers are actually encouraged to come forward to report unsafe conditions by providing a meaningful process to adjudicate complaints that also comports with due process, and by providing sufficient remedies to whistleblowers, including temporary reinstatement, backpay, and other damages.

H.R. 5851's provisions are similar to the whistleblower provisions in the Protecting America's Workers Act, which brings the Occupational Safety and Health Act into the 21st century. H.R. 5851 also emulates other modern whistleblower statutes, such as the Consumer Product Safety Improvement Act.

I'm proud to be an original cosponsor of the Offshore Oil and Gas Worker Whistleblower Protection Act, and I urge my colleagues to vote to protect all vulnerable workers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well when other Members are under recognition.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield such time as he may consume to the ranking member on the Health Subcommittee, the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I thank my friend, Colonel Kline, for the wonderful leadership that he has provided on our committee and the focus that he's given to this issue.

Mr. Speaker, never let a crisis go to waste. It's the defining principle of how this administration and how this Congress govern.

□ 1240

We're facing a devastating crisis right now, an oil spill which has ravaged the Gulf of Mexico both economically and environmentally. Out of this crisis there have been reports raising the issue of worker safety on oil rigs. Now, such reports raise very serious questions, which should be dealt with in a very serious manner, matters that require probing and oversight by Congress so that workers are adequately protected and free to report safety concerns.

However, what we've gotten from this majority is an unserious response, a political response more interested in taking advantage of the latest crisis. Remember, never let a crisis go to waste.

The bill before us today was introduced just this week. There's been no hearing on it, no committee consideration, no input from members of the committee, certainly on our side. Another rush to the floor, don't read the bill, don't read the bill, don't worry about it. Remember, never let a crisis go to waste.

And so what's the result? Confusion. With little time to review, we don't know what if any existing Federal whistleblower laws already apply to workers on offshore oil rigs and other employees in these companies. We don't know which agency is best equipped to enforce these new whistleblower protections. These are things that would normally, Mr. Speaker, in the course of activity come out during a committee hearing, during a normal open committee process. But no committee hearing, no committee hearing here. Remember, never let a crisis go to waste.

With this Congress, all the serious policy issues are secondary to the politics. Instead, what we get is a bill that establishes a whole new bureaucracy, a whole new whistleblower framework for a specific class of workers. It's an expansive set of protections that applies to health and safety and environmental and any other standards under the OCS Land Act; and yet it's untested, without an explicit description of which agency would even enforce the program.

Digging into the language a little deeper, it appears to favor resolution of complaints in Federal court, adding costs and inviting litigation. Remember, never let a crisis go to waste.

The Department of Labor only had 300 days to issue a final decision on a complaint or it gets kicked to the U.S. district court. Perhaps this wouldn't be a problem but there's an incentive to stretch out cases. Why, Mr. Speaker? Because bad-faith claims are not deterred. Employers can only recoup $1,000 total in attorneys' fees, which for some law firms—I know this won't come as any surprise to the Speaker—for some law firms less than a day's work; and even if the Department of Labor decides on a complaint before that deadline and defines it to be nonmeritorious, the case could still move on to court, creating a Federal right to sue. Remember, never let a crisis go to waste.

Now, later, Mr. Speaker, Republicans are going to offer a motion to recommit which is a better solution. Our positive solution gets to the heart of the issue, ensuring that workers are adequately protected and free to report safety concerns. It's not simply taking advantage of the latest crisis or rewarding plaintiff's trial lawyers for their support of the Democrat Party.

So, Mr. Speaker, I urge my colleagues to support the positive appropriate solution, the Republican motion to recommit, and defeat the partisan bill now before us.

Mr. GEORGE MILLER of California. I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), a coauthor of this legislation and the author of the whistleblower protection provisions of the Energy and Commerce bill.

Mr. MARKEY of Massachusetts. I thank the gentleman, and I thank GEORGE MILLER for his decades of work in ensuring that whistleblower protections are built into the laws of our country in order to ensure that workers are not living in terror, that they stand up for safety.

During the last 3 months, Congress has conducted a vigorous investigation into the causes and response of the BP Deepwater Horizon disaster. What we've found was that BP was woefully unprepared for this kind of a spill. From the beginning, BP has been making it up as they go along. BP said the rig could not sink. It did. They said they could handle an Exxon Valdez size spill every day. They couldn't.

Early on in the disaster, BP was talking about using a junk shot where they shoot golf balls into the well. Well, when we heard that they were

bringing in the best minds and that they were working on this problem, we thought they meant MIT, not the PGA.

BP also talked in the first 3 weeks about deploying nylons and hair to soak up the oil. The American people expected a response on the par with the Apollo Project, not ''Project Runway.''

And from the start, BP has been more interested in protecting its own liability than preserving the livability of the Gulf of Mexico. BP started by saying this spill was 1,000 barrels a day. It wasn't. They knew it. They said it was 5,000 barrels per day; they knew that it was not. And by now, we know it was much, much larger, upwards of 60,000 barrels a day.

Our investigation uncovered that no major oil company would have been able to respond to this type of spill any better than BP. In fact, the Gulf of Mexico oil spill response plans from Exxon Mobil, Chevron, ConocoPhillips and Shell were 90 percent identical to BP's. They were such dead ringers for each other that they listed the phone number for the same long-deceased expert as the person to call. The response plans also included plans to evacuate walruses from the Gulf of Mexico, even though walruses haven't called the Gulf of Mexico home for 3 million years. It seems that the only spill response technology that the oil industry had invested in is a Xerox machine. No oil company took this responsibility seriously.

The legislation that we will vote on today will ensure that there will be accountability, stronger regulations, and a requirement that before oil companies drill ultra-deep that they have the technology necessary to make it ultra-safe and can respond to a spill ultra-fast.

We need whistleblowers to make sure that we never again see what has happened in the Gulf of Mexico, and that is the important piece of legislation that we are debating right now: whistleblower protection. In this legislation, we are putting into place state-of-the-art protections for oil and gas workers who are retaliated against because they report safety concerns or they report a failure on the part of their employer to have a good blowout response plan.

We know from our investigation both into this disaster and another BP rig operating in the gulf, the Atlantis rig, that BP has cut corners on safety, even if it meant risking workers' lives and environmental calamity. For example, an employee working on the BP Atlantis rig warned in 2009 that BP was failing to meet its requirement to maintain accurate engineering drawings aboard the rig which would enable an effective response to an accident. The whistleblower was fired after making his disclosure. BP continues to deny this problem on the Atlantis rig exists, even though former Federal district court judge Stanley Sporkin who was hired by BP to serve as an independent ombudsman has confirmed that the whistleblower's allegations are true.

And on the BP Deepwater Horizon, workers were also fearful of the extent of the problems aboard the Deepwater Horizon. Jason Anderson told his wife that he couldn't discuss his concerns because, quote, the walls are too thin. Mr. Anderson died in the April explosion.

This bill will ensure that all workers who report safety or blowout response plan concerns who are then fired, demoted or otherwise retaliated against by their employers will be protected. These workers will be entitled to due process at the Department of Labor; and if the Department of Labor fails to act, they will be entitled to a jury trial. They will also be entitled to receive appropriate damages to ensure that they are made whole.

□ 1250

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 2 additional minutes.

Mr. MARKEY of Massachusetts. I thank the gentleman.

In the wake of the Deepwater Horizon catastrophe, we have heard that the workers aboard the rig had safety concerns. But in the end, they were powerless to stop the cascading string of bad decisions by BP that led to the disaster. They clearly feared for the loss of their jobs and of their livelihoods.

Our legislation will protect these brave Paul Reveres in the oil industry who sound alarms in the future. I thank Chairman MILLER for his historic work on this legislation. I thank all of the Members who are focusing on this issue, so that people who stand up to protect the safety of workers do not have to lose their jobs.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. MARKEY of Massachusetts. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I know how hard you worked to try to get the accurate figures of what the blowout meant in terms of volume of oil going into the gulf.

I just wonder, if we had had whistleblower protections and one of the employees at BP who knew what the real volume was as opposed to what the executives were telling the American people and the rest of the world, we might have had information sooner which would have allowed us to respond in a different fashion than we did when we had bad information because of the concealment of the accuracy of which we found when you finally got the cameras turned on.

Mr. MARKEY of Massachusetts. The gentleman put his finger right on it. There would be a completely different response if the spill were not 1,000 barrels or 5,000 barrels per day but, rather, 30,000 to 60,000 barrels per day. It delayed the response. Much more harm has been done to the people in the Gulf of Mexico. There was a greater delay in bringing in all of the skimmers, all of the new technologies to be able to deal with this spill. If a whistleblower knew that it was not 1,000, knew that it was not 5,000, they should not have to fear that they would lose their job if they wanted to protect the oceans of America and the workers in the Gulf of Mexico rather than being afraid that they would lose their own job and their own family's livelihood. That is why this legislation is so important.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. KLINE of Minnesota. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the chairman for yielding to me, and I rise in strong support of H.R. 5851.

A couple of speakers before me, the gentleman from Georgia on the other side of the aisle kept repeating the mantra of ''never let a crisis go to waste,'' and he was deriding this side because apparently he thinks that we should always forget a crisis and we should not take into account what we've learned because of the crisis.

You know, it is because of this crisis that we really need to redouble our efforts to protect people who live all around the Gulf of Mexico, to protect the workers, to protect the public from companies that really couldn't care less about them; and this Whistleblower Protection Act is going to do exactly that.

Now I'm on the Energy and Commerce Committee. I sat through every hearing that we had with oil officials and with the BP officials. And I'll tell you the truth; it was insulting the way Mr. Hayward came and wouldn't tell us anything because he was obviously told by his lawyers not to tell us, and the arrogance dripping from his mouth where he just seemed to not care at all about the havoc that BP had put forward in the gulf and even with the people who were killed.

So today we are passing this Whistleblower Protection Act which will protect, as the gentleman from Massachusetts (Mr. MARKEY) said, people who come forward and say, ''Hey, you know what? What's going on isn't right, and it needs to stop, and I don't want my job to be in jeopardy because I'm telling the truth.''

We're also going to vote on the CLEAR Act as well. And I want to remind my colleagues that we desperately also need comprehensive clean energy and climate legislation after this. The BP explosion in the gulf has been disastrous. It has led to 11 deaths, devastated the gulf economy, and just polluted the environment.

We heard testimony in the Energy and Commerce Committee from Tony Hayward. We asked him serious questions, and he refused to answer our questions. BP has not been truthful at

all about what has been happening in the gulf from the very beginning. They've used and abused the system, and we cannot allow that. We have to work to ensure that oil companies like BP are not permitted to treat the environment as their own private playground, or put at risk the livelihoods of thousands upon thousands of hard-working Americans.

I want to be perfectly clear here—this is BP's spill and BP should pay for it. There should be no taxpayer money spent on cleanup. But BP had the gall to announce this week that they're looking to cut their losses at the expense of the American people by claiming tax benefits for costs associated with this oil spill. That is shameful, and that's wrong, and it ought to be stopped.

That is why today I am introducing the Denial of Tax Benefits to Offending Oil Polluters Act of 2010. This legislation would prohibit oil polluters from receiving tax benefits for costs associated with an oil spill.

I look forward to passing this legislation today, H.R. 5851, and debating my bill in the future to be sure that we hold bad actors like BP accountable for their irresponsible decisions and their devastating actions.

I thank the chairman for his strong leadership in this regard.

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. KLINE of Minnesota. I continue to reserve.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished chairman and I thank you for your constant forward thinking on the workers of America.

Coming from the gulf region, I don't know if any of you have ever seen an oil rig, particularly one as large as Deepwater Horizon. It is the home of the workers. It is their home away from home. They eat there, they sleep there, they work very hard there, and they recreate there. They're there 24 hours a day. Some may be a cook. Someone may be a sophisticated engineer. Some may be a seaman and that is their profession. But they're working there; and, therefore, they are looking to ensure that their home away from home is safe.

As I've listened to administration officials who are now all about the gulf, I can tell you that the workers who love their industry and love their jobs are excited about the call for transparency and protection and increased safety for this industry. They're excited about what is going on as it relates to those who would engage in telling the truth. If you look at the facts in some of the hearings that we've been in, you will know that there have been a lot of conversations with subordinates trying to talk to supervisors. Something was awry, but no one listened. We may have even heard that some companies left the rig early on because they were disturbed. Or as my colleague mentioned, the young man by the name of Jason who even told his wife, ''Prepare my will.'' And so it is important today that we stand up for the workers.

This is a concise, articulate, whistleblower language and legislation, prohibiting an employer from discharging or otherwise discriminating against anyone who talks to State or Federal officials or anyone else; telling the truth, saving lives. As well, it protects them if they prepare or testify in front of any governmental entity talking about unsafe conditions. Imagine how many lives that could save in any other industry as well.

The bill establishes a process for an employee to appeal, giving them the justice of the Constitution that does not deny you benefits without due process. Is that a problem? They live there. This is their home. It makes an aggrieved employee eligible for reinstatement and back pay. Some of these jobs are the only jobs these men or women can secure to protect and provide for their family. We live in the gulf. We're shrimpers and fishermen and oystermen; and yes, we work in this industry. It requires employers to post a notice that explains employee rights and remedies under the act.

I look forward to working with the chairman as we look at other ways of helping these employees who are under stress, providing mental health services and counseling after this terrible devastation. It may have to continue even after BP finishes their work. But this is the right direction to go. This speaks well of this Congress who will stand alongside of workers and make a difference in their lives and the lives of their families.

I ask you to vote for this legislation.

Today, I rise in support of H.R. 5851—the Offshore Oil and Gas Worker Whistleblower Protection Act. We are all well aware of the disaster that occurred when the Deepwater Horizon rig exploded, but it might have been prevented if we had listened to voices expressing concern. The men and woman who bravely come out and expose the injustices and violations that take place at their place of work are the eyes and ears for the American public. These people should be able to speak out freely with no fear of unfair repercussion.

In the aftermath of the disaster, it became clear that workers on the Deepwater Horizon rig harbored safety concerns prior to the explosion, but chose not to vocalize them over fear of retribution. Take, for example, Jason Anderson, who told both his wife and father that working conditions were not safe on the Deepwater Horizon. According to his wife Shelley's testimony before the Senate's Commerce, Science and Transportation committee, Jason was reluctant to talk about these concerns while on the rig and told her: "I can't talk about it now. The walls are too thin." Another worker, Dewey Revette, reportedly had concerns with BPs plans to begin shutting down the well on the day it exploded. He continued to work despite his reluctance and lost his life hours later.

Workers on oil rigs, like the Deepwater Horizon, risk losing their jobs if they report dangerous workplace conditions. The workers performing clean-up activities on the Outer Continental Shelf similarly have no protections against employer retaliation for raising health and safety concerns. It is essential that workers be protected when they raise concerns about unsafe working conditions, and they must have the right to stop working if they fear they could be injured or killed. All workers, especially those in dangerous jobs, are in the best position to discover safety hazards. You can't have inspectors at all facilities at all times—these workers are enforcement agencies' eyes and ears when it comes to safety compliance.

Currently, there is no Federal law that protects offshore workers for blowing the whistle on workplace health and safety problems. This bill extends whistleblower protections to workers regarding Outer Continental Shelf oil and gas exploration, drilling, production, or cleanup, whose employers are engaged in those activities.

Federal whistleblowers have attempted to expose government actions that violate the law or harm the environment for decades. Their disclosures have helped the Federal Government improve environmental protection, nuclear safety, and national security, and their claims have helped safeguard the welfare of American citizens. Whistleblowers have gained credibility in recent years thanks in great part to organizations like the National Whistleblower Center (NWC), the Liberty Coalition, and the Government Accountability Project. The NWC is a non-profit, tax exempt educational and advocacy organization dedicated to helping whistleblowers make their case to lawmakers and other government leaders—a modern day safe haven for those who are willing to put their careers on the line to improve their government.

The bill is modeled after other modern whistleblower statutes and would prohibit an employer from discharging or otherwise discriminating against an employee who reports to the employer, or a Federal or State Government official that he or she reasonably believes the employer is violating the Outer Continental Shelf Lands Act (OCSLA). The legislation would also protect covered employees who prepare and/or testify about the alleged violation, report injuries or unsafe conditions related to the offshore work, refuse to work based on a good faith belief that the offshore work could cause injury or impairment or a spill, or refuse to perform in a manner that they believe violates the OCSLA.

Mr. Speaker, it is essential to protect workers with the courage to speak out when they see life-threatening safety-hazards or shortcuts. If we do not, we risk dire consequences. Whistleblowers are often forced to choose between remaining silent about a dangerous or illegal situation and risking their careers by telling the truth. We must reverse this unacceptable and unsustainable choice by passing this legislation.

□ 1300

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the best way to keep our workers and our workplaces safe is through compliance. We write workplace safety laws for a reason, and we

expect employers to follow those laws. This is true for factories and family-run businesses, and it is true for offshore oil rigs.

We never want to see a workplace where laws are not followed and worker safety and health is put at risk. But if that happens, workers must be able to report those risks without fear of being discriminated against or losing their job. This is where whistleblower protections come.

The Occupational Safety and Health Administration enforces 18 separate Federal whistleblower statutes for workers who report violations of worker safety, airline, commercial motor carrier, consumer product, environmental, health care reform, nuclear energy, pipeline, public transportation agency, railroad and securities laws.

Yet somehow, in this maze of whistleblower protections, it seems that workers on offshore oil rigs may not be fully protected. When we asked the agencies responsible for overseeing rigs on the Outer Continental Shelf, they told us they did not know which statute might apply. This is unacceptable.

I fully support the effort to ensure workers on offshore oil rigs have access to whistleblower protections. But I have concerns and questions about how H.R. 5851 approaches this goal, and I have serious objections to the manner in which this legislation was brought floor.

There has been no hearing, no markup, no committee report. There has, quite simply, been no legislative process, and it's no way to treat the oil rig workers we are supposed to be protecting.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, I hope that all of our colleagues on both sides of the aisle will support this Whistleblower Protection Act.

I hope that they understand that many, many thousands, millions of American workers work in work sites where every day they pose an inherent danger to those workers. The question of whether or not those workers will be safe or not very often is decided by the employer, who decides how they will structure the work site, what the work rules will be, and how the work and the process will proceed.

But very often those employers sometimes shortchange safety. They choose to pick production over the safety of their workers. They choose to pick cost cutting over safety of their workers.

They choose to pick hurrying up the job over the safety of their workers. They choose to pick getting certain parts of the job done and get them offsite over the safety of their workers.

In today's economy, and in every economy, for many of these workers, it's a terrible choice to think about if I raise my hand on behalf of safety, will I lose my job? If I raise a question about the process that we are about to engage in here and how dangerous it is, will I lose my job?

I represent a district where people work in these industries, in the chemical industry and the refining industry. You know what? We lose workers in those jobs all too often, and all too often we find out the mistakes that were made and we wonder. And even those workers, who are covered by whistleblower protection, know the trade-off.

Because, don't forget, all whistleblower protection does is give you a right to try to proceed to get your job back. Many times that's delayed and workers go months and months without pay because they had the courage to invoke their rights.

This Whistleblower Protection Act is consistent with the other Federal protections for workers throughout this country, but these workers today on the Outer Continental Shelf have no protection at all with respect to their personal safety, and we are simply filling that gap and making sure that they will have that right.

Now, many companies—and I have talked to the CEOs of some of these companies—say, you know, we give you the right at any time to pull the switch, to shut down the job, to stop it, if you think it's unsafe. One company gives out a card. You get a card and you put the card down. It's sort of like in the World Cup—you get a time-out.

Do you know what the supervisors tell the employees that card is? A get-fired card. Play that card, get fired. So the company says play this card any time you want, but the supervisors make it clear what the pressure is.

That's why we need this whistleblower protection for the workers on the Outer Continental Shelf. I have to believe, given the concerns that are documented in the hearings of this Congress, that had these workers had that kind of protection, there would have been a far greater chance that they would have said, wait a minute, because they had concerns about the procedure as they started to withdraw from this drill site. They had concerns about the condition of the rig. They had concerns about the overriding of safety alarms. Yet we saw the explosion and the tragedy and the loss of life of these workers.

Let's do something in their memory that will protect their colleagues on the Outer Continental Shelf. Let's pass this bill with large bipartisan support.

In the name of these workers, these workers who fell into a gap in the protection laws of this Nation, let's fill that gap. Let's provide them the protection, and let's make their death not be in vain with respect to their coworkers.

I ask for support of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). All time for debate has expired.

Pursuant to House Resolution 1574, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 5851 is postponed.

□ 1310

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3534.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

POINT OF ORDER

Mr. HASTINGS of Washington. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. HASTINGS of Washington. Mr. Speaker, I raise a point of order against consideration of H.R. 3534 because it does not comply with clause 9(a) of rule XXI, because the committee report to accompany the measure does not contain a statement that this bill contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

I would point the Speaker to page 125 of the accompanying report. The report contains a statement that H.R. 3435 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits. That is not the proposition that we are considering today. Today we are considering H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2009. However, the proposition identified in the committee report is H.R. 3435, a bill making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save program. As it happens, that measure was signed into law on August 7, 2009, and is Public Law 111–47. So it cannot be the proposition that we are considering today.

Clause 9(a) of rule XXI prohibits the consideration of ''a bill or joint resolution reported by a committee unless the report includes a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.'' The rule specifies ''the'' proposition, not ''a'' proposition. Thus the statement in the committee report fails to meet the test because it describes a proposition rather than the one which is the subject of the report.

Normally, clause 9(d) would preclude the Chair from even entertaining this point of order. However, it also specifies ''the'' proposition and not ''a'' proposition and thus is inapplicable in this case.

I would also note that the rule providing for consideration of H.R. 3534 specifically exempts clause 9 of rule

XXI from the waiver of all points of order against consideration of the bill; so the bill is exposed to this point of order.

Accordingly, Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. Does the gentleman from West Virginia seek to argue the point of order?

Mr. RAHALL. No, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Washington makes a point of order that the bill violates clause 9(a) of rule XXI. Under clause 9(a) of rule XXI it is not in order to consider a bill or a joint resolution unless the committee report on the measure includes a list of congressional earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

The Chair has examined the relevant committee report, House Report 111–575, and finds that it contains on page 125 a statement with regard to another measure, H.R. 3435, but not a statement with regard to this bill, H.R. 3534.

Accordingly, the point of order is sustained. Consideration of the bill is not in order.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of Rule XX or under clause 6 of rule XVIII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). A supplemental report on H.R. 3534 has just been filed pursuant to the authority granted by clause 3(a)(2) of rule XIII. This supplemental report contains a statement regarding congressional earmarks, limited tax benefits, or limited tariff benefits with regard to H.R. 3534 that now satisfies clause 9 of rule XXI.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3534.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand the typographical error made by somebody has been corrected in the supplemental report just filed and we are now on line for consideration of this bill.

Today the House is considering H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010, better known as the CLEAR Act. This legislation is aimed at shedding light on longstanding inadequacies in the management of our Federal oil and gas resources and to address the lessons learned in the aftermath of the Deepwater Horizon disaster.

On the afternoon of January 29, 1969, an environmental nightmare began in Santa Barbara, California. A Union Oil platform stationed 6 miles off the coast suffered a blowout. For 11 days, oil workers struggled to cap the rupture. During that time, around 5,000 barrels of crude oil bubbled to the surface and was spread into an 800-square-mile slick by winds and swells. Incoming tides brought thick tar to beaches, marring 35 miles of coastline. At the time, it was the worst environmental disaster this country had experienced and heralded the beginning of the environmental movement, but that paled in comparison to the events in the aftermath of the tragic explosion that occurred in the Gulf of Mexico on the evening of April 20, 2010.

□ 1320

The explosion of the Deepwater Horizon took the lives of 11 brave workers, unleashed up to 5 million barrels of oil over nearly 100 days, wreaking havoc on the gulf. It soiled over 600 miles of pristine gulf coast shoreline, and enforced the largest fishery closure in history. The souls of those 11 men cannot be recouped, but we, in part, can redeem them by taking action on this legislation.

Prior to this incident, I led the Committee on Natural Resources in the vigorous oversight of America's flawed oil and gas program. We uncovered billions of dollars that were never paid to the American people, countless examples of agency regulators sleeping around with, instead of keeping an eye on, the oil and gas industry, and the flagrant mismanagement of America's public energy resources. We had amassed a mountain of evidence that something was wrong. The American people were being cheated. The environment was being degraded, and Big Oil was writing their own rules.

As a result of a decade of investigations by the inspector general and the GAO, as well as holding countless oversight hearings held by my committee, we crafted a comprehensive package to completely overhaul and reform America's oil and gas leasing program. The CLEAR Act was introduced last September, and it seeks to make several important changes to current law in an effort to create greater efficiencies, transparency, and accountability in the development of our Federal energy resources.

Since April 20, our Committee on Natural Resources has led congressional efforts to investigate this tragedy, which was clearly a game changer for the way we manage our public energy resources. Through the work of the Natural Resources Committee and other committees, it became obvious that additional reasonable reforms were necessary to protect and prevent against such a catastrophe in the future.

While we may not know the exact cause of the incident at this time, we clearly know what contributed to it—a culture of cozy relationships that had regulators interviewing for jobs on the same rigs they were supposed to be inspecting, drilling plans that were rubber-stamped in a matter of minutes with only the most cursory environmental reviews, a ''trust but don't verify'' attitude towards safety standards, and an agency in charge that was spending too much time on the sidelines as the oil and gas industry wrote their own rules.

The CLEAR Act addresses these issues. It directly responds to the Deepwater Horizon disaster while also looking forward and attempting to prevent the next catastrophe. It will create strong new safety standards for offshore drilling and the revolving door between government and industry. It

will require real environmental reviews, hold BP accountable, help restore the gulf coast, and ensure that the American people get the best bang for their buck for the use of their resources.

The CLEAR Act will dismantle and reorganize a dysfunctional Minerals Management Service so that conflicts of interest between leasing, policing, and review collecting are permanently abolished. It establishes a new training academy for Federal oil and gas inspectors who will be required to adhere to strict new ethical guidelines. Thanks to Chairman OBERSTAR and his Transportation and Infrastructure Committee, the bill before us today also ensures that oil companies are held fully accountable and that drilling rigs meet strict U.S. safety standards.

Finally, the CLEAR Act fulfills a 45-year-old promise to the Land and Water Conservation Fund, which was based on the premise that money obtained from the sale of the public's resources should be used to protect and conserve our natural, historical, and recreational resources. The bill establishes a new Ocean Restoration and Conservation Assistance Fund, known as ORCA, so that funds raised from drilling in our oceans will also go toward protecting and improving our oceans. We take so much from our oceans, Mr. Chairman, that it is about time we gave something back.

We will, undoubtedly, hear horror stories today from the oil and gas industry about what they allege this bill will do to them. It happens every time, but this is sheer hyperventilation from an industry that has had its way with the public lands for 8 years. The industry should take a look at the spill in the gulf to see how an overly permissive attitude can turn into a real horror story for the entire industry and for the American people.

The Deepwater Horizon explosion and the subsequent damage that has occurred over the past 102 days is, indeed, a game changer. It is time that we act to protect America's families, America's workers and businesses, to rebuild the gulf coast, to hold oil companies accountable, to work to ensure that a spill of this kind never happens again, and to secure our domestic energy resources.

In this day and age, in this America, whether it is a coal mine in the congressional district that I am honored to represent or an oil rig deep in the Gulf of Mexico, there is no room for an environment where working men and women leave their homes in the morning and do not know if they will return in the evening. This is what this legislation is about.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Chairman, this bill is being sold as the response to the ongoing gulf oil crisis. Though what has not been mentioned until right now is that it is stuffed with page after page of provisions that are totally unrelated to the spill. This legislation, if passed, will kill jobs. It will raise taxes, and it will increase Federal spending and cause even greater economic pain to the gulf coast and their families and communities.

Republicans believe the Federal Government should be focused on permanently stopping the leak, cleaning up the oil, holding BP and those responsible for the spill fully accountable, and then finding out, Mr. Chairman, what went wrong. Republicans believe educated reforms are needed to make American deepwater energy production the safest in the world, but these reforms must be based on the full facts of what caused and contributed to this tragedy.

Here in Washington, though, Democrats are exploiting the oil spill as an excuse to impose a job-killing combination of tax increases, government spending, and greater bureaucratic regulations. Democrats are pushing ahead of the facts to enact unrelated policies that wouldn't stand on their own merits if they weren't hitched to this vehicle and to this tragedy. They are not even waiting for the results of the many ongoing investigations, including the President's own hand-picked commission on this matter. This tragic oil spill and the President's arbitrary deepwater drilling moratorium have already cost thousands of jobs in the gulf and across the Nation.

Congress should not be passing a law that will inflict deeper economic and unemployment pain. The unlimited liability in this bill will devastate small operators and lead to, it is estimated, 300,000 lost jobs. The budgets of States and the Federal Government, because of this action, could face a $147 billion deficit in their budgets from lost revenue. The new $22 billion energy tax in this bill will not only cause more lost jobs; it will raise energy and gas prices on American families and businesses.

Mr. Chairman, this is what is very interesting:

This tax is imposed on just American oil and gas from Federal leases. Foreign countries won't pay this tax. So the argument can be made that this tax actually hurts American workers and gives advantages to foreign competitors.

Now, if what I have detailed is not bad enough, this bill includes over $30 billion in new mandatory spending—spending on programs totally unrelated to the oil spill. To make matters worse, Democrat leaders have inserted specific language in the bill allowing every single dollar to be earmarked. This makes this bill a giant earmark ATM that automatically hands out over $1 billion a year from now until the year 2040.

□ 1330

This bill is supposed to be about the gulf oil spill, yet it goes far, far beyond offshore drilling. It imposes taxes and restrictions for onshore energy production. But the impact is not just on natural gas and oil onshore. It also affects renewable energy like wind, solar and geothermal; and I will say, it affects it in a negative way.

But it doesn't stop there. In response to the Federal Government's failure to regulate Deepwater Horizon in Federal waters, this bill requires a Federal takeover of permitting in State waters. In what bizarre world, Mr. Chairman, does this make sense? It is a gross violation, in my view, of the Tenth Amendment and is opposed by an association of 38 States who regulate energy production on their land and waters.

Now let's take two steps back and consider what the Democrats are doing with this bill. I believe, and I think all Americans believe, that BP is responsible for the gulf oil spill, and they should be held 100 percent accountable for paying the costs of the cleanup and repairing the damages. I believe that Chairman RAHALL agrees with that. I believe everyone in the House agrees that it is BP's responsibility to pay for this and not the taxpayers.

So, Mr. Chairman, why does this supposed ''oil spill response bill'' impose a $22 billion energy tax on Americans and increase unrelated spending by over $30 billion? BP is supposed to pay, not the taxpayers. There shouldn't be a new energy tax or billions in new spending in this bill. The fact is, the Democrats are using this oil spill tragedy as an excuse for unrelated tax and spending increases.

While this bill will cost billions in new taxes and higher spending, Mr. Chairman, the real toll is the potential lost jobs because of the actions of this bill. American jobs will be lost, and many will be sent overseas because of this bill. Why is this being done, I wonder, to the people of the gulf coast? The gulf coast has already taken a terrible economic hit. By what measures, Mr. Chairman, do they deserve this Democrat Congress taking action on a bill that will inflict even greater economic pain and suffering?

So, Mr. Chairman, I urge my colleagues to oppose the CLEAR Act and insist on a bill which we can all agree on regarding the safety and soundness of drilling in the gulf.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

I rise in strong support of the amendment in the nature of a substitute to the Consolidated Land, Energy, and Aquatic Resources Act of 2010, and I want to congratulate my good friend and Transportation Committee colleague, Mr. RAHALL, the chairman of the Natural Resources Committee, for the splendid work that his committee has done, for the bill that he, personally, has championed, and the hours of

work put into this legislation in crafting a true comprehensive response to the oil spill in the gulf, the causes of that failure and the cleanup that is necessary.

I was going to be rather brief; but after listening to the gentleman from Washington, I didn't recognize the bill that is before us. I have never considered cleanup responsibilities to be a tax. I don't know where that confection has been created, but it is certainly not in my vocabulary.

The blowout from the mobile offshore drilling unit, the Deepwater Horizon, killed 11 people on the crew—at least none of them have been found. They are all presumed dead. There were 116 people injured in one way or another. Millions of gallons, millions of barrels of oil spilling from a source that is unknowable, a resource whose volume is unknown, and it continued relentlessly until just a few days ago. Our committee held three hearings to investigate the causes of this disaster, and I particularly appreciate the splendid work done by subcommittee Chairman ELIJAH CUMMINGS, the chair of the Coast Guard and Maritime Subcommittee.

While the causes of that disaster are still under investigation, there are some elements that are clearly known and that we must and can deal with and that we do deal with in this legislation that emerge also from our hearings. We received extensive testimony on how the Deepwater Horizon was built in South Korea, registered in that great maritime nation of the Republican of the Marshall Islands, and the registry is held by a foreign entity maintained in Reston, Virginia. No accountability, no oversight, no responsibility, and no rigorous laws of the country of registry to govern the MODU, the drilling unit. And the vessel itself, because it was registered in the Marshall Islands, was not subject to the rigorous safety inspection standards of the U.S. Coast Guard that a U.S. flagged vessel would be subject to.

We also learned that shortcuts were taken in the development, approval, and implementation of the oil spill response plans for the Deepwater Horizon drilling operation. Those response plans were totally inadequate to address the worst-case scenario. We also learned that in May of 2008, the Minerals Management Service of the previous administration exempted BP from filing an oil spill response plan—exempted because they're a big worldwide multibillion-dollar corporation with experience in deep-water drilling. In their permit, they filed a 52-page document that said: In the unlikely event of a surface or subsurface spill, we are capable of handling with existing industry technology up to 175,000 barrels a day. They couldn't handle what came out of that, and they couldn't measure what came out of that oil reservoir. That gulf has been seriously injured and damaged for generations because of that failure.

It also demonstrated the inadequacy of the limits of liability, including financial responsibility for the responsible parties, inadequate, insufficient to address a worst-case scenario for a release of oil in an offshore operation. The expected cost will be in the tens of billions. And even though BP agreed to set aside $20 billion in an agreement with President Obama as an escrow to cover potential costs, the $75 million cap that exists in current law is grossly, grossly inadequate and must be repealed; and it is repealed in our version of this legislation.

We also investigated the unprecedented use of 1.5 million gallons of chemical dispersants. Our witnesses called into question the potential short-term and long-term impacts that increased use of these dispersants, such as COREXIT, would have on the waters, the water column and the aquatic creatures and the plants in the Gulf of Mexico. Dr. Sylvia Earle, a world-renowned ocean biologist who spent 50 years of her career studying and evaluating and understanding the Gulf of Mexico, said, There never was any testing of COREXIT on underwater creatures in the water column, that COREXIT itself was determined to be toxic to the human respiratory system. It had adverse effects on the kidney and lungs and heart, and yet it was used extensively, well over a million gallons of it, as a dispersant in the response to the oil spill. We will have the burden of decades to understand what the effect of this chemical is on the water column and on the creatures whose livelihood depends on this water.

Our bill has several provisions to address liability, financial responsibility, improvements in safety, increased oversight of oil spill responses, improvements in environmental protection. We repeal or adjust existing liability limitations for offshore facilities to ensure that the responsible party or parties will be responsible for 100 percent of the cleanup costs and damage to third parties and will extend the provisions of OPA '90, the Oil Pollution Act of 1990, which has very rigorous provisions in it, to protect even the migratory waterfowl which come from northern regions, from Canada and from northern Minnesota and other northern-tier States and winter in the gulf.

□ 1340

Our State bird, the loon, winters in those marshes that are now oil-infested. And I want to be sure that BP pays for every oiled loon, which are the joy of Minnesotans in the summer as we recreate outside and enjoy our great outdoors.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to the gentleman from California, I would just like to tell my friend, the chairman of the Transportation Committee, that the taxes that I referred to are on page 224 of the bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Before we add more bureaucracies to the equation, shouldn't we be asking how did the existing ones do? This administration ignored the oil spill contingency plan that NOAA's former response coordinator says could have burned off 95 percent of the oil spill from day one. It took them 8 days just to do a test burn.

In the 2 weeks after the spill, 13 countries offered the assistance of their surface oil skimmers. The administration told them, ''Thanks, but no thanks.'' As the oil approached shore, the administration shut down oil skimming barges for lack of life jackets. Apparently, it never occurred to them to simply bring out more life jackets. Skimmers that could have removed 95 percent of the surface oil were blocked by the EPA for a month because they didn't remove 99.9985 percent. For more than a month, the governors of the States begged the administration for permission to take emergency action to protect their shorelines, to no avail. And now we want more bureaucrats?

The problem is not a lack of bureaucracy. The problem is a tangled mess of rigid regulations, political posturing, contradictory edicts, and administrative incompetence that produced an emergency response worthy of the Keystone Kops. More of the same is not the answer.

My advice to this administration and its congressional majority is this: If you can't lead and won't follow, then get out of the way.

Mr. MICA. Mr. Chairman, I inquire as to how much time is remaining on each side of the aisle.

The CHAIR. The gentleman from Florida has 10 minutes remaining. The gentleman from Washington has 12 minutes remaining. The gentleman from West Virginia has 12½ minutes remaining. The gentleman from Minnesota has 2½ minutes remaining.

Mr. MICA. I yield 1 minute to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I rise in opposition to this bill. Obviously, I am not opposed to improving safety and regulation in the OCS. But I do want OCS drilling to continue.

I want to thank Chairman WAXMAN and Subcommittee Chairman MARKEY. The Energy and Commerce bill that was reported out, I believe 48–0, did improve safety, but it did allow drilling to continue domestically. In my opinion, with the taxes in this bill, with the punitive nature of this bill, if it were to pass and become law we would not have OCS drilling, and it would lessen the ability to develop our domestic resources, would increase costs to the American consumer, and make us more dependent, not less dependent, on foreign oil.

There are some good things in the bill. Some of the safety provisions from the Energy and Commerce bill that are included on CEO certification and things of this sort are worthwhile. But overall, it is a bad bill, and I would ask for a ''no'' vote.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Energy and Commerce Committee, a gentleman with whom we have worked very closely in the development of this legislation, and who has conducted a number of investigations and hearings on his own, Mr. WAXMAN.

Mr. WAXMAN. I thank the gentleman for yielding.

Just over 3 months ago, the Macondo well exploded in the Gulf of Mexico, causing the largest environmental disaster in U.S. history. Eleven workers on the oil rig died.

The Energy and Commerce Committee has held nine hearings into the chain of events that caused the blowout of BP's well and its impact on the gulf coast. These hearings revealed that BP and its partners made a series of risky decisions that undermined well safety. Our committee then passed the Blowout Prevention Act, H.R. 5626, 48–0, to strengthen Federal drilling regulations. This bill before us today contains key provisions from our legislation. I want to thank Natural Resources Committee Chairman RAHALL for working with us to include these provisions.

BP chose a risky well design on the Macondo well that provided minimal barriers to prevent dangerous gases from flowing to the wellhead. They ignored their contractors' urgent warnings about how to cement the well safely. This legislation will ban these dangerous practices. It's too late to stop the explosion, but this legislation can hold the appropriate parties accountable and make sure this type of catastrophic blowout never happens again.

Just over three months ago, BP's Macondo well exploded in the Gulf of Mexico, causing the largest environmental disaster in U.S. history. Eleven workers on the oil rig died. The well poured thousands upon thousands of barrels of oil into the Gulf of Mexico, threatening an entire way of life along the Gulf Coast. While BP has capped the well, the well has still not been permanently sealed.

The Committee on Energy and Commerce has held nine hearings into the chain of events that caused the blowout of BP's Macondo well and its impacts on the Gulf Coast. The hearings revealed that BP and its partners made a series of risky decisions that undermined well safety. These decisions saved time and money for BP, but increased the risks of a catastrophic blowout.

And based on what we found in our investigation, it is time for Congress to act. Investigations are ongoing and will continue to provide more details about the causes of this accident. But we know enough already about the weaknesses in the regulatory regime to craft commonsense legislative solutions.

Building on our oversight, the Energy and Commerce Committee developed the Blowout Prevention Act of 2010 to establish new federal regulatory requirements to prevent future spills from oil and gas wells. The Committee reported this bill by a bipartisan vote of 48 to 0. ED MARKEY and I worked with the Ranking Member of our Committee, JOE BARTON, as well as FRED UPTON, GENE GREEN, CHARLIE MELANCON, and other members to craft the Energy and Commerce bill. I want to thank them for their constructive suggestions.

Key elements of the Energy and Commerce Committee bill have been incorporated into the legislation we are considering today. I want to thank Natural Resources Committee Chairman RAHALL for working with us to include these provisions.

When BP's CEO Tony Hayward appeared before our Committee, we asked him to explain BP's risky decisions. He tried to dodge responsibility, telling us repeatedly that he was not involved in the critical decisions. And he tried to shift blame to others. It was clear that Mr. Hayward and other top BP officials paid virtually no attention to the risks the company was taking. To ensure greater accountability, this legislation requires oil company CEOs to certify that their well designs and blowout preventers are safe and that the company can promptly control and stop a blowout if these well control measures fail.

BP chose a risky well design on the Macondo well that provided minimal barriers to prevent dangerous gases from flowing to the wellhead. They ignored their contractor's advice about how to properly cement the well. They failed to conduct a critical cement test. And they failed to properly circulate well fluids.

The legislation we are considering today will set strict new requirements to ensure that these basic well control practices cannot be ignored at offshore wells.

BP says it relied on the well's blowout preventer as the last line of defense. But we know blowout preventers are not foolproof—not even close. To increase the reliability of this essential safety device, this legislation sets minimum standards for blowout preventers, including the requirement that blowout preventers have two sets of blind shear rams and redundant emergency backup control systems that can activate when communications from the rig are severed.

We were careful to provide regulatory flexibility so that the minimum requirements can evolve as the technology improves.

To ensure compliance with these new requirements, the legislation requires that blowout preventers, well designs, and cementing programs and procedures be certified as safe by independent, third-party inspectors selected by the federal regulator, not the oil companies. But the costs of these independent certifications will be paid for by the oil companies.

BP also took advantage of a lack of resources and a failure in the regulatory culture at the Minerals Management Service. This legislation puts an end to this culture of complacency. It requires the Department of the Interior to set tough standards and creates a committee of independent experts to check their work and make sure they do their jobs. This independent committee will review available technologies, assess industry practices and regulations, and provide the best, most up-to-date technical and regulatory advice so that we have the best possible set of rules for drilling offshore wells.

It is too late to stop the explosion and blowout on the Deepwater Horizon. But, with this legislation, we can hold the appropriate parties accountable and make sure that this type of catastrophic blowout never happens again.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the committee.

Mr. LAMBORN. I thank the gentleman from Washington.

There are many things about having more safety and environmental protection in the gulf that we can all agree on. Unfortunately, this bill goes way beyond those agreement type of provisions. There is a $2-a-barrel tax increase in this bill. And there is a proportional tax increase on natural gas production as well. And as was pointed out earlier, it's not just on offshore oil and gas production, but on onshore Federal lands. So it goes way beyond the discussion we are having about the gulf.

It's going to add up to $22 billion. And this is not the time to be raising taxes on energy. We're trying to come out of a recession. Many of us are asking, Where are the jobs? And taxing energy and making the consumer and industry pay more for energy, it's just not the right time to do that. And we're putting this, if the bill takes effect, on existing oil and gas production. That's blatantly unconstitutional. The nonpartisan Congressional Budget Office says that we as the Federal Government will have to refund about two-thirds of that $22 billion, or $14 billion, the proportion that applies to existing oil and gas production, back to the producers because it's unconstitutional. It's an impairment of contracts to come in the middle of a contract and say, by the way, we are adding a big tax increase to your energy production.

So why are we taxing industry and the consumer when we're trying to come out of a recession? This bill doesn't make sense, and I urge a ''no'' vote.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I am very honored to yield 1 minute to the distinguished Speaker of the House, Speaker PELOSI.

Ms. PELOSI. Mr. Chairman, I rise in support of the updated Consolidated Land, Energy, and Aquatic Resources Act, the CLEAR Act, and thank the gentleman for yielding time on this important subject. I am very proud of it and other legislation to ensure a continued strong response to the BP oil spill in the Gulf of Mexico.

In passing these bills today, we will uphold our commitment to America's families and businesses to rebuild the Gulf Coast and make families whole, and to ensure that the size of this spill and the scope of it never happen again.

The CLEAR Act responds to the BP oil spill not simply with criticism. In fact, we waited an amount of time so we could get the facts, make the judgment, and write legislation that is responsible and targeted.

Visionary that he is, Mr. RAHALL 1 year ago began work on this legislation. We have benefited from the work

that his committee, that of Energy and Commerce and the leadership of Chairman WAXMAN, and Transportation and Infrastructure under Mr. OBERSTAR, have done in preparation for this, as well as the work of Mr. MILLER on Education and Labor.

□ 1350

This legislation is about safety, about establishing new safety standards—safety for the workers on the rigs, safety for those in the cleanup have been a priority for us in all of the legislation that has come to the floor in response to the spill.

It's about integrity. Integrity of the representations made by BP, whether it's about the effectiveness of the drilling, whether it's about the prevention of a blowout, or whether it's about the integrity of their representations about the integrity of the cleanup, what would happen if such a spill were to occur and do we have the technology to clean up. It's also about the integrity of the infrastructure, that the infrastructure would do what it was designed to do: drill, prevent blowouts, and, of course, respond to it.

So there's been a lack of integrity on both parts in terms of representations that were made and the integrity of infrastructure. This legislation addresses that.

It's about accountability. Reforming the Minerals Management Service is really a very important part of this legislation. Some of this was addressed by President Obama in having an Executive order to this effect or administrative policy to this effect. Now it is in statute. Very, very important. Because that accountability about who sets the standards, who makes sure that those standards are met is very, very important to us honoring our responsibility to the American people.

And it's about the families. And this always comes down to people who have suffered so much, by removing the cap on economic damages paid by oil companies to residents and small businesses affected by the oil spills.

The CLEAR Act is good for families, our environment, and the health of our natural resources in many ways. This week, we were informed that it was also good for our budget, saving taxpayers more than $5 billion over the next 5 years, according to the Congressional Budget Office, and up to $50 billion over the next 25 years, according to the Government Accounting Office.

This measure is just one component of a broader package of actions we are taking to hold BP accountable, support the families and businesses of the gulf coast, and prevent and prepare for future disasters, hopefully avoiding them.

Today, we will vote on the Offshore Oil and Gas Worker Whistleblower Protection Act, which was debated earlier, managed by Mr. MILLER, to protect workers who put the people's interests first, speak up and inform State and Federal authorities of violations and practices that endanger the public and the workers.

In recent weeks, we have passed the Oil Pollution Research and Development Program Reauthorization Act to develop new methods and technologies to clean up oil spills. That was under the leadership of Chairman BART GORDON of the Science and Technology Committee. He also presented the Safer Oil and Natural Gas Drilling Technology Research and Development Program to develop safer drilling technologies and prevent future oil spill disasters. One of them was the Gordon Act and one was the Woolsey Act.

The Spill Act. The Spill Act was one we passed maybe a month ago amending the Death on the High Seas Act to ensure fair compensation for the families of those killed or injured in the BP spill.

Many of us were humbled and honored to receive the families of those who lost their lives at the time of this explosion, at the time of this disaster. They came here. They talked about their family members that they had lost. They are the backbone of America. They worked hard. They played by the rules. They came here, really, using their suffering—and I say that in the best possible way—to help others. Their generosity of spirit insists that we turn this into the law but also to help those families and other families.

We passed legislation to give subpoena power to the President's Oil Spill Commission and permit the Coast Guard to obtain needed resources from the Oil Spill Liability Trust Fund to help with cleanup costs. Thank you, Mr. CUMMINGS.

I would like, again, to acknowledge Chairman NICK RAHALL, JIM OBERSTAR, HENRY WAXMAN, ED MARKEY, and GEORGE MILLER for their leadership on this package of bills that we have before us today, and Mr. GORDON, BART GORDON, for what he had done before.

In the wake of the BP oil spill, Members from both parties should agree that the current system is not working for the American people. As their representatives and their leaders, we must change course. We must do what we can to help the gulf recover and rebuild.

I urge all of my colleagues to vote ''aye'' on this critical oil spill response legislation.

Mr. MICA. Mr. Chair, I yield 2 minutes to a leader and member of the Transportation and Infrastructure Committee, which had part of this bill, one of the leaders of crafting our particular portion, the gentleman from Tennessee (Mr. DUNCAN).

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. I thank the gentleman for yielding.

Mr. Chair, just this morning, in an article entitled, ''Stop Spending, Start Cutting,'' columnist Cheri Jacobus wrote in The Hill newspaper, ''While it's one thing for Americans to be livid at their elected officials over of out-of-control spending and unthinkable levels of debt that will be passed down to children yet to be born, we now have reason to be not only angry, but very, very afraid.''

The Congressional Budget Office just told us the painful, unvarnished, frightening truth this week that unless Federal spending is reined in dramatically and/or revenues increased, we are headed for certain sudden economic catastrophe that would make this current economic crisis seem like a day at the beach.

Now we are about to pass a bill that has $30 billion in just land purchases. Then there are all the new taxes. This bill creates a new tax on all existing and new Federal onshore and offshore leases. The Congressional Budget Office estimates that this tax on oil and a new tax on natural gas will total $22 billion in 10 years, and eventually these taxes will climb to $3 billion per year. And the CBO also estimates that the new energy taxes will create another $14 billion in litigation costs alone. All of these costs, both direct and indirect, will eventually be passed on to the American consumers of energy—small businesses, families, and farmers.

Of course, this new tax applies only to American energy, giving a distinct advantage to foreign oil and gas and jeopardizing American energy jobs. A professor at LSU said this in testimony in front of the Natural Resources Committee, These provisions are simply job killers for a large number of oil and gas employees along the gulf. He said, Unfortunately, the proposed bill under consideration today would eliminate even emerging opportunities and shut down tens of thousands of jobs for Louisiana oil and gas workers.

Dennis Stover, executive vice president of Uranium One, testified before the committee that this bill will decrease U.S. exploration and development. And he said, ''By introducing great uncertainty regarding the lands ultimately available for uranium exploration and development, a leasing system will only serve to increase the United States' reliance on foreign sources of uranium.''

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished chair of the subcommittee, the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

□ 1400

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Chairman.

I rise to speak strongly in support of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010. While this legislation cannot stem the oil that continues to gush into the Gulf of Mexico, it takes solid strides forward to preventing such an event from occurring in the future.

As a Congress, it is our duty to look forward and ensure we have protections

in place for future similar spills in these deepwater areas. We also need to review the current oil and gas regulations and ensure that we have safety and environmental protections in place for all types of onshore and offshore operations and facilities.

This legislation will help to make sure we are better prepared going forward, and I ask my colleagues to join me in supporting this legislation.

I am pleased that Title VII of this legislation, the "Oil Spill Accountability and Environmental Protection Act of 2010," was largely taken from the bill that the Committee on Transportation and Infrastructure passed out of committee. This title covers a number of areas of critical concern: liability provisions; safety measures; and provisions to protect the environment.

The legislation makes much-needed changes to the liability caps for both offshore oil facilities, as well as vessels. With regard to oil facilities, liability caps for economic damages are removed. This is as it should be.

This provision eliminates future incentives for oil companies to ignore the true impacts of their activities and engage in riskier behavior than they otherwise would. As a Congress, we should not enable or subsidize risky behavior on the part of companies simply because they want to do something.

This legislation also includes a number of other important safety and environmental provisions.

It requires that, going forward, there is one individual in true control of the safety of the vessel—and conflicting lines of authority will not result in mishaps, as with the Deepwater Horizon.

This legislation also forces EPA to take a much more rigorous look at oil spill dispersants than has been the case in the past. It is my view that there is a time and a place for the use of some dispersants.

However, it is altogether disturbing that such large volumes of dispersants have been used at the Deepwater site (1,843,786 gallons to date), while so little is known about their impacts to human health, water quality, and marine life.

As a result, we are requiring that EPA study the potential impacts of given dispersants to human health and the environment, get independent verification of effectiveness and toxicity, and then allow for the public disclosure of the chemical ingredients for any product that is "pre-approved" for use. Finally, EPA approval will be required for any use of a dispersant in relation to a future oil spill.

I urge all Members of the House to join with me in supporting this well-considered legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentlelady from Wyoming (Mrs. LUMMIS), a member of the committee.

Mrs. LUMMIS. Mr. Chairman, Americans want the spill cleaned up, BP to pay for it, jobs to be restored, and the Federal Government to do a better job of inspecting for worker safety and environmental safety. To my colleagues in the majority party, we agree. Take ''yes'' for an answer.

But what does this bill do? It raises taxes, it removes the BLM land managers from doing land management and over the objection of the Director of the Bureau of Land Management. Only Congress would view this bill as a response to what Americans want.

No wonder Congress has an approval rating of 11 percent. This is nuts, Mr. Chairman. This is nuts.

The CHAIR. The gentleman from Washington State (Mr. HASTINGS) has 9½ minutes remaining. The gentleman from Florida (Mr. MICA) has 7 minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 1½ minutes remaining. The gentleman from West Virginia (Mr. RAHALL) has 10½ minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield myself 15 seconds.

The other side is cherry-picking the letter from the Congressional Budget Office. The gentleman from Tennessee was giving quotes from it, as far as what this conservation fee does, et cetera, and also nothing to do in this legislation. We jettisoned the part related to uranium leasing.

But the bottom line is that CBO estimates that enacting H.R. 3534 would reduce future deficits by $5.3 billion.

I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chair, the huge human and environmental catastrophe has brought to light glaring deficiencies in the way we oversee, regulate, and hold accountable those who produce oil and gas on our public lands.

This bill will accomplish several good things such as imposing safety standards on drilling and strengthening the Land and Water Conservation Fund thanks to Chairman RAHALL. It is important that it will also clarify and improve liability laws thanks to Mr. OBERSTAR.

Under the current law, BP is responsible for the removal costs of the spill. They are liable only for $75 million, however, for economic and natural resource damages. For a spill of this magnitude, a limit as low as $75 million is laughable.

After the spill began, I led 85 of my colleagues in introducing the Big Oil Bailout Prevention Act, which would raise the liability cap now and retroactively. Of course the polluters should pay. The escrow account created by the administration and BP will have a short-term fix, but the CLEAR Act will ensure that BP is legally liable for all economic and natural resource damages it has caused. The public will know the buck stops with the oil companies, that the costs will not spill over to taxpayers.

I urge my colleagues to support this.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. STUPAK) assumed the chair.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The Committee resumed its sitting.

Mr. MICA. I am pleased to yield at this time 2 minutes to the gentleman from North Carolina (Mr. COBLE), another one of our leaders in the T&I Committee.

Mr. COBLE. I want to thank the gentleman from Florida for yielding.

Mr. Chairman, the Deepwater Horizon oil spill is a horrific tragedy, as we all know; and I want to make certain the responsible parties are held accountable. I also want to ensure that we understand what went wrong to prevent future tragedies. Although I support domestic energy exploration, we need legislation that is focused and implements lessons learned, and the CLEAR Act, in my opinion, does not meet these principles.

Specifically, it adds yet another task to the Coast Guard mission without providing the tools necessary to get the job done. I firmly believe the Coast Guard can do its part, but it is our responsibility to make sure that they have the personnel, command structure, and resources to meet its multifaceted mission.

The bill also diminishes intellectual property rights. Its mandatory publication requirements for chemical dispersants will eviscerate a number of trade secrets and undermine competitiveness in the chemical industry, it seems to me. It makes no sense to discard trade secrets in the name of protecting the public when the EPA already has such authority and jurisdiction to test, inspect, and approve these products.

Finally, this legislation will create new impediments for tapping into our domestic energy supply, make us more reliant upon foreign sources of energy, and compromise jobs.

Mr. Chairman, I reiterate, we must address this catastrophe. The CLEAR Act, however, is the wrong approach for the gulf coast, our economy, and my constituents' wallets.

I thank the gentleman from Florida again for yielding.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 1 minute to the gentleman from Louisiana (Mr. FLEMING), a member of the Natural Resources Committee.

Mr. FLEMING. I thank the gentleman.

Mr. Chairman, on the CLEAR Act, in my opinion, this is a textbook case on how to kill jobs and raise energy prices.

Reforms are needed to ensure American offshore drilling will be the safest in the world, but this bill is extremely premature. The investigations are still ongoing, and we do not have the answers to the question, what went wrong?

I am greatly concerned, too, that this will further harm Louisiana. The State of Louisiana has estimated that a moratorium like the one currently imposed could result in a loss of more than 20,000 Louisiana jobs. Rigs are already leaving the gulf for countries like Egypt and the Congo. Yet today's bill imposes a permanent de facto moratorium by including provisions to delay or block offshore drilling and imposing taxes that will raise energy costs. Killing jobs and raising energy prices are the wrong direction.

I urge my colleagues to vote against the CLEAR Act.

Mr. RAHALL. Mr. Chairman, it is my honor to yield 1 minute to the gentlelady from California (Mrs. CAPPS), who has been so instrumental in development of this legislation and a valued member of our Natural Resources Committee.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the CLEAR Act, and I say this as the Representative of the Santa Barbara channel which Chairman RAHALL referred to as the scene of the big blowout of platform A in 1969.

BP's oil spill is an unprecedented human, economic, and environmental disaster. BP must do everything possible to clean up its damage and make the people of the gulf whole. But this catastrophe is also a sobering reminder of the serious risks from drilling. We can't stop drilling overnight, but we can do everything in our power to ensure that such a disaster never happens again.

That's why we must pass the CLEAR Act. It breaks up the scandal-ridden MMS, increases penalties for polluters, places new safety and environmental standards on oil companies, pays down the deficit by closing loopholes that allow oil companies to drill on the public's land without paying royalties, creates a new trust fund to protect and improve our oceans, provides the Presidential commission looking into the accident with subpoena power.

Once again, this Congress is acting to protect America's families and businesses, rebuild the gulf coast, hold BP accountable. Let's vote to ensure that a spill of this kind never happens again. Vote ''yes'' on the CLEAR Act.

BP's oil spill is an unprecedented environmental disaster that has tragically resulted in the loss of human life and great economic harm.

BP must do everything possible to clean up the damage and make the people of the Gulf whole.

But the catastrophe is also a sobering reminder of the serious risks from oil drilling.

We need a safer, cleaner, more economical approach to energy development, one that shifts us away from oil and toward renewable sources that can't destroy our coasts.

While we can't stop drilling overnight, we can do everything in our power to ensure that such a disaster never happens again.

This Democratic-led Congress has vigorously investigated BP's spill and offshore drilling.

We've exposed our broken regulatory system.

Always a dysfunctional agency, MMS management reached new lows during the Bush Administration.

An Inspector General report, for example, raised serious concerns about the, ''ease with which safety inspectors move between industry and government.''

Oil companies were allowed to cut corners on safety and environmental protection.

And virtually no effort was put into preventing accidents and improving spill response technologies.

Basically, offshore drilling decisions were being made by the oil companies for their benefit instead of the public's.

Sadly, the people in the Gulf are now paying the price.

That's why it's time to pass the CLEAR Act.

The CLEAR Act breaks up the scandal-ridden MMS, increases penalties for polluters, and places new standards on oil companies to prevent another blowout.

It also pays down the deficit by closing loopholes that allow oil companies to drill on the public's land without paying royalties.

It creates a new trust fund to protect and improve our ocean and coastal areas.

And it gives the Presidental Commission investigating the BP spill subpoena power to make sure it can get to the bottom of what actually happened.

Mr. Chairman, there are lots of reasons for us to pass this bill.

But my greatest hope is that some good can come out of this tragedy.

Finally freeing ourselves from our costly oil addiction is the only fitting tribute to the terrible tragedy being borne by the people of the Gulf.

Vote ''yes'' on the CLEAR Act.

□ 1410

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. OLSON), another one of our distinguished members from T&I.

Mr. OLSON. I thank my colleague from Florida for giving me a couple of minutes to talk about the problems with this energy bill.

Mr. Chairman, there are parts of this bill that are well-intentioned, but they miss the mark—particularly the language in this bill regarding the moratorium on offshore drilling. Thirty-three rigs were affected by this moratorium when it was imposed shortly after the explosion on the Deepwater Horizon rig. Since that time, these rigs have been incurring somewhere upwards of $500,000 a day in expenses just while they're not doing any production. There are very few companies, very few entities in our economy, that can incur over $90 million in expenses if this moratorium runs out for the 6-month period that it's supposed to run. And there's no guarantee that it's going to end within 6 months.

Predictably—and I've been banging this drum for almost 2 months now—these rigs are going to move overseas and it's starting to happen. The first rig went to Egypt. It was a rig from Diamond Offshore.

Let me read a quote from their CEO, Larry Dickerson, as he talked about why they were moving this rig overseas. Mr. Dickerson said, ''As a result of the uncertainties surrounding the offshore drilling moratorium, we are actively seeking opportunities to keep our rigs fully employed internationally. We greatly regret the loss of U.S. jobs that will result from this rig relocation.''

Again let me read that last sentence: ''We greatly regret the loss of U.S. jobs that will result from this rig relocation.''

Mr. Chairman, this is not what the American economy needs right now. We need to ensure we're independent from foreign oil. We can't be exporting jobs overseas. This is a job-killing bill that's coming before this House and I oppose it.

Another problem I have with the bill that has been introduced here is the change in liability limits. By changing the liability limits, this bill will effectively squeeze out all the small and medium operators in the gulf, resulting in the loss of thousands of jobs.

If you like Big Oil, this bill is your bill. I am strongly opposed to that. We need to create American jobs. Not ending this moratorium and this changing liability limits is not in America's best interests.

Mr. OBERSTAR. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. NADLER).

The CHAIR. The gentleman is recognized for 1½ minutes.

Mr. NADLER of New York. Mr. Chairman, I rise in support of the CLEAR Act of 2010 to respond to the BP oil spill in the Gulf of Mexico.

Mr. Chairman, one of the many important provisions of this bill requires the EPA to do a new rulemaking procedure to establish baseline levels of toxicity and effectiveness that takes into account a study of the acute and chronic risks posed by the use of toxic dispersants. Quite simply, the EPA must determine whether or not it's safe to use these dispersants. Not just which dispersant is the safest, but whether or not they're safe at all.

I offered an amendment in the Transportation Committee to ban the use of these toxic dispersants until the rulemaking and study in the bill determine they are safe. I am very pleased that my amendment is included in the final bill before us today and I thank Chairman OBERSTAR for his support.

The fact is that nobody today can guarantee that dispersants are safe.

The only thing dispersants seem to do is push the oil below the surface, making it harder to see the damage and determine liability and making it harder to boom and skim the oil off the surface. The only benefit seems to be for PR purposes.

Dispersants simply shift the oil to another part of the ecosystem while increasing the toxins in the gulf harming marine life and contaminating the water column. In fact, researchers have recently found evidence of dispersants in blue crab larvae from Louisiana to Florida, indicating the dispersants have already made their way into the food chain.

Let us never again perform a large uncontrolled experiment with a huge population of people and an entire ocean as the experimental test vehicle. Let us be sure that the dispersants are safe before we subject the marine life and the human population to them.

Mr. Chair, I rise in support of the Consolidated Land, Energy and Aquatic Resources (CLEAR) Act of 2010 to respond to the BP oil spill in the Gulf of Mexico.

There are many important provisions in this bill, such as the increased safety regulations for offshore oil rigs, the elimination of the liability cap and the inclusion of damages for human health in the Oil Pollution Act. In the interest of time, I want to focus my comments on the provisions dealing with the controversial use of toxic dispersants.

This bill requires the EPA to do a new rulemaking procedure to establish baseline levels of toxicity and effectiveness that takes into account a study of the acute and chronic risks posed by the use of dispersants. Quite simply, the EPA should determine whether or not it's safe to use these dispersants. And not just which one is the safest, but whether or not they're safe at all. This is what should have been done in the first place, and it is important that we make sure it is done moving forward.

I offered an amendment to the bill in the Transportation Committee to impose a moratorium on the use of these toxic dispersants until the rulemaking and study in the bill are complete. I am very pleased that my amendment is included in the final bill before us today, and I thank Chairman OBERSTAR for his support and willingness to advance this critical public health and environmental protection.

The fact is there is no scientific evidence that dispersants can be effective in an oil spill of this magnitude, and nobody can guarantee they are safe. I have heard experts and agency officials argue the contrary. Well, if these dispersants really are safe, then there should be no problem proving so under the terms of the bill. In the meantime, we should not presume these toxic dispersants are safe, and we should not use the Gulf or anywhere else that suffers an oil spill as an experimental laboratory.

The only thing dispersants seem to do is push the oil below the surface making it harder to see the damage and determine liability, and making it harder to boom and skim the oil off the surface. The only benefit seems to be for PR purposes.

Dispersants simply shift the oil to another part of the ecosystem, while increasing the toxins in the Gulf, harming marine life, and contaminating the water column. In fact, researchers from Tulane and the University of Southern Mississippi have found evidence of dispersants in blue crab larvae from Louisiana to Florida indicating that it has already made its way into the food chain.

So far, over 1.8 million gallons of dispersant have been used in the Gulf, and people are getting sick—from the dispersants, from the oil, or from some mixture of the two. There is already a name for the illness that plagues many of these people—toxicant-induced loss of tolerance, or TILT—in which you can no longer tolerate exposures to household chemical products, medication or even food. There are numerous reports of people being hospitalized, and several health experts are concerned that this is just the beginning. A group of fishermen has filed a class action lawsuit against BP and the dispersant manufacturer, and another personal injury lawsuit was just filed by Gulf Coast residents who have suffered adverse health effects from exposure to these toxins.

As many of you know, I have been greatly concerned that we are repeating the same mistakes of 9/11 where thousands of responders and area residents are now sick after the failure of the Federal Government to provide adequate oversight or enforcement to prevent exposure to toxic chemicals. Luckily, in the case of the Gulf Oil Spill, BP is the clearly responsible party. However, it is up to us to ensure that BP and the dispersant makers are not allowed to evade liability or shift the cost to the taxpayers for any potential health effects. But more importantly, we must do everything we can to prevent people from getting sick in the first place.

This bill makes significant progress to protect the safety and wellbeing of public health and the environment. I thank Chairman OBERSTAR and Chairman RAHALL for their hard work and commitment to these issues. I urge all my colleagues to support the bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. CASSIDY), a member of the Natural Resources Committee.

Mr. CASSIDY. Mr. Chairman, supposedly today we unite to bring relief to gulf coast families. But I tell you, if you vote for this bill, there is no unity with gulf coast families. This bill actually prolongs the misery of the gulf coast. It kills jobs.

How does it do so? It raises taxes on domestic oil and gas but not on foreign. We're going to prejudice towards a foreign product. It's a reverse tariff. Call it a jobs program for OPEC.

Now the $22 billion that we raise, by the way, isn't to benefit the gulf. It's to buy parkland across the United States. So when everybody says we're going to raise $22 billion for the gulf, they're raising $22 billion for parklands across the United States.

And now we're going to raise the liability caps because we're going to stick it to Big Oil. We're not sticking it to Big Oil. What we're doing is we're sticking it to small and medium size independent producers who control 90 percent of the leases and, by the way, create 300,000 jobs. This bill kills jobs.

And what is most egregious is the ''Buy American'' provision. We're not only helping the gulf; we're patriotic. Oh, my gosh. But let's look at it.

We haven't built a deepwater rig from beginning to end in over 10 years in the United States. By June of 2011, we've got to create the infrastructure and put out the rigs in order to drill. Now what we do do here is the high value-added, high-tech buildup on top of the hull type job. Those are gone because we don't have the capability to build the hull.

This bill is supposed to help the Louisiana gulf coast. The Louisiana gulf coast says, ''Keep your help. We would rather have our jobs.''

Mr. RAHALL. May I have the time on all sides, please, Mr. Chairman, and who has the right to close.

The CHAIR. The gentleman from West Virginia has 8¼ minutes remaining and the right to close. The gentleman from Florida has 3½ minutes remaining. The gentleman from Washington has 7 minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND), a valued member of our Committee on Natural Resources and very helpful in our efforts to preserve the Land and Water Conservation Fund.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Mr. Chairman, our vote today is a very simple choice. It's a choice of whether we're going to stand with the workers of the oil and gas industry, with the families of the gulf region, with the taxpayers of this country, or whether we choose to stand with the powerful special interests known as Big Oil. I choose to stand with the American people. And here is why.

This legislation is going to increase safety standards to protect workers. It's going to increase the liability limits so that those responsible pay. It's going to reform the ethics standards to end the revolving door between industry and oversight functions. And it's also going to live up to the promise of funding the Land and Water Conservation Fund so that those companies extracting resources on our public lands help conserve and protect our natural resources.

In a little bit, I and others will offer an amendment under the Land and Water Conservation Fund so that a dedicated portion of that increases access for hunters, fishermen and outdoor recreationists to the 35 million acres that are currently cut off and isolated from our use.

This is a good bill. It's necessary in the shadow of the worst oil disaster in our Nation's history. I encourage my colleagues to support it and the amendment that I will be offering.

□ 1420

Mr. MICA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1

minute to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. Mr. Speaker, I want to thank the gentleman from Washington for yielding.

I rise in opposition to the CLEAR Act, and the only thing clear about this legislation is that it's going to raise $22 billion in new taxes on American families and run more jobs overseas.

If you look at the bill, first of all, when you talk about their $22 billion tax, which, by the way, is yet one more violation of President Obama's pledge that he won't tax American families that make below $250,000, because they are going to pay the bulk of their new tax. It also discriminates by only applying it to American energy producers.

As people's heating bills are going to be going up in the winter, and their gas bills are going to be going up all throughout the year, they are going to be wondering, what is this liberal leadership running Congress doing? They are raising taxes on American families and running off more jobs when the provisions in this bill actually make it harder for our domestic energy producers to continue operating because the bill preserves Big Oil's ability to bid on future leases. But it eliminates 70 percent of their competition, the small domestic guys who are out there doing the same kind of drilling in a safe and environmentally friendly way. It's bad for jobs. It raises $22 billion in new taxes. This isn't the answer to help the gulf. It only helps OPEC.

Mr. RAHALL. I reserve the balance of my time.

Mr. MICA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the gentleman for yielding.

Mr. Chairman, we in Louisiana have seen this tragedy firsthand, and we know about it more than anybody else in this Chamber.

I will say this, there is an even bigger tragedy, it's the moratorium that's in place today which is leading to a hemorrhage of jobs. Just a couple of days ago, 300 jobs in my hometown gone, 300, and each day it's ratcheting up to a thousand jobs a day.

This is a tragedy. It's a man-made tragedy. It's awful policy. I will tell you, this bill, on top of that tragedy, is going to add to more woe on the gulf coast, running up the cost of American energy production, killing more jobs.

Let me just say this: the President said he wanted to double exports in 5 years. Well, his policies and the policies of our friends across the aisle are going to basically export American jobs.

Mr. RAHALL. Mr. Chairman, I am very honored to yield 30 seconds to the chairman of the Education and Labor Committee in honor of the Whistleblower Act, a member of our Natural Resources Committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the chairman for this legislation, and I am very happy that this legislation includes a responsible bidder so that the American people will know that those companies that bid on the Outer Continental Shelf, those lands that belong to all Americans, that the companies will be responsible, that we will check their safety records.

We will not once again have a company like BP, which is out there with hundreds and hundreds of violations, while so many of the other companies that operate on the Outer Continental Shelf have minimal violations, one and two, and this company is completely out of control. We've got to make sure that the American taxpayer, that the American environment and the American Outer Continental Shelf are protected by responsible bidders.

Mr. MICA. Mr. Chairman, I yield 30 seconds to the gentleman from Louisiana (Mr. CAO).

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1½ minutes to the gentleman.

The CHAIR. The gentleman from Louisiana is recognized for 2 minutes.

Mr. CAO. Mr. Chairman, for the past 3 months I have lived with my people down there in the gulf coast. I have cried with them, I have sat with them as they filed their claims. I went out in boats with them as they were cleaning up the oil, so I fully understand what my people need.

I appreciate the congressional leadership trying to address a bill that will help my people, but H.R. 3534 does not do it. This bill doesn't create jobs, it destroys them. This bill doesn't clean up our shorelines, it creates task forces and layers of bureaucracy that will talk about them.

This bill does not preserve our livelihood, it will devastate our way of life. This bill maintains a moratorium that is killing thousands of jobs in Louisiana.

Where is the short-term and long-term funding to protect our coastline and to restore the oyster beds in fishing areas? Where are the comprehensive short-term and long-term job transition plans for displaced workers? Where is the long-term plan to address the mental and public health crisis, including the compound effect of multiple crises?

Where are the jobs?

My colleagues and I tried to amend this bill to address these issues and make sure that these three critical areas, environmental, economic and health, were addressed in this bill. This bill does not protect the people of the gulf coast. It is fundamentally disingenuous to tout any bill not addressing these three areas as a comprehensive oil spill response bill.

My gulf coast colleagues and I will continue to fight for the needs of my people directly in harm's way.

Mr. RAHALL. I yield 1 minute to the gentleman from Maryland, a valued member of our Natural Resources Committee, Mr. SARBANES.

Mr. SARBANES. Mr. Chairman, I want to thank Chairman RAHALL for his leadership on this critical legislation. I was pleased to work with the chairman to ensure that CEOs of oil companies are held accountable for the safety of their company's drilling operations.

We developed language included in the legislation that requires oil company CEOs to certify their drilling and spill response plan capabilities before receiving a permit to proceed. That language has been further strengthened by adding a provision to impose civil penalties on any CEO that files a false certification.

Penalties of consequence will force CEOs to take this process seriously and make it significantly less likely that companies submit inferior or faulty plans. The best CEOs will take this requirement in stride, recognizing it is a fair expectation of them. This provision will ensure accountability and make it less likely that a spill of this consequence will happen in the first place.

I rise today in strong support of the Consolidated Land, Energy and Aquatic Resources Act (H.R. 3534). The legislation includes significant and wide-ranging reforms to ensure that oil and gas development on federal lands and waters is only done when it can be transparent and safe.

The BP Deepwater Horizon Oil Spill has reinforced my very serious concerns about the effect of offshore drilling on coastal communities and maritime ecosystems. The tragedy in the Gulf of Mexico, which claimed the life of 11 people and released millions of gallons of crude oil into a fragile marine ecosystem, is a sad reminder of the inherent safety, environmental, and economic risks associated with offshore drilling. Oil drilling operations, no matter how expensive or technologically advanced, can never completely eliminate the risk of a major disaster. Like other accidents in the past, the long-term impact of this spill on the Gulf coast's fragile wetlands and local fishing communities will be devastating and long lasting.

BP actually had a response plan to deal with the Gulf of Mexico oil spill. Unfortunately, it was a farce. The plan listed a wildlife expert that had been deceased since 2005 and said that sensitive biological resources in the Gulf included walruses, sea otters, sea lions and seals, none of which actually live there. BP also stated that it could handle a worst case oil discharge scenario 10 times the size of the Deepwater Horizon disaster. They clearly did not take this important responsibility seriously. Even when these glaring inaccuracies were made public, no single official at BP was responsible for the plan.

As this legislation was considered in the Committee on Natural Resources, I worked with Chairman RAHALL to include language making the CEO at each oil company directly responsible for certifying the safety and adequacy of their drilling and spill response plans. I also offered an amendment today, included in the manager's amendment, which would

subject the CEO to civil penalties if he or she files a false certification or their company fails to develop or maintain the capabilities included in their response plans. This requirement and the potential penalties should result in self-correcting behavior, forcing CEOs to take this process seriously and making it significantly less likely that companies submit inferior or faulty plans.

It is imperative that there be clear consequences for substandard response plans or we could have a repeat of the disaster that unfolded in the Gulf of Mexico this summer. Adding this amendment ensures there is accountability when a CEO certifies a faulty plan and makes it much more likely that companies will appropriately scrutinize those plans. I believe that responsible CEOs will recognize this new requirement for what it is—a very basic standard that should be a best practice for responsible companies anyway. But for those who try to cut corners, this framework will certainly give them pause because there are real consequences for irresponsible behavior.

I also strongly support the funding included in this bill for conservation of natural, historic and cultural sites around the Nation. The legislation allocates a small portion of offshore drilling fees to the Land and Water Conservation Fund for the preservation of vital land and water resources throughout the Nation. First envisioned by President Eisenhower, we have neglected this fund for far too long. Today this legislation delivers on past promises and supports the conservation of environmentally sensitive lands and critical habitat, especially shoreline areas such as those on the Chesapeake Bay. It also allows for conservation of rivers, lakes, recreational areas, and trails, as well as state and local parks for biking, hunting, fishing, and wildlife watching. Finally, the legislation provides resources for the Historic Preservation Fund to maintain our national historic sites that add so much to the character and culture of our Nation.

I strongly support this much needed legislation and I would encourage my fellow Members to support this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, this bill is a thinly disguised roadblock, a permanent roadblock to American energy.

It will drive American companies out of the gulf, delay future drilling, increase dependence on foreign oil, kill 300,000 good-paying U.S. energy jobs and levy a new $22 billion tax on American energy, but not on foreign oil. It includes a protectionist measure that the White House itself is troubled about that invites retaliation, will kill U.S. jobs and prevent repairs from occurring in U.S. shipyards.

This is a choice between American energy workers and foreign oil. No Texas lawmaker, no gulf State lawmaker can support this bill and say they truly care about energy workers' jobs in America.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I rise to thank Chairwoman SLAUGHTER and Chairman RAHALL for accepting my amendment reaffirming the permanent ban on oil and gas drilling the in and under the Great Lakes.

I also want to thank Chairman MILLER for joining with me in adding protections from bad actors that pollute the environment, endanger worker safety and threaten the health and welfare of the public.

This legislation prevents these bad corporate actors from being awarded Federal leases and drilling permits. Whether it's BP in the Gulf of Mexico or Enbridge pipeline in Michigan, we need to give Federal regulators the flexibility to prevent oil companies with poor safety and environmental records from accessing our natural resources in reckless disregard for safety and our environment.

□ 1430

As chair of the Energy and Commerce Oversight Investigation Subcommittee, I have held four hearings on the Deepwater Horizon spill and uncovered serious problems of how BP cut corners to save money that led to the gulf oil spill. This legislation begins to correct these problems, and I urge my colleagues to vote for this legislation.

The CHAIR. The gentleman from West Virginia has 4¾ minutes remaining. The gentleman from Florida has 3 minutes remaining. The gentleman from Washington State has 2½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I want to thank my colleague from Washington State for allowing me 1 minute.

Mr. Chairman, I rise in strong opposition to H.R. 3534, the CLEAR Act, because it will kill jobs, increase our reliance on foreign oil, and has become a vehicle for controversial and extraneous provisions that do not address the issues at hand—the safety of our offshore oil production.

I am proud to represent a district that does everything energy, from constituents who work offshore, to service companies, to refineries, to chemical plants downstream. I strongly support making production safer and cleaner, whether it's offshore, on land, or in our industrial facilities.

No one questions unlimited liability on the responsible party for all environmental cleanup costs, but this bill goes so far that it would make it unlimited also for whatever economic damage. What is going to happen is it will put at serious risk competitive investment in the Gulf of Mexico and potentially precipitate a future energy affordability crisis. Effective legislation can be achieved that will ensure the continued development of the gulf resources in a responsible and safe manner while preserving the ability of our independent oil and gas exploration and production companies to operate offshore.

This legislation will instead make it impossible for these producers, most of which are small businesses, to get insurance to drill and drive hundreds of production and servicing companies out of business.

This is the last thing the Gulf Coast and our recovering economy needs.

If you want to eliminate jobs and hundreds of small businesses, vote for this bill.

Secondly, this bill contains several extraneous provisions that have nothing to do with ensuring the safety of our offshore production. In football, we call this piling on.

Section 728 of the bill subjects oil and gas construction activities to storm water discharge permits—a regulatory requirement inappropriate for oil and gas operations, which could place entire projects and significant capital at risk and has nothing to do with safety.

This provision mischaracterizes the issue, placing preparatory steps for oil and gas production in the same category as building construction. These are two very different things.

The Department of Energy estimates that such regulation could result in the loss of future production up to ten percent of both current U.S. oil production and current U.S. natural gas production. Again, if you want to kill U.S. jobs, vote for this bill.

Section 802 of the bill imposes a conservation fee of $2 per barrel of oil, or 20 cents per million BTU of natural gas, for production from all new and existing federal onshore and offshore leases, a cost that will eventually be passed on to consumers.

While I am a member of the Sportsman's Caucus and a strong support of the Land and Water Conservation Fund, this fee targets onshore production, which has no place in a bill responding to the BP oil spill.

Section 241 compels companies to renegotiate their 1996–2000 deepwater royalty relief leases or else be ineligible to bid on new leases.

This has nothing to do with responding to the BP oil spill.

For these reasons and others, I strongly encourage my colleagues to vote against this bill.

This bill will kill jobs, hurt our domestic production, and has become a vehicle for controversial and extraneous provisions that do not address the issue at hand.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I am pleased to yield 1 minute to another gentleman from Texas affected by this, the distinguished gentleman, Mr. GOHMERT.

Mr. GOHMERT. Mr. Chairman, at a time when we're billions of dollars behind on what we need to spend to keep up our parks and the Federal land that's owned right now, this bill irresponsibly adds $900 million per year for 30 years. It's not enough that we're going to put children in debt for generations; now we're going to keep spending money they don't want spent. They want us to stop the bleeding so the body can get healthy again.

One thing about this CLEAR Act is clear: It's going to cause more people to lose jobs, it's going to hurt more State and local governments by buying more land the Federal Government can't take care of, but takes that land

off the rolls. Please, for goodness sake, let's stop the bleeding—and in this case the gushing forth of this Nation's blood and its tax dollars—and vote this down.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE), another member of our Natural Resources Committee.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, Republicans and Democrats mourned the losses in the gulf, and it is very disappointing that my Republican friends will not stand to try to prevent this tragedy.

The fact is, oil is killing the oceans in many ways—in one way, in a small way, by this giant oil slick, but in a large way because of carbon pollution. I just think we can't have this debate without recognizing this. In fact, every oil well that we drill puts carbon pollution in the atmosphere when we burn that oil. That carbon pollution then goes into the oceans, into solution, and that carbon pollution makes carbonic acid. The oceans today are 30 percent more acidic because of the oil we burn.

Let me show you what this has done to the bottom of the food chain. This is a picture of plankton, what happens when you expose it to ocean water that is as acidic as it will be at the end of the century; plankton dissolve in the water.

This bill is not too much; if anything, it is too little. Our Nation needs an energy policy so we stop carbon pollution. That is America's destiny.

The CHAIR. The gentleman from West Virginia has 3¾ minutes remaining. The gentleman from Florida has 2 minutes remaining. The gentleman from Washington State has 2½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I am glad to yield 30 seconds to the distinguished chairman of the Defense Appropriations Subcommittee, Mr. DICKS.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, I rise in very strong support of this legislation.

My colleague, Congressman INSLEE from Washington State, talked about ocean acidification. This is one of the most serious issues that the planet faces. This legislation also will free up money, make it mandatory, and land and water conservation does preserve the right of the appropriations committee to appropriate that money, but we'll get those dollars that we haven't been getting before. We also have a provision in here for the oceans.

So this is a great bill. I urge all my colleagues to vote for it today.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, this is about keeping faith with the American public. It's not the end, but it's an important beginning.

Large oil companies pay some of the lowest fees to American taxpayers compared to what oil companies pay anywhere in the world while enjoying unnecessarily expensive, outmoded tax breaks. And some, by bookkeeping errors, pay no royalties at all while they extract oil. Under this legislation, they will have to choose between continuing this rip-off or getting future leases.

It will make the Land and Water Conservation Fund properly funded, making an impact on communities all across the country, and it leverages new resources. It does all this, as the chairman says, with a net benefit of deficit reduction of $5.3 billion over the next 5 years.

Protect the taxpayer, protect the environment, and improve our communities by approving this legislation.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time to close for the T&I Committee.

The CHAIR. The gentleman is recognized for 2 minutes.

Mr. MICA. Mr. Chairman, I was hoping we could have come here in a bipartisan effort to pass legislation that would have made certain that the tragic spill, the loss of life, be prevented, that we never see that happen off America's shores again. We do need domestic oil production. We don't want to be beholden to foreign fossil fuels.

□ 1440

Unfortunately, this bill misses the mark. Unfortunately, this bill is the typical Democrat solution. It imposes huge taxes—$22 billion in taxes. It overregulates.

Yes, we want proper regulation. We saw where the mark was missed. We saw where the law did not keep up with technology. Though let me say we missed the mark, too, in holding people responsible. We must hold people responsible, and that is whether it is BP or anyone who had anything to do with this or whether it is the administration officials who stamped the permit allowing the drilling to proceed in deep water, as they did, without the proper protections of the environment.

Only 27 deepwater wells off the coast—only 27—have exploration, have production. This administration missed the mark. We want these people held responsible, and we also want it in law. You know, the guy who issued that permit, that one-page permit with a flawed backup cleanup for oil spills, is still on the job. He is in charge of the moratorium, which is another overreach that put people out of work, instead of being in charge of going down and making certain that the production and that those exploration wells were doing well.

They missed the mark. That is a shame for the American people, and it is a shame for the future of containing the tragedy we have seen here.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

Mr. Chairman, this debate has been very interesting because most of the talk on the other side of the aisle has been on the oil spill. Most of the talk on this side of the aisle has been on the increased taxes and on the increased spending.

There is broad agreement that we have to respond in a responsible way to what happened, to the tragedy in the gulf. Nobody argues with that. There is broad support on this side. What we object to—and we have said this over and over and over again—is the extraneous material that is added to this bill.

I didn't hear anybody, for example, on the other side defend the huge tax increases that are embodied in this bill. I didn't hear anybody on the other side of the aisle defend the $30 billion entitlement that is embodied in this bill. That is what our concern is because that is in this bill. As a matter of fact, in my opening remarks, I made reference to the tax increases, and my good friend, the chairman of the Transportation Committee, wondered about the tax increases. I pointed them out to him. They're on page 224. To his credit, he came up here and said, You're right. I appreciate that very much because that really is what the issue is.

If you want to get bipartisan approval dealing with the gulf coast oil crisis, we can do that in a bipartisan way, but don't add extraneous material. That is our objection to this bill, because extraneous material is increased taxes, more spending, resulting in a loss of jobs.

I urge my colleagues to vote ''no'' on this bill, and I yield back the balance of my time.

The CHAIR. The gentleman from West Virginia has the right to close and has 2¼ minutes remaining.

Mr. RAHALL. Mr. Chairman, the Republicans are at it again—apologizing for Big Oil against the interests of the American people.

The fact of the matter is that House Republicans were for a conservation fee before they were against it, and now they're coming to the floor today and accusing the majority of all of these huge tax increases, but they are opposed to the CLEAR Act. House Republicans voted for a $9 conservation fee in energy legislation sponsored by the former Republican Congressman, now Governor of Louisiana, Bobby Jindal. That vote was on June 29, 2006. I have it here: 192 Republicans voted ''yes'' for a $9 conservation fee, and 155 Democrats voted against it.

What is the difference between then and now? I'll tell you the difference. The Democrats' fee is smaller and Big Oil is richer. That is the difference. The House has passed similar conservation fees with Republican support four different times since 2007, and I could list them.

The fact of the matter is the conservation fee will have no impact on the prices at the pump. As we all know, the prices at the pump are determined by the world market. The $2 per barrel fee will be paid for by Big Oil, not by the American consumer. So I respond by saying the Republicans' raising this conservation fee as a tax increase is simply not true.

The Republicans will also say that we are proposing $30 billion in mandatory spending that is unrelated to the oil spill. We just heard my dear friend and ranking member say that. Not true. There they go again—apologizing for Big Oil.

The fact is that the Land and Water Conservation Fund was visualized by Dwight Eisenhower, proposed by John Kennedy, signed into law by Lyndon Johnson, and is financed by royalties from offshore oil and gas drilling. The dollars raised from depleting one of our natural resources goes toward protecting another. The LWCS is a decades-old promise to the American people that, if we allow energy companies to deplete public resources off our shores, we will require them to dedicate that back in order to help our people and to help our coastlines. That's what this bill is all about.

I urge support.

Mr. HASTINGS of Washington. Mr. Chair, I submit the following:

OFFICE OF THE GOVERNOR,
Cheyenne, WY, July 27, 2010.

Hon. NANCY PELOSI,
Speaker of the House, Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: The State of Wyoming has deep concerns at the haste with which Congress is attempting to legislate new oil and gas regulatory processes under H.R. 5626. Provisions which have been added to this bill would affect onshore leasing and energy production and rob the States of their traditional role of overseeing energy production within the States. I urge you to delay action until more definitive information can be obtained and provided to Members of Congress.

Based on the hearings and focus that Congress to date has brought to bear on the tragedy in the Gulf, an expansion of the intended reach of any legislation to respond to this offshore spill and precipitously cover onshore energy production would be a mistake. The State of Wyoming has had effective regulation of the oil and natural gas industry through a variety of programs designed to gather and share information, technology and best regulatory methods for several decades.

The implications of the bill's encroachment to onshore energy leasing and production are ominous as it represents a takeover of state regulation of well construction and permitting and gives it to the Federal government at the expense of long-established State authority. Such preemption would occur whenever the Department of the Interior determines that a state is not adequately regulating oil and gas, or because of citizen lawsuit. This is overreach of the first order.

The State of Wyoming has a proven history of oversight of the energy industry and has effectively overseen industry activity without federal oversight for decades. Regulatory requirements and inspections of well sites are important components of our state program and the prevention of accidents and environmental protection are among our highest priorities.

It is my view that the federal government lacks both the justification and the expertise to effectively oversee oil and natural gas production in the State of Wyoming and I urge you to reject the preemption of Wyoming's and other State's authority to perform this important function.

Sincerely,

DAVE FREUDENTHAL,
Governor.

JULY 29, 2010.

DEAR TEXAS CONGRESSIONAL DELEGATION: We write to express our strong disagreement with provisions in pending legislation that threaten the rights of states to regulate oil and gas exploration and production on state lands and waters. We call on you to reject any proposal that interferes with state regulation of oil and gas safety, exploration and production on non-federal land and waters.

The Deepwater Horizon disaster and the subsequent impacts on the Gulf Coast states occurred on the federal government's watch. The Macondo well is located in a federal offshore lease area. The federal Minerals Management Service and the U.S. Department of the Interior failed to properly evaluate, oversee and regulate drilling in federal waters. It is the federal government that is managing the containment and cleanup effort. It is agencies of the federal government that are engaged in unjustified efforts to impose indiscriminate and illegal drilling moratoria, adding economic insult to injury.

In light of these federal failures, it is incomprehensible that the United States Congress is entertaining proposals that expand federal authority over oil and gas drilling in state waters and lands long regulated by states. Several bills and amendments to be considered this week, for the first time in the history of our nation, attack successful state laws and agencies regulating oil and gas exploration and production on state or private lands and waters. Furthermore, some of these proposals grant unilateral discretion to an unelected federal bureaucrat as to whether or not to allow states to continue regulatory systems established by duly elected state officials, and even create the possibility that such authority would be given to an official recently found by the federal courts to have engaged in arbitrary and capricious decisionmaking on this very topic.

While Congress has every right to consider whatever regulation it deems appropriate on activities in federal lands and waters, it is not permitted to force states to submit their successful state regulations and laws to a federal agency for approval and allow that agency to unilaterally dictate changes. As you well know, the 10th Amendment to the United States Constitution states, ''powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.'' Laws like the one you are considering are unfounded and dangerously destructive of state sovereignty.

We request that Congress respect our state safety and energy laws. Federal laws and regulations failed to stop the Deepwater Horizon disaster. Given the track record, putting the federal government in charge of energy production on state lands and waters not only breaks years of successful precedent and threatens the 10th Amendment to the United States Constitution, but it also undermines common sense and threatens the environmental and economic security of our state's citizens.

Sincerely,

Rick Perry, Governor; David Dewhurst, Lieutenant Governor; Joe Straus, Speaker of the House. Greg Abbott, Attorney General; Jerry Patterson, Land Commissioner; Victor G. Carrillo, Chair, Railroad Commission of Texas; Elizabeth Ames Jones, Commissioner, Railroad Commission of Texas; Michael L. Williams, Commissioner, Railroad Commission of Texas; Troy Fraser, Chair, Senate Committee on Natural Resources; James L. ''Jim'' Keffer, Chair, House Committee on Energy Resources.

ALLIANT,
Houston, TX, May 10, 2010.

Hon. ROBERT MENENDEZ,
U.S. Senator, Senate Hart Office Building, Washington, DC.

DEAR SENATOR MENENDEZ: We are retail insurance brokers. Among our clients are offshore contractors, operators and non-operators, both small and large market cap independent entities, with interests in the US Gulf of Mexico. Our clients are involved in almost every aspect of offshore exploration and development work. We have been asked to comment upon the amount of insurance that is available from the commercial insurance market for third party pollution liability for operators and non-operators before and after the Macondo well incident. Prior to the incident, we estimate the maximum working capacity available in the commercial insurance market (i.e., the limit which could be purchased) was $1.5 billion (for 100% interest—i.e., the limit to be shared between operators and non-operators in any common endeavor). Subsequent to the Macondo incident, we believe the available working capacity has reduced by 15% and the cost involved in procuring this capacity is and will be significantly higher than the pricing prior to the incident.

If, as we understand, there is legislation under consideration which would materially increase the liability cap for economic damages from its current level of $75 million, based on our experience operators and non-operators in the US Gulf of Mexico will be unable to obtain adequate protection from insurance. The increase of the liability cap will impact the economic structure of Gulf of Mexico operations. If the liability cap is increased to the levels we understand are under consideration, the fact that adequate insurance protection is not available will dramatically limit the participants in ongoing exploration and production activities—in our view only major oil companies and NOCs (National Oil Companies) will be financially strong enough to continue current exploration and development efforts.

Yours very truly,

BENJAMIN D. WILCOX,
Executive Vice President and Director, Marine and Energy.

NATIONAL OCEAN INDUSTRIES ASSOCIATION,
Washington, DC, June 8, 2010.

Hon. BARBARA BOXER,
Chair, Senate Environment & Public Works Committee, Dirksen Senate Office Building, Washington, DC.

Hon. JAMES M. INHOFE,
Ranking Member, Senate Environment & Public Works Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS BOXER AND INHOFE: Tomorrow, the Environment & Public Works Committee will be conducting a legislative hearing on S. 3305, the ''Big Oil Bailout Prevention Liability Act of 2010.'' The National Ocean Industries Association opposes this legislation in its current form.

In the wake of the immense economic and environmental impacts still developing in the Gulf, we understand the desire of some in

Congress to take immediate action, whether it be to re-impose outright drilling bans or raise liability caps on the offshore industry. As Congress and the Administration continue to investigate the Deepwater Horizon accident, it is very apparent that until we firmly understand what vent wrong, it is premature to dictate broad and possibly counter-productive solutions.

There are numerous hearings and investigations underway to delve into the root causes of the tragic explosion on the Deepwater Horizon and resulting loss of well control. This week alone, various Committees in Congress are conducting nine separate hearings. Clearly, new information is pouring in.

In the meantime, an unprecedented response and cleanup effort is underway involving over 17,000 people and thousands of private and government vessels. The offshore industry is participating fully and is also hard at work to stem the flow of oil and protect the shorelines and natural resources of the Gulf of Mexico. NOIA member companies are assisting BP in its response efforts, and stand ready to cooperate in hearings and investigations.

In addition, the Administration has initiated investigations through several avenues, which should allow the federal government and the American people to put all the pieces of the puzzle together for a complete picture. Once complete, this picture will provide valuable information on strategic, targeted measures for possible reforms in planning, permitting, inspections, regulatory and statutory regimes.

The companies involved in the Deepwater. Horizon tragedy have indicated their intent to pay for damages and economic impacts beyond the current liability cap of $75 million, so calls for limitless liability may be a solution in search of a real problem. One thing that is clear is that raising the liability caps as high as $10 billion or beyond will drive most non-international producers out of the Gulf of Mexico. This means less domestic energy production and more imports of oil from politically unstable regions, along with increased transportation of oil. The resulting concentration of domestic offshore energy production will be in the hands of a few multinational or nationalized companies.

In addition, I encourage our policy makers to remember that, despite this tragedy, America's need for domestic energy has not changed and OCS development remains a vital part of our overall national energy picture. Nearly a third of our domestic oil comes from the Gulf of Mexico. No one can argue the fact that demand for energy will only continue to increase for the foreseeable future.

We should resist the impulse toward knee jerk reactions and proceed carefully when making decisions that affect the future of our nation's energy supply.

Sincerely,

BURT ADAMS,
Chairman, National Ocean Industries Association.

[From the Hill, June 23, 2010.]

REASONED DEBATE NEEDED TO AMEND ENERGY LEGISLATION

(By Senator James Inhofe)

As oil continues to leak into the Gulf, President Barack Obama and the Democratic leadership face a critical test: Will they seek prudent measures to directly address the BP disaster or will they exploit the tragedy by advancing extraneous measures that drastically reduce domestic energy production, or even enact new energy taxes on consumers and small businesses?

My sincere hope is that President Obama exhibits the leadership necessary to engage in a reasoned debate—one that produces the same outcome following the Exxon Valdez disaster in 1989. After a year-long debate and bipartisan negotiation, Congress unanimously passed the Oil Pollution Act in 1990. The OPA has largely been untested, and some of my colleagues believe it should be updated to account for new realities produced by the BP spill. I couldn't agree more.

Yet the leading proposal to amend the OPA could severely curtail domestic energy production in the Gulf. The ''Big Oil Bailout Prevention Act,'' introduced by Sen. Robert Menendez (D–N.J.), is ostensibly motivated by the desire to make BP, not the taxpayers, pay for the tragedy it unleashed. No one disagrees with that. And no one disagrees that BP must fairly and expeditiously compensate the various business owners now out of work because of BP's actions. But if the Menendez bill becomes law, more than BP could pay: The estimated 150,000 workers connected to the offshore oil and natural gas industry could pay with their jobs and their livelihoods.

As Federal District Court Judge Martin Feldman wrote in his decision yesterday overturning the Obama administration's wrong-headed moratorium on deepwater production, ''Oil and gas production is quite simply elemental to Gulf communities.'' This, and the other elemental fact that Gulf energy production is essential to America's economy, is the principal reason Congress should deliberate carefully on Gulf spill legislation.

I have objected four times to attempts to circumvent the committee process and pass the Menendez bill in the Senate. Emotions are no doubt running high, but we must resist the urge to let emotion dictate the course of deliberations. The legal and regulatory issues involved in legislating on this issue are intricate and complex and therefore should compel us to think carefully about how to proceed.

I take pause on Menendez because of what the experts are telling us. The bill could make exploration and production so costly that only Big Oil companies such as BP, and state-owned firms, such as China's National Offshore Oil Corporation, could afford to operate in the Gulf. Consider INDECS insurance, which said of the Menendez bill: ''If we have understood the proposals correctly, then it would appear to us that the proposed bill will not act as 'Big Oil Bailout Prevention Liability Act of 2010', rather making it impossible for anyone other than 'Big Oil' to operate.''

For a time, the Obama administration shared this view. Just after the Menendez bill was introduced, Interior Secretary Ken Salazar told the Senate Energy Committee that, ''It is important that we be thoughtful relative to that, what that cap will be, because you don't want only the BP's of the world essentially be the ones that are involved in these efforts, that there are companies of lesser economic robustness.'' That the view of the administration then rashly changed to endorse Menendez raises a question: what changed?

One can only speculate; I regret that partisanship may have intervened. Whatever the reason, we need a workable solution that balances the important values of energy production, environmental protection, safety and fairness for affected parties. The Senate Committee on Environment and Public Works, on which I serve as Ranking Member, plans to markup the Menendez bill next week. I hope before then the committee, and then the full Senate, can agree to a bipartisan solution that achieves appropriate balance.

That balance certainly won't be achieved if Democratic leaders insist on attaching energy taxes and other unrelated provisions to the eventual spill bill. And it certainly won't be achieved if they insist on enacting a political agenda animated by aversion to domestic energy production. Nevertheless, I will continue work with my colleagues to craft legislation that holds oil companies accountable without putting jobs and America's energy security at risk.

LOUISIANA OIL & GAS ASSOCIATION,
Baton Rouge, LA, June 30, 2010.

DEAR MEMBERS OF THE EPW COMMITTEE: We have just received a copy of Chairwoman Boxer's second amendment to S. 3305. This poison pill amendment seeks to end offshore drilling by mandating truly unachievable regulations on the offshore oil industry.

We write you today to state our adamant opposition to this amendment as it amounts to a permanent moratorium on deepwater drilling in the United States. We strongly believe we must learn from the mistakes of the Deepwater Horizon incident to ensure safe and effective offshore drilling. However, offshore jobs are critical to the economic success of Louisiana, the Gulf Coast and the energy independence of America.

Senator Boxer's second amendment would impose a permanent moratorium on deepwater drilling in the United States and kill tens of thousands of jobs.

The language imposes unachievable mandates because the mandates are undefined. The uncertainty associated with these undefined mandates, and the amendment in its entirety, present insurmountable obstacles for the oil industry to operate.

We strongly urge you to vote against this permanent moratorium and pursue more reasonable legislation that promotes safe and effective drilling practices.

Sincerely,

DON G. BRIGGS,
President.

Mr. BISHOP of Utah. Mr. Chair, I submit the following:

LOCKTON COMPANIES, LLC.,
Houston, TX, May 13, 2010.

Hon. ROBERT MENENDEZ,
U.S. Senator, Senate Hart Office Building, Washington, DC.

DEAR SENATOR MENENDEZ: Lockton Companies is the largest privately owned insurance broker in the world, and through Lockton Marine & Energy in Houston, we service the insurance needs of many energy companies operating in the Gulf of Mexico. Specifically, we specialize in the small to midsize independent exploration and production companies that are very active in drilling wells in the shallow and deepwater Gulf of Mexico. In fact, two of our clients are in the top 10 largest lease holders and/or most active drillers in the Gulf of Mexico; however, they are relatively small companies. Exploration and production companies are supported by thousands of workers all along the Gulf Coast from their own employees to many small to midsized service companies' employees. The Bureau of Labor and Statistics reported that there were well over 100,000 petroleum-related workers and greater than $12 billion in total wages earned in the Gulf Coast Region alone.

Insurance is critical to our clients and all small to midsized energy companies operating in the Gulf of Mexico. All of the companies operating in the Gulf of Mexico essentially go to the same insurance market to purchase their liability insurance coverage. The insurance market for offshore operations is relatively small, and prior to the Macondo well incident, we estimated the total market capacity for third-party pollution liability to be $1.3 billion to $1.6 billion. Following the Macondo well event, we estimate the capacity has dropped to $1 billion

to $1.2 billion. Furthermore, the cost for the insurance coverage has increased substantially.

The market for Oil Pollution Act (OPA) coverage is an even smaller market, with total capacity of $200 to $300 million. While large exploration and production companies are able to certify on the basis of their balance sheet, most small and midsized companies are dependent on purchasing OPA coverage in the commercial insurance market.

We understand there is legislation under consideration which could significantly increase the liability cap for economic damages from the current level of $75 million. Given the limited capacity in the energy insurance market, a material increase in the cap will eliminate insurance as an option for many exploration and production companies. Without insurance, many of the active exploration and production companies would be unable to operate in the Gulf of Mexico. This decision will affect thousands of people, their families and their local economies.

We respectfully request you give this issue careful consideration, and we are more than happy to provide supporting information on the energy insurance market providing insurance for the Gulf of Mexico.

Sincerely,

JOHN A. RATHMELL, *Jr.*

INSURANCE INFORMATION INSTITUTE,
New York, NY, July 19, 2010.

Hon. JIM OBERSTAR,
Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you once again for the opportunity to testify before the House Committee on Transportation and Infrastructure's June 9, 2010, hearing on the ''Liability and Financial Responsibility for Oil Spills under the Oil Pollution Act of 1990 and Related Statutes.''

It has recently come to my attention that my testimony may have been misinterpreted and that this misinterpretation may have influenced language in the drafting of H.R. 5629, the ''Oil Spill Accountability and Environmental Protection Act of 2010.'' Specifically, in Section 3 of the June 29 draft, the Act would increase the minimum level of proof of financial responsibility for an offshore facility to $1.5 billion.

The rationale for the increase to $1.5 billion figure has been upon occasion traced back to my testimony in which I discuss the current insurable limits of liability for offshore operators. However, the $1.5 billion figure from my testimony is a maximum available limit for third-party liability coverage for the largest of operators, not a suggested limit for certificates of financial responsibility (COFR).

On page 6 of my written testimony I state the following about limits of third-party liability coverage:

''In terms of capacity, the typical third-party liability limit purchased by large operators is approximately $1 billion.''

On page 12, I reaffirm my prior statement:

''As discussed earlier in this testimony, the typical maximum available limit of third-party liability coverage in the offshore energy market today is approximately $1 billion and with perhaps as much as $1.2 billion to $1.5 billion available under some circumstances.''

My statement is clearly distinct from any comment on the appropriate limits for a COFR. Consequently, the use of the $1.5 billion figure in the draft legislation is inappropriate. Indeed, there are several problems associated with adopting a $1.5 billion proof of financial responsibility in the legislation current under consideration:

1. The $1.5 billion figure in my testimony is for total per incident third-party liability coverage available in the private insurance market for large offshore operators. Such a figure therefore should not and cannot be construed as the necessary or available COFR limit for operators of all size;

2. Such limits are not available (or affordable) to smaller operators;

3. There is not sufficient capacity within the offshore energy insurance industry to provide $1.5 billion in coverage limits to all operators;

4. The size of the COFR requirement should reflect the size and nature of the drilling operation, rather than applying a uniform COFR across all operators;

To summarize, imposing a $1.5 billion proof of financial responsibility requirement on all offshore operators is not feasible. There simply does not exist anywhere near enough capacity in the insurance sector to meet such a requirement.

It has been my pleasure to provide input on this very important issue. Consequently, I hope that the clarification of my testimony provided above is of use to the Committee as it continues to consider the details of this legislation.

If you or your staff have any questions or comments, please do not hesitate to give me a call at (212) 346–5520 or to send me an email at *bobh@iii.org*.

Sincerely,

ROBERT P. HARTWIG,

Mr. SMITH of Nebraska. Mr. Chair, I submit the following:

LLOYD & PARTNERS LIMITED,
London, England, May 10, 2010.

Re Deepwater Horizon/Macondo Well Incident.

To Whom it May Concern:

ABOUT LLOYD & PARTNERS

Lloyd & Partners is a London and Bermuda based Major Account (complex risk) insurance broker specialising in onshore and offshore energy insurance with premiums placed annually in excess of USD1.5bn. Overall Lloyd & Partners employs over 200 people and our 40 plus strong Energy team is one of the largest and most respected teams in the London market. We arrange both Property and Liability Insurance for a wide range of Energy insureds including integrated oil companies, exploration & production companies and drilling/service contractors.

Available Liability Insurance Capacity under normal Insurance conditions (policies with normal terms and conditions)

Prior to tine recent Gulf of Mexico drilling incident, worldwide third party pollution liability capacity for offshore energy operations was in excess of USD1.5bn for each insured on a 100% basis (meaning the limits scaled to an individual insured working interest in a project).

Whilst the insurance market previously attempted to limit their ''clash'' exposures (where they could pick up a loss from more than one insured from the same loss) by scaling their limits to an operating group company's working interest, in the main they had previously thought of clashes between operators and contractors as the Joint Operating Agreement would have given them some comfort that only the operator would be liable for a pollution loss, the concern now is that a loss of the nature we are witnessing may result in attempts to hold all the parties responsible regardless of the provisions of the JOA.

We have therefore already seen in the market a realisation that if every party involved in the loss (operating group, drilling contractor, other service contractors—such as mud or cementing contractors—and blowout preventor manufactures) are successfully sued then the market will be exposed to a degree much larger than anticipated when committing capacity to individual insureds. This has already resulted in at least one major London energy liability insurance leader advising us that they are cuffing back their maximum capacity for individual insureds by a third.

At this stage it is really impossible to accurately predict what the exact impact of this loss will have on available capacity but we think it could result in a reduction of such capacity of around 15% to 30%.

Available Liability Insurance Capacity under OPA ''certificates''

Where insurers are asked to provide full coverage under OPA (being strict liability with direct access to insurers and no defence of normal insurance policy terms and conditions) capacity is much more restricted than normal third party liability and we estimate available capacity would be no more than USD150mm—USD200mm.

PRICING

Prior to the recent incident the market was in a ''soft'' phase where rates were low as a result of oversupply of capacity, as not many insureds purchased the full available capacity (typically offshore E&P companies would have purchased on average somewhere around USD 250mm to USD 500mm in limits.)

There is not likely to be pressure from both sides of the supply and demand equation, as capacity shrinks and demand for higher limits materialises (as the recent loss highlights the potential to insureds for a loss of a magnitude higher than most are protected for) which coupled with the fact the market will be looking to recoup the loss they will have to pay out from this latest incident, is likely to result in a significant increase in offshore liability insurance premiums.

PROPOSED CHANGES TO LEGISLATION

Currently OPA provides operators of offshore facilities a limitation of USD 75mm for ''Economic Claims'' (loss of earnings rather than clean-up costs or property damage caused by pollution). Any significant increases in this limit will cause insureds operations in US Waters to face the prospect of significant self insurance, since (depending on the amount) the insurance market will not have sufficient capacity to provide cover for this in addition clean-up costs and third party properties damage suits).

Your sincerely,

JOHN LLOYD,
Chairman and CEO.

INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA,
Washington, DC, June 7, 2010.

Hon. BARBARA BOXER,
Chair, Environment and Public Works Committee, Dirksen Senate Building, Washington, DC.

Hon. JIM INHOFE,
Ranking Member, Environment and Public Works Committee, Dirksen Senate Building, Washington, DC.

DEAR SENATORS BOXER AND INHOFE: This Wednesday, the Environment and Public Works Committee will hold a hearing on S. 3305, the ''Big Oil Bailout Prevention Liability Act,'' in response to the current oil spill crisis in the Gulf of Mexico (GOM). The Independent Petroleum Association of America (IPAA) is opposed to the proposal in its current form.

It is important to note that the tragic events surrounding the Deepwater Horizon incident in the GOM will have a significant impact on American offshore oil and gas exploration and production for years to come. Our thoughts and prayers go out to the families and communities affected by the tragedy in the Gulf of Mexico and we stand ready to help them as we move forward.

Independent producers have operated responsibly in the GOM for decades and hold roughly 90 percent of the leases, producing about 30 percent of GOM oil and more than 60 percent of GOM natural gas. GOM production represents a significant amount of energy supply for consumers all across America, and it remains an essential component of America's energy portfolio. The entire industry is dedicated to working together to protect the environment and to contain the damage from the spill. Many of our member companies have offered supplies and services; others are directly helping with the clean-up efforts.

Controlling the well and protecting the environment are the main priority of the industry today. We support President Obama's independent commission investigating the Deepwater Horizon incident. It is important that a thoughtful, thorough and timely investigation and analysis of the incident is conducted to fully understand what caused the accident and to ensure the proper, improved safety measures are identified and put into practice to prevent incidents in the future. IPAA supports the following principles to address this important issue:

1. Any company operating offshore or onshore should be fully responsible (financial and otherwise) for all clean-up efforts.
2. There must be a fund to ensure that those affected by such incidents (i.e., fishermen, tourism, local businesses, etc.) will be able to fairly recoup lost costs without being caught in fierce litigation with large corporations.
3. The oil industry, collectively, should contribute to this fund and ensure its long-term viability.

These principles are already a part of federal law in the Oil Pollution Act of 1990 (OPA 90) and the Oil Spill Liability Trust Fund (OSLTF). Changes may be needed to update out-of-date OSLTF limits with additional industry funding. However, we are strongly opposed to S. 3305 and other legislative proposals being discussed in Congress that would have negative consequences for independent producers. These changes include increasing offshore liability limits to unrealistic levels that will preclude nearly every company operating in the U.S. offshore from getting insurance to cover their operations. Without the proper insurance coverage, there will not be independent producers with offshore exploration and production—it is that simple. These consequences are not justified based on the performance of independent producers operating in the offshore, who have an outstanding safety and environmental record.

The Congress should not make hasty decisions and advocate legislative and regulatory initiatives that will result in severe limitations to offshore drilling in the United States—consequences that can further harm the Gulf Coast economy. IPAA looks forward to working with the Committee and the entire Congress to find solutions that will allow American producers to continue to operate in the U.S. offshore and explore for the oil and natural gas that is vital to our nation's energy security.

A significant aspect of OPA 90 was the creation of a trust fund filled by crude oil taxes that is intended to be used by injured parties to compensate them for economic damages instead of requiring lengthy litigation. We support the expansion of this industry-wide fund to ensure that future costs and claims are covered and urge the Committee to work within the framework of OPA 90 before taking other actions that will impact American energy production.

The Obama Administration also recently announced a six month moratorium on any offshore drilling in water depths greater than 500 feet. The moratorium includes wellbore sidetracks and bypasses; spudding of any new deepwater wells and is designed to allow the presidential commission investigating the spill to prepare its recommendations. While we understand that many Americans are rightfully concerned about the environmental risks and the safety of offshore drilling, the federal government should methodically review this matter and follow the facts in the incident before taking actions that could impact oil and natural gas production from the offshore for years to come.

A recent analysis conducted by Wood MacKenzie predicted that the moratorium and new regulations will push back into later years 80,000 barrels a day of production scheduled for 2011. The impact of the spill becomes harder to ignore further into the decade. By 2015, Wood MacKenzie predicts stiffer federal offshore permitting and safety regulations will result in more than 350,000 barrels a day of production forecast for that year to be delayed. It is important to note, however, that these predictions assume available capacity for production in the GOM after the current moratorium is lifted. That is an issue that could be in serious jeopardy if rigs currently in the GOM are sent to various parts of the world to begin operations on other projects, and then are not available to return once the moratorium is lifted.

Congress must continue to recognize the importance of energy development in the United States. Rather than enacting legislation such as S. 3305 that will destroy the ability of independent, American oil and gas companies from exploring for energy resources in our nation's offshore areas, we need Congress to create a forward-looking, balanced energy policy that recognizes the role oil and natural gas will continue to play in our nation for years to come. Offshore oil and natural gas production creates jobs, revenues and helps stabilize energy prices for American consumers and helps reduce our reliance on energy supplies from unstable regimes across the globe.

As the facts and information surrounding the Deepwater Horizon incident come forward, our nation must develop a reasonable regulatory program that will allow further offshore oil and gas exploration and production in the United States. Offshore oil and gas production must continue to be an integral part of America's energy portfolio and IPAA is dedicated to finding answers that will help us achieve that goal.

Unfortunately, the implementation of S. 3305 into law would dramatically hinder American production of oil and gas. Thank you for your attention to this matter.

Sincerely,

BRUCE VINCENT,
Chairman.

Mr. LAMBORN. Mr. Chair, I submit the following.

INDECS,
May 12, 2010.

Re Proposal to amend the Oil Pollution Act 1990 (OPA 90) and the Internal Revenue Code of 1986.

Hon. ROBERT MENENDEZ,
U.S. Senator, Senate Hart Office Building, Washington, DC.

DEAR SIR:

EXECUTIVE SUMMARY

The energy insurance market has limited financial capacity for pollution. What protection it can offer, sees many terms and conditions contained in the language of the policies issued. These limitations can range from whether a policy covers pollution originating from a reservoir, the absence of a definition for environmental damage, the sharing of limits with other heads of claims, to whether there is negligence on the part of the entity making the claim.

Insurers' ability to issue an insurance certificate to provide a company with its evidence of financial responsibility under OPA 90 is similarly limited. Our current estimates point to a maximum insurance financial capacity of approximately US$250 million for this exposure, with a further US$1.5 billion subject to the exclusions mentioned above.

We detail below many of the areas that need to be considered carefully in this assessment. It is quite clear to us that the ability to transfer any increased risk to the insurance market is very constrained. The extent to which oil companies, other than the super majors, will be able to provide alternative security, must be questionable.

ABOUT INDECS

INDECS is an independent insurance consultancy with over 20 years' experience working across more than thirty countries including the USA. We assist global businesses to aohieve a more effective insurance and risk management strategy. INDECS does not sell insurance, we are not a broker, but provide independent advice to our clients on their insurance and risk management needs.

THE PROPOSED BILL

We understand that two bills have been drafted, in the wake of the Deepwater Horizon catastrophe:

1. To amend the limits of liability for offshore facilities under OPA 90 from US$75 million to US$10 billion
2. To remove the limit of US$1 billion expenditures from the Oil Spill Liability Trust Fund, and to permit advances to be made to the Fund

CURRENT INSURANCE PROTECTION

Under OPA 90, holders of leases or permits for offshore facilities are liable for up to US$75 million per spill plus removal costs.

Under Section 1016 the holder was initially required to provide evidence of financial responsibility of between US$10 million and US$35 million depending on whether the facility is located seaward or landward of the seaward boundary of the State. This has subsequently increased to the maximum allowed by the act of US$150 million.

There are various methods of evidencing financial responsibility including surety bonds, guarantees, letters of credit and self insurance, but the most common and the one that is most commercially available to all is by means of an insurance certificate. The certificate issued must identify a limit not less than that required under Section 1016.

While there are certain defences under OPA 90, insurers are put in the position of being a guarantor and may not have the ability to rely on the normal general conditions of the policy. Some insurers may also consider that it imposes a more ''strict liability'' on the insured, and, moreover, enables claims to be made directly against the insurer in certain circumstances. They therefore treat OPA certification distinctly from other insurance that may be available for this type of risk. The potential capacity for this type of insurance, which is the broadest available specifically focusing on OPA obligations and liabilities, is approximately US$150 to US$250 million.

Outside the realms of strict liability and OPA, an insured will be able to obtain coverage for sudden and accidental seepage and pollution by way of its Operators Extra Expense (OEE) and Excess Liability insurances. OEE coverage provides a combined single limit for well control, well redrilling and sudden and accidental seepage and pollution and clean-up. Therefore pollution liability and clean-up cost is subject to the apportionment of this combined single limit over respective risks. In practice the limit would be

made available first for control measures (i.e. hiring in specialist well control experts and, if necessary, relief well drilling), with any balance of the limit then being reserved for redrilling and pollution. It is possible to prioritise the use of the limit for compliance with OPA Financial Responsibility provisions, but this would be impractical in relation to the urgency by which oil companies will need to address the well control situation.

We consider that the OEE policy provides the widest cover and is most ''user friendly'' to oil companies. The pollution element of the cover responds to costs which the insured company is obligated to pay by law or under the terms of the lease/license for the cost of remedial measures or as damages in compensation for third party property damage and third party injury claims. In respect of clean-up and containment, or attempt thereat, the policy pays such costs, including where incurred to divert pollution from shore, and is not on a ''liability'' basis. It should be noted that there is no definition of environmental damage—claims are recoverable to the extent of damages for third party bodily injury and loss of or damage to, or loss of use of tangible property. This coverage can therefore respond on a ''strict liability'' basis, where the law or license agreement specifies that such remedial costs or compensation is payable if emanating from the insured's facilities, irrespective of negligence. This contrasts starkly with the coverage available under most Excess Liability policies.

Excess Liability insurance responds to all legal liabilities incurred. Sudden and accidental pollution would be included in any limit provided. In respect of pollution from wells the limit available under these policies sits excess of the OEE policy referred to above (but is subject to its own policy form insuring conditions which are not as wide as OEE policies). In respect of pollution from hydrocarbons stored or being produced from or through facilities such as fixed and floating platforms and pipelines, the limit is from ''the ground-up'', or in excess of a specific local general liability policy.

Excess Liability Policy forms vary but the market ''standard'' coverage offers quite limited pollution cover. Some actually specifically exclude pollution from wells. Basically pollution liabilities are excluded from all policies, but within the exclusion is a limited ''buy-back'', which requires that the pollution event is sudden, accidental and unintended and subject to strict discovery and reporting requirements. However, and significantly, the cover excludes ''. . . . actual or alleged liability to evaluate, monitor, control, remove, nullify and/or clean-up seeping, polluting or contaminating substances to the extent such liability arises solely from any obligations imposed by any statute, rule, ordinance, regulation or imposed by contract''.

We regard this wording as too draconian and would always counsel oil companies to include a specific ''pollution endorsement'' that overrides this phrasing and would provide legal and statutory liability coverage, including costs incurred under lease block obligations for removal. We think this distinction in cover is important as it will impact capacity. Our figure below of US$1 to US$ 1.5 billion is based upon insurers subscribing to the standard market cover. If an alternative wording is utilised, or the pollution endorsement used, it could have the effect of reducing capacity by about 25 to 35%.

As with the OEE policy, the coverage is geared to damages for compensation in respect of third party bodily injury and third party property loss or damage or loss of use. There is similarly no concept of ''environmental damage'' expressed in the policy.

INSURANCE CAPACITY

The immediate effect of the Deepwater Horizon loss is that capacity will, for a time, be fluid. Most insurers had not factored in to their risk aggregations that the net is spread very wide indeed in respect of responsible parties under OPA. They are now seeing the implications of multi party actions against operators, drilling contractors, cementing engineers and their various sub-contractors arising out of a single incident such as the ''Deepwater Horizon'' loss. This is because the insurance limits are available to each separate party, so will stack up if three different entities are sued.

In this context the lease block holders constitute one entity (their insurance policies may be separate covering their respective equity interests, but the capacity available is assessed upon 100% interest).

Inevitably the recent loss has increased the demand for higher limits, and has consequently affected the overall aggregate exposures to insurers. This will likely reduce the available limits in the immediate future. At least one insurer has let it be known that its capacity has reduced. Others are reviewing their positions and it is most likely that June renewals will be subject to some reduction in overall capacity. This could be between 25 and 30% reduction, affecting all above policies, except Protection and Indemnity entries. INDECS has close relationships with the Energy Insurance Market including its insurers and brokers. Based on our knowledge and these relationships we would opine that the following represents the maximum per occurrence capacity in this market currently:

OPERATORS' EXTRA EXPENSE (OEE)

The available global market capacity for the OEE cover is between US$500 million and US$750 million per event on 100% basis. This means that the total limit purchased is shared out between the co-owners of the lease block (the licensees) according to their equity interest in the venture (as per the Joint Operating Agreement).

In addition to this capacity, oil companies who are members of the mutual, Oil Insurance Ltd (OIL), Bermuda, (which includes a number of US based E&P companies) can claim up to a further US$ 250 million for each companies' equity interest, limited to US$ 750 million per event, but this limit is also applied on a combined single limit basis, inclusive not only of control of well cost and redrilling, but also property damage and wreck removal.

EXCESS LIABILITIES

The global commercial market limits available are between US$1 billion and US$1.5 billion per event on 100% basis (meaning that the limit is effectively reduced to reflect each of the oil companies' equity interests). This would include capacity available under any specific local general liability policy (normally limited to USD50m per event). This total would be inclusive of capacity from the Bermuda reinsurance market and specifically from Oil Casualty Insurance Ltd (OCIL), which is a sister organisation to OIL. This limit operates on an Ultimate Nett Loss basis, meaning that it must also respond to injuries and fatalities to third parties (but not employees) and to third party property damage and consequential financial loss.

One final issue to consider for the commercial market is that in the event that the pollution arises from a named hurricane there would be a sub-limit agreed in the policy, which may not be more than US$200 million per oil company, and this would be inclusive of all insurable exposures (i.e. property damage, control of well, redrilling, wreck removal and pollution).

PROTECTION AND INDEMNITY CLUBS (P&I)

One further area that merits comment is P&I, which provides cover in respect of pollution from mobile drilling units, heavy-lift vessels, pipelaying vessels and, to the extent that they may ultimately be more widely used in the Gulf of Mexico, Floating Production, Storage and Offtake units (FPSOs).

The limit purchased is generally between US$300 million and US$ 500 million, but US$ 1 billion per event is theoretically available. However, most US drilling contractors are not insured by the P and I Clubs. US drilling contractors generally rely upon commercial marine liability insurers, whose capacity would be limited to between US$ 500 million and US$ 750 million per event referred to above.

EFFECTS OF INCREASING THE OPA 90 LIMITS

In conclusion, if the intention is to increase the limit required under OPA90 to US$10 billion and also the required evidence of financial responsibility to something similar, then quite simply the energy insurance market will no longer be an option. Its capacity lies far below this limit and even then has a number of restrictions contained in it which we have discussed above.

Companies, with the exception of super majors and foreign state owned companies, operating in the United States are highly unlikely to be able to provide any alternative method of financial responsibility such as bonds and lines of credit. The cost of these methods or ability to self insure these risks will far exceed their capabilities, preventing their management from fulfilling their fiduciary liability and presenting a barrier to acquiring new or even servicing existing permits in the future.

If we have understood the proposals correctly, then it would appear to us that the proposed Bill will not act as ''Big Oil Bailout Prevention Liability Act of 2010'', rather making it impossible for anyone other than ''Big Oil'' to operate.

Yours sincerely,

PAUL KING,
Director.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise to speak on H.R. 3534, the Consolidated Land, Energy and Aquatic Resources (CLEAR) Act.

I would like to recount the facts of April 30th, 2010 for this House and the American people. First, let us remember the names of the eleven brave men who tragically lost their lives in the Deepwater Horizon explosion:

1. Jason Anderson, 35;
2. Aaron Dale Burkeen, 37;
3. Donald Clark, 34;
4. Stephen Curtis, 39;
5. Gordon Jones, 28;
6. Roy Wyatt Kemp, 27;
7. Karl Klepping, 38;
8. Blair Manuel, 56;
9. Dewey Revette, 48;
10. Shane Roshto, 22; and
11. Adam Weise, 24.

What the eleven names do not reveal is that there are families with children, widows, and many other family members who are still mourning the loss of their loved ones. I believe we have a moral obligation to remember all of the lives affected by the loss of these eleven dedicated oil rig workers. They were tough workers, but also gentle fathers, brothers, husbands, as well as friends to many. Congress must always consider how to best protect American lives, and in doing so protect the safety of the American oil industry worker. In addition to the lives lost, every individual, business and community adversely affected by

the oil spill must be taken into account as we consider legislative responses. Unfortunately, now with more than 92 million estimated gallons of oil spilled and the fishing, tourism, boating, shrimping industries, and the oil industry itself brought to a grinding halt, we can anticipate other losses.

This tragedy begs the American people to act to promote safety, spur technology, and to protect people in the Gulf Region. We owe it to them to provide the kind of protection and legal framework that will ease their minds, and help them receive what they are entitled to through the claims process. Unfortunately, the original claims system was an abomination with numerous claims unresolved, unpaid and ignored. BP has received many claims and has issued many statements and reports, but the fact of the matter is they have not delivered on those early promises. We must make sure that they do what is right, and meet their financial obligations to the many claimants still waiting to reconstruct their lives and livelihoods.

The urgency of the energy situation in our country calls for immediate action by Congress in developing a national energy policy. I would have fully supported targeting the culprits in the Gulf oil spill and getting the Gulf region back on track, as long as we also develop effective policies to ensure that we set a high bar of expectations for these companies in a system based on culpability. The people in the Gulf region need to be assured that we will preserve their way of life, while ensuring that their best interests are taken to heart. Their jobs must be restored and preserved for future generations who may want a livelihood in the oil and gas industry. I do not believe you can graft a broader national energy policy for the future onto a bill meant primarily to address the myriad of complex issues currently facing the energy industry.

Regarding the Remedies Act, on July 1, 2010, I introduced a bill to address some of the larger issues raised by oil spill related developments in the Gulf of Mexico. Although a pronouncement of the issue, I believe it captures the most substantive matters. I have tried to adapt some of the provisions of that bill as amendments to the CLEAR Act, to try and make a weak bill better.

I introduced an amendment under which applicants for permits to drill in the Gulf of Mexico will be required to have spill prevention, mitigation, and recovery plans that are vetted by impartial experts, rather than rubber stamped by industry friendly regulators; the amendment would also require that there be legitimate, effective back-up plans in case the first response is ineffective. Another of my amendments would allow the Secretary of Homeland Security to establish, immediately, an independent claims process for those whose property and livelihoods have been damaged by oil spills much like the process only now being set up under Special Master Feinberg. Finally, I am proud to cosponsor Representative TEAGUE's (NM–2D) amendment, introduced the same Amendment which will allow several small companies working together in joint venture and partnerships to pool their financial resources for the necessary Certificate of Oil Field Responsibility, the price of admission to work in the Gulf. Without the option of pooling their resources, or joint insurance, independent oil companies will be driven from the Gulf, leaving it the province of only three or four massive, multinational oil companies. If we can not preserve the independent oil companies, responsible for 80 percent of the drilling in the Gulf and 30 percent of the oil, then we are likely to doom an industry that is one of the most prolific job generators in the nation, particularly at a time when job creation in most American industries is stagnant or minimal at best.

We must also take into consideration the importance of the environment as it relates to our national energy policy and the quality of life in the Gulf and the rest of the country, not to mention the rest of the globe. We have no idea what the long-term impact of the Gulf oil spill will be, as we are just beginning to understand the issues of connectivity related to the environment and ecological system. When birds nest in polluted wetlands and migrate to other parts of the U.S. and the globe, what impact might their exposure to oil have on the environmental quality of the environment in that part of the world?

There are many complicated questions that we must answer before we proclaim that we have a solution to protecting the environment to massive oil spill in one bill. It is impossible to accomplish, and at best any environmental strategy is merely a band-aid approach rather than the comprehensive environmentally policy we need to consider. For example we really need a major direct clean-up fund, and we have to provide for environmental inspections. I urge a sense of immediacy as it relates to the environment and to protect the people of the Gulf from the long-term health consequences of the spill.

As a person who has lived in, worked in, and knows the Gulf region well, I see the vibrant mixture of businesses there, from fishermen to oil workers, who represent the quintessential hardworking American. These Americans deserve applause for their contribution to our productivity. We owe it to them to demand of the oil companies the same high level of excellence that these hardworking men and women have demonstrated. We must provide for appropriate penalties for safety violations and breaches of compliance, while recognizing the importance of the industry to job creation and job growth. As we did in this tragic incident, we must come down hard on BP, but not eliminate them from the picture, lest the whole industry be penalized.

There are some good things in this bill, although some of my ideas were not adopted as part of the manager's amendment. For example, one amendment would have required that businesses applying for permits to drill and produce crude oil in the Gulf of Mexico submit detailed spill mitigation and recovery plans as part of the permitting process. Not only must they have recovery plans, but they will be required to have backup plans, in case their first response fails. Additionally, those plans must be vetted by impartial experts, rather than rubber-stamped by insufficiently vigilant regulators.

Most important Representative TEAGUE's amendment, which I cosponsored, will prevent small, independent oil companies from being driven out of the Gulf of Mexico. The problem with the current requirements for the Certificate of Oil Field Responsibility (COFR) is that smaller operators will be unable to establish the $300 million necessary COFR to even begin exploration and development. By allowing smaller companies—who frequently work together in joint ventures—to pool their resources for COFR purposes, we will prevent the Gulf from becoming the exclusive province of companies big enough to self-insure, and allow the small businesses of the Gulf Coast communities to continue to provide jobs and drive our economy.

Again, Mr. Chair, my central concern is that we promote job creation, ensure long term investment and fiscal discipline, guarantee safety, focus on the industry and accountability as we work to craft an effective energy policy, and utilize energy related to fossil fuels in a more responsible way, while we continue to make investments in research and development, rather than pitting industries against each other.

We just witnessed the development of a prescriptive policy related to the coal industry, as a result of a tragedy with the mines in West Virginia. That legislative business model is a useful example of how we can develop energy policy related to oil. We must also continue to promote new forms of green energy, while we keep our promise to the American people to protect jobs in the oil and gas industry.

Unfortunately, our job is made very difficult when we see major global energy companies and domestic industry excluded from a sensible national energy policy. We must promote a strong process that will help us deliver on these promises, both to the stakeholders and to the American people. Everyone needs to buy-in to a national energy policy in order for it to be successful.

Let me say that we must establish a seamless energy policy that all sectors of the energy industry can support, cementing the United States in the energy industry as the most independent producer globally, while making it the worlds' leader in green energy.

Mr. Chair, I look forward to working with my Colleagues on this approach to America's energy future. In addition, I strongly support the Buy America Provision in the bill and the American Worker Provision. As the CLEAR Act moves to the Senate, we must remember the interests of the communities of the Gulf Coast, and of all those affected by the devastation of the oil spill. We must remain committed to protecting lives, protecting jobs and protecting the environment.

Mr. MCNERNEY. Mr. Chair, I rise to express my support for H.R. 3534. The spill in the Gulf is a tragedy, and this important bill will help prevent future disasters. H.R. 3534 improves safety, prevents ethical misconduct at federal agencies, and closes royalty loopholes enjoyed by the oil and gas industry.

Some important provisions of H.R. 5626, the Blowout Prevention Act, are also included in H.R. 3534. I am disappointed, however, that the legislation before us today does not include a section of H.R. 5626 that authorizes the creation of expert review panels to provide technical advice on regulatory decisions. During committee consideration of H.R. 5626, I offered an amendment to clarify that experts serving on such panels can be drawn from diverse backgrounds, including industry, national laboratories, and academia.

I would like to note the particular importance of utilizing the expertise available at America's national laboratories. I am familiar with the work of the labs and the talents of lab employees through my personal experience working as a contractor at Sandia National Laboratories. Northern California is also the location

of three national laboratories that employ a number of my constituents.

Following the tragic explosion of the Deepwater Horizon, employees of the national laboratories were quickly deployed to the Gulf. The Department of Energy estimates that more than 200 lab employees have been involved in crisis response operations. The labs have provided an array of services such as developing pressure measurements and radiographic imaging of the blowout preventer. Lab employees have also provided technical services such as conducting flow and resistance calculations, evaluating pressure data, and providing independent analysis of BP's plans.

The national labs have a tremendous amount of technical expertise that can help our country prevent future spills and better respond if an unfortunate incident occurs. I look forward to working with members of both parties to incorporate the labs into future legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of today's oil spill response legislation, and I commend Chairmen RAHALL, MILLER, WAXMAN, OBERSTAR and CONYERS for bringing this package to the floor today.

The Consolidated Land, Energy and Aquatic Resources (CLEAR) Act corrects a number of major defects in current law that have come to light in the Deepwater Horizon disaster. First, and most importantly, it ensures BP—not the taxpayer—is held responsible for the full cost of the cleanup. Second, it strengthens offshore drilling standards and requires independent certification of critical safety equipment. Third, it provides desperately needed reform to the scandal ridden Mineral Management Service by separating its permitting, inspection and collection functions. Fourth, it eliminates royalty loopholes that allow oil companies to shortchange taxpayers when extracting resources from public lands. And finally, it makes good on a 45 year old promise to fully fund the Land Water and Conservation Fund so that Americans can enjoy our Nation's natural, historical and recreational resources for generations to come.

The Offshore Oil and Gas Worker Whistleblower Act (HR 5851) complements today's package by extending whistleblower protections to oil rig workers on the Outer Continental Shelf. Specifically, employers would be prohibited from discharging or otherwise discriminating against employees who report injuries, unsafe working conditions or alleged violations of the Outer Continental Shelf Lands Act. Had these protections been in place, the Deepwater Horizon workers with serious safety concerns about the operation of their rig could have had more confidence about coming forward prior to the explosion.

Mr. Chair, today's legislation is an important and necessary part of our Nation's response to the Deepwater Horizon disaster. I urge a yes vote and yield back the balance of my time.

Mr. MORAN of Virginia. Mr. Chair, I rise in support of the Consolidated Land, Energy and Aquatic Resources or ''CLEAR'' Act (H.R. 3534).

This measure will impose long overdue reforms in the way the federal government regulates oil and gas drilling operations off our coast.

Something the industry and their allies in Congress have long opposed.

The explosion of Deepwater Horizon and the uncontrolled flow of oil into the Gulf of Mexico render this opposition moot.

The American public has witnessed an ecological and economic catastrophe the likes of which this country has never seen nor should ever have to see again.

It has seen a company in the interest of boosting profits cut corners and take shortcuts that resulted in the death of 11 workers, a Gulf community in dire economic straights and untold loss of marine and animal life.

It has seen a weak regulatory system rubber stamp drilling permits, approving most in less than twenty-four hours and never reading or realizing the response plans to a blowout were fiction.

How else could it accept plans to save walruses in the Louisiana bayous and Alabama beaches?

More than 300 million gallons of crude oil have spilled into the Gulf of Mexico before the wellhead was finally capped.

Even if the cap holds and relief wells secure and permanently plug the well, the region will still have to deal with the millions of gallons of oil spread throughout the Gulf and along hundreds of miles of shoreline as the peak hurricane season approaches.

It will take decades for the region to recover.

It was a disaster waiting to happen and one we may now finally have the tools to prevent from occurring again.

Reforms that were once thought impossible are now before this House today.

This bill revamps the oil and gas royalty collection program, repeals liability limits on economic damages, separates the apparent conflict of interest between the federal government's royalty collection, leasing and enforcement offices, imposes new procedures for use of chemical dispersants, and mandates that the oil and gas industry include a worst-case scenario for oil spill response plans.

But now some claim this bill is ''overreach,'' that it goes beyond what is needed to address the failures of the industry and the regulatory agency.

In addition to reform of our offshore oil and gas leasing program, this bill breathes new life into a commitment proposed by John F. Kennedy and signed into law by Lyndon Johnson to take a share from a diminishing public resource, our offshore oil and gas reserves, and use the funds to conserve and protect natural resources onshore.

LWCF was a good idea then and remains a good and popular idea today.

Since its inception, millions of acres of land has been conserved and are in use today by the public. They are portions of our national parks, wildlife refuges, national forests and state and local parks and recreation areas.

They are responsible for saving endangered species from extinction, protecting fresh sources of drinking water for millions of Americans, and protecting valuable historic properties and landscapes from destruction.

Unfortunately, the federal commitment has fallen short of the goal.

In recent years, we have underfunded our commitment to the Land and Water Conservation Fund.

Over the past ten years, its funding level has been erratic, $672 million in fiscal 2001 and $253 million in fiscal 2007, but never at its authorized level of $900 million.

This bill imposes a $2 per barrel fee on oil extracted from the public's waters to allow us to fully fund the Land and Water Conservation Fund and not add to the federal budget deficit.

It would then ensure that the program is funded at $900 million annually. The additional funds this legislation will release will:

1. Ensure that areas protected by Congress can be more effectively and efficiently managed. LWCF provides for inholdings with high biological, historical or recreational values. These lands are available for a limited time before they're developed. Sufficient LWCF funding ensures agencies can take advantage of these opportunities. Real estate prices are lower now, ensuring more land can be purchased with each dollar invested.

2. Improve management by reducing fire danger and through other means. It allows access to these areas to perform important wildlife habitat management and facilitate public recreation. Fire danger, public safety and other threats are reduced, and hunting, fishing, wildlife watching and other recreation is improved and protected.

3. Ensure public access and quality recreation that has a substantial economic impact. The Outdoor Industry Association estimates that active outdoor recreation contributes $730 billion annually to the U.S. economy, supports nearly 6.5 million jobs across the U.S., generates $49 billion in annual national tax revenue, and produces $289 billion annually in retail sales and services.

4. Ensure efficient management and cost savings. 80 percent of lands acquired with LWCF funds lie within the existing boundaries of federal parks, refuges, forests, or recreation areas. When land management agencies purchase inholdings, internal boundary line surveying is reduced, as well as right-of-way conflicts and special use permits. Agencies generally tend to avoid acquisitions with burdensome infrastructure improvements that require significant capital investments. An added parcel generally does not increase management presence; rather, management is usually just absorbed within existing stewardship costs.

A recent national bipartisan poll shows strong support for the continued use of oil and gas fees for land and water protection and for fully funding the LWCF at $900 million annually.

An overwhelming majority of voters—86 percent—support committing funds from offshore drilling fees to LWCF (up 5 percent from June 2009). (Poll conducted by Public Opinion Strategies and FM3)

Many local communities are strong supporters of federal LWCF expenditures due to the economic benefits that accrue through recreational tourism and the additional visitation that occurs with improved public access and recreation opportunities.

LWCF protects places where people love to go, from famed national parks to historic sites, to local parks that ensure recreation. LWCF supports recreational access such as trailheads and river put-ins—that allow hunters, fishermen, mountain bikers, hikers and boaters to access America's recreation lands.

LWCF enjoys broad congressional support. LWCF has benefited every state and every congressional district. LWCF has enjoyed longstanding, widespread support not just among conservation champions but also among fiscal conservatives and many minority members. Over the past five years, letters urging the Appropriations Committee to provide

major increases to LWCF have been signed by a total of 36 Blue Dogs and 43 Republicans.

This is a way to fulfill the vision first stated by President Eisenhower and what our constituents still support today.

Support the CLEAR Act.

Mr. QUIGLEY. Mr. Chair, I rise today in support of the CLEAR Act, one of the most important measures we will pass this week, and perhaps, this Congress.

It has been said that with great adversity comes great opportunity—today, we are presented with great opportunity.

We are presented with the opportunity to ensure that what happened in the Gulf never happens again.

We are presented with the opportunity to ensure that we have the tools and the means to clean the Gulf Coast and make whole those whose very livelihoods are threatened by this disaster.

We are presented with the opportunity to ensure that our children are able to enjoy the great lands and waters of our lifetime.

I offered two amendments to the CLEAR Act that sought to shift our OCS policy from a presumption of oil and gas extraction, to focus on protection of the environment as our primary concern.

Additionally, the amendments required the Secretary to consider geographical, geological, and ecological characteristics of OCS areas before drilling, not after.

Ultimately, this bill does move us toward that goal—from an emphasis on the bottom line to a clear focus on our future.

I urge my colleagues to support the CLEAR Act.

Mr. LEVIN. Mr. Chair, I rise in strong support of the Consolidated Land, Energy and Aquatic Resources Act.

It is often said that experience is the best teacher. Unfortunately, it often seems that experience is the only teacher when it comes to developing common sense safeguards to prevent oil spills. As I speak, at least 800,000 gallons of oil has spilled from a pipeline into the Kalamazoo River in my home state of Michigan. We are just a few days into this crisis, but surely this accident could have been prevented.

In 1989, the Exxon Valdez ran aground in Alaska and spilled 11 million gallons of crude oil into Prince William Sound, fouling hundreds of miles of pristine coastline. In the months that followed, Congress responded by approving the Oil Pollution Act that strengthened the Federal Government's role in oil spill response and cleanup in the case of oil tankers. Among its many provisions, the Act required vessels carrying oil and operating in U.S. waters to have double hulls to prevent further accidents of this type. The law has been a success, but the damage to Alaska's environment was done.

We are more than 100 days into the oil spill crisis in the Gulf of Mexico. To date, between 90 million and 180 million gallons of oil has been released into the environment. The BP Deepwater Horizon spill might have been prevented if there had been some basic drilling safety standards in place, and if there had been effective oversight of BP's actions as it was drilling the well. We are creating these standards today with this bill.

The CLEAR Act before the House establishes new safety standards for offshore oil drilling. The legislation reforms the Federal Government's oversight of offshore drilling operations, holds BP and other oil companies accountable, and ensures that polluters pay the full cost of damage caused by the spills they create.

Experience is, indeed, the best teacher. But when it comes to preventing future oil spills, an ounce of prevention is worth a pound of cure. I urge passage of the CLEAR Act.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources (CLEAR) Act and H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act. Over 100 days ago, millions of gallons of oil began spilling into the Gulf Mexico after an explosion on a BP deepwater drilling rig, which tragically killed eleven workers. In the months since this accident, the Committees of jurisdiction in the House of Representatives have held numerous hearings to determine what went wrong and how to prevent similar disasters in the future. I believe both the CLEAR Act and Whistleblower Protection Act take critical steps to properly reform our oil and gas drilling policies, as well as to protect the safety of oil and gas workers.

This comprehensive legislation will end years of misaligned priorities at the Minerals Management Service (MMS) at the Department of the Interior (DOI) by dividing its responsibilities into three different departments: the Bureau of Energy and Resource Management to manage leasing and permitting; the Bureau of Safety and Environmental Enforcement to police health and safety regulations; and the Office of Natural Resource Revenue to collect the American people's energy revenues earned on public lands. The bill further addresses misconduct by the MMS by implementing strong ''revolving door'' provisions that would ban MMS employees from accepting employment with oil and gas companies for two years.

The CLEAR Act imposes strong new safety standards for offshore drilling, including increased inspections, stricter penalties for safety violations, and independent certifications of critical equipment. I am also pleased that this comprehensive legislation includes many provisions of legislation which I cosponsored after the spill; including the elimination of the liability limit on oil companies, subpoena power to enable the President's bipartisan Commission to fully investigate the Deepwater Horizon spill, and the establishment of a Gulf of Mexico Restoration Program.

Additionally, this bill will use the revenues received from energy development to provide full funding to the Land and Water Conservation Fund (LWCF) and the Historic Preservation Fund (HPF), both of which contribute greatly to conservation efforts and open space preservation in Rhode Island.

In addition to the modifications included in the CLEAR Act, it is vitally important to the workers in our country to ensure that they have access to safe working conditions, and when they do not, have the opportunity to report their concerns without fear of retribution. The Offshore Oil and Gas Worker Whistleblower Protection Act would strengthen whistleblower protections for oil and gas workers by prohibiting an employer from discriminating against an employee who reports a violation or testifies about an alleged violation. It also establishes a process for an employee to appeal an employer's retaliation by filing a complaint with the Secretary of Labor.

I have long said that our nation cannot drill its way out of our energy crisis. We can no longer sit idly by as greenhouse gas emissions increase, our ecosystem is harmed, and our public health deteriorates from increased pollution. It is long past time that our nation moves away from our reliance on fossil fuels, both foreign and domestic, and invests in renewable energy and energy efficient technologies. While I do not believe we needed any more evidence to move in this direction, it is my hope that we will learn from this tragedy and seek better and safer solutions that will preserve our ecosystem and protect the health and lives of our citizens by passing a comprehensive clean energy jobs bill, such as the American Clean Energy and Security (ACES) Act. But as we continue to move towards clean energy, I urge my colleagues to support both H.R. 3534 and H.R. 5851 to make vast improvements to our nation's domestic energy development and protect workers who put safety first.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute printed in part A of House Report 111–582. The amendment in the nature of a substitute shall be considered as read.

The amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consolidated Land, Energy, and Aquatic Resources Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CREATION OF NEW DEPARTMENT OF THE INTERIOR AGENCIES

Sec. 101. Bureau of Energy and Resource Management.
Sec. 102. Bureau of Safety and Environmental Enforcement.
Sec. 103. Office of Natural Resources Revenue.
Sec. 104. Ethics.
Sec. 105. References.
Sec. 106. Abolishment of Minerals Management Service.
Sec. 107. Conforming amendment.
Sec. 108. Outer Continental Shelf Safety and Environmental Advisory Board.

TITLE II—FEDERAL OIL AND GAS DEVELOPMENT

Subtitle A—Safety, Environmental, and Financial Reform of the Outer Continental Shelf Lands Act

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. National policy for the Outer Continental Shelf.
Sec. 204. Jurisdiction of laws on the Outer Continental Shelf.
Sec. 205. Outer Continental Shelf leasing standard.

Sec. 206. Leases, easements, and rights-of-way.
Sec. 207. Disposition of revenues.
Sec. 208. Exploration plans.
Sec. 209. Outer Continental Shelf leasing program.
Sec. 210. Environmental studies.
Sec. 211. Safety regulations.
Sec. 212. Enforcement of safety and environmental regulations.
Sec. 213. Judicial review.
Sec. 214. Remedies and penalties.
Sec. 215. Uniform planning for Outer Continental Shelf.
Sec. 216. Oil and gas information program.
Sec. 217. Limitation on royalty-in-kind program.
Sec. 218. Restrictions on employment.
Sec. 219. Repeal of royalty relief provisions.
Sec. 220. Manning and buy- and build-American requirements.
Sec. 221. National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.
Sec. 222. Coordination and consultation with affected State and local governments.
Sec. 223. Implementation.

Subtitle B—Royalty Relief for American Consumers

Sec. 241. Short title.
Sec. 242. Eligibility for new leases and the transfer of leases.
Sec. 243. Price thresholds for royalty suspension provisions.

TITLE III—OIL AND GAS ROYALTY REFORM

Sec. 301. Amendments to definitions.
Sec. 302. Compliance reviews.
Sec. 303. Clarification of liability for royalty payments.
Sec. 304. Required recordkeeping.
Sec. 305. Fines and penalties.
Sec. 306. Interest on overpayments.
Sec. 307. Adjustments and refunds.
Sec. 308. Conforming amendment.
Sec. 309. Obligation period.
Sec. 310. Notice regarding tolling agreements and subpoenas.
Sec. 311. Appeals and final agency action.
Sec. 312. Assessments.
Sec. 313. Collection and production accountability.
Sec. 314. Natural gas reporting.
Sec. 315. Penalty for late or incorrect reporting of data.
Sec. 316. Required recordkeeping.
Sec. 317. Shared civil penalties.
Sec. 318. Applicability to other minerals.
Sec. 319. Entitlements.
Sec. 320. Limitation on royalty in-kind program.

TITLE IV—FULL FUNDING FOR THE LAND AND WATER CONSERVATION AND HISTORIC PRESERVATION FUNDS

Subtitle A—Land and Water Conservation Fund

Sec. 401. Amendments to the Land and Water Conservation Fund Act of 1965.
Sec. 402. Extension of the Land and Water Conservation Fund.
Sec. 403. Permanent funding.

Subtitle B—National Historic Preservation Fund

Sec. 411. Permanent funding.

TITLE V—GULF OF MEXICO RESTORATION

Sec. 501. Gulf of Mexico restoration program.
Sec. 502. Gulf of Mexico long-term environmental monitoring and research program.
Sec. 503. Gulf of Mexico emergency migratory species alternative habitat program.

TITLE VI—COORDINATION AND PLANNING

Sec. 601. Regional coordination.
Sec. 602. Regional Coordination Councils.
Sec. 603. Regional strategic plans.
Sec. 604. Regulations and savings clause.
Sec. 605. Ocean Resources Conservation and Assistance Fund.
Sec. 606. Waiver.

TITLE VII—OIL SPILL ACCOUNTABILITY AND ENVIRONMENTAL PROTECTION

Sec. 701. Short title.
Sec. 702. Repeal of and adjustments to limitation on liability.
Sec. 703. Evidence of financial responsibility for offshore facilities.
Sec. 704. Damages to human health.
Sec. 705. Clarification of liability for discharges from mobile offshore drilling units.
Sec. 706. Standard of review for damage assessment.
Sec. 707. Information on claims.
Sec. 708. Additional amendments and clarifications to Oil Pollution Act of 1990.
Sec. 709. Americanization of offshore operations in the Exclusive Economic Zone.
Sec. 710. Safety management systems for mobile offshore drilling units.
Sec. 711. Safety standards for mobile offshore drilling units.
Sec. 712. Operational control of mobile offshore drilling units.
Sec. 713. Single-hull tankers.
Sec. 714. Repeal of response plan waiver.
Sec. 715. National Contingency Plan.
Sec. 716. Tracking Database.
Sec. 717. Evaluation and approval of response plans; maximum penalties.
Sec. 718. Oil and hazardous substance cleanup technologies.
Sec. 719. Implementation of oil spill prevention and response authorities.
Sec. 720. Impacts to Indian Tribes and public service damages.
Sec. 721. Federal enforcement actions.
Sec. 722. Time required before electing to proceed with judicial claim or against the Fund.
Sec. 723. Authorized level of Coast Guard personnel.
Sec. 724. Clarification of memorandums of understanding.
Sec. 725. Build America requirement for offshore facilities.
Sec. 726. Oil spill response vessel database.
Sec. 727. Offshore sensing and monitoring systems.
Sec. 728. Oil and gas exploration and production.
Sec. 729. Leave retention authority.
Sec. 730. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Repeal of certain taxpayer subsidized royalty relief for the oil and gas industry.
Sec. 802. Conservation fee.
Sec. 803. Leasing on Indian lands.
Sec. 804. Outer Continental Shelf State boundaries.
Sec. 805. Liability for damages to national wildlife refuges.
Sec. 806. Strengthening coastal State oil spill planning and response.
Sec. 807. Information sharing.
Sec. 808. Limitation on use of funds.
Sec. 809. Environmental review.
Sec. 810. Federal response to State proposals to protect State lands and waters.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) AFFECTED INDIAN TRIBE.—The term ''affected Indian tribe'' means an Indian tribe that has federally reserved rights that are affirmed by treaty, statute, Executive order, Federal court order, or other Federal law in the area at issue.

(2) COASTAL STATE.—The term ''coastal State'' has the same meaning given the term ''coastal state'' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) DEPARTMENT.—The term ''Department'' means the Department of the Interior, except as the context indicates otherwise.

(4) FUNCTION.—The term ''function'', with respect to a function of an officer, employee, or agent of the Federal Government, or of a Department, agency, office, or other instrumentality of the Federal Government, includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(5) IMPORTANT ECOLOGICAL AREA.—The term ''important ecological area'' means an area that contributes significantly to local or larger marine ecosystem health or is an especially unique or sensitive marine ecosystem.

(6) INDIAN LAND.—The term ''Indian land'' has the meaning given the term in section 502(a) of title V of Public Law 109–58 (25 U.S.C. 3501(2)).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning given the term ''Indian tribe'' has in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) MARINE ECOSYSTEM HEALTH.—The term ''marine ecosystem health'' means the ability of an ecosystem in ocean and coastal waters to support and maintain patterns, important processes, and productive, sustainable, and resilient communities of organisms, having a species composition, diversity, and functional organization resulting from the natural habitat of the region, such that it is capable of supporting a variety of activities and providing a complete range of ecological benefits. Such an ecosystem would be characterized by a variety of factors, including—

(A) a complete diversity of native species and habitat wherein each native species is able to maintain an abundance, population structure, and distribution supporting its ecological and evolutionary functions, patterns, and processes; and

(B) a physical, chemical, geological, and microbial environment that is necessary to achieve such diversity.

(9) MINERAL.—The term ''mineral'' has the same meaning that the term ''minerals'' has in section 2(q) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(q)).

(10) NONRENEWABLE ENERGY RESOURCE.—The term ''nonrenewable energy resource'' means oil and natural gas.

(11) OPERATOR.—The term ''operator'' means—

(A) the lessee; or

(B) a person designated by the lessee as having control or management of operations on the leased area or a portion thereof, who is—

(i) approved by the Secretary, acting through the Bureau of Energy and Resource Management; or

(ii) the holder of operating rights under an assignment of operating rights that is approved by the Secretary, acting through the Bureau of Energy and Resource Management.

(12) OUTER CONTINENTAL SHELF.—The term ''Outer Continental Shelf'' has the same meaning given the term ''outer Continental Shelf'' has in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(13) REGIONAL OCEAN PARTNERSHIP.—The term ''Regional Ocean Partnership'' means voluntary, collaborative management initiatives developed and entered into by the Governors of two or more coastal States or created by an interstate compact for the purpose of addressing more than one ocean, coastal, or Great Lakes issue and to implement policies and activities identified under special area management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) or other agreements developed and signed by the Governors.

(14) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' means each of the following:

(A) Wind energy.

(B) Solar energy.

(C) Geothermal energy.

(D) Biomass or landfill gas.

(E) Marine and hydrokinetic renewable energy, as that term is defined in section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211).

(15) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Commerce.

(16) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, except as otherwise provided in this Act.

(17) TERMS DEFINED IN OTHER LAW.—Each of the terms ''Federal land'', ''lease'', and ''mineral leasing law'' has the same meaning given the term under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), except that such terms shall also apply to all minerals and renewable energy resources in addition to oil and gas.

TITLE I—CREATION OF NEW DEPARTMENT OF THE INTERIOR AGENCIES

SEC. 101. BUREAU OF ENERGY AND RESOURCE MANAGEMENT.

(a) ESTABLISHMENT.—There is established in the Department of the Interior a Bureau of Energy and Resource Management (referred to in this section as the ''Bureau'') to be headed by a Director of Energy and Resource Management (referred to in this section as the ''Director'').

(b) DIRECTOR.—

(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of—

(A) professional background, demonstrated competence, and ability; and

(B) capacity to—

(i) administer the provisions of this Act; and

(ii) ensure that the fiduciary duties of the United States Government on behalf of the people of the United States, as they relate to development of nonrenewable and renewable energy and mineral resources, are duly met.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—Except as provided in paragraph (4), the Secretary shall carry out through the Bureau all functions, powers, and duties vested in the Secretary relating to the administration of a comprehensive program of nonrenewable and renewable energy and mineral resources management—

(A) on the Outer Continental Shelf, pursuant to the Outer Continental Shelf Lands Act as amended by this Act (43 U.S.C. 1331 et seq.);

(B) on Federal public lands, pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(C) on acquired Federal lands, pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(D) in the National Petroleum Reserve in Alaska, pursuant to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(E) on any Federal land pursuant to any mineral leasing law; and

(F) pursuant to this Act and all other applicable Federal laws, including the administration and approval of all instruments and agreements required to ensure orderly, safe, and environmentally responsible nonrenewable and renewable energy and mineral resources development activities.

(2) SPECIFIC AUTHORITIES.—The Director shall promulgate and implement regulations for the proper issuance of leases for the exploration, development, and production of nonrenewable and renewable energy and mineral resources, and for the issuance of permits under such leases, on the Outer Continental Shelf and for nonrenewable and renewable energy and mineral resources managed by the Bureau of Land Management on the date of enactment of this Act, or any other Federal land management agency, including regulations relating to resource identification, access, evaluation, and utilization.

(3) INDEPENDENT ENVIRONMENTAL SCIENCE.—

(A) IN GENERAL.—The Secretary shall create an independent office within the Bureau that—

(i) shall report to the Director;

(ii) shall be programmatically separate and distinct from the leasing and permitting activities of the Bureau; and

(iii) shall—

(I) carry out the environmental studies program under section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346);

(II) conduct any environmental analyses necessary for the programs administered by the Bureau; and

(III) carry out other functions as deemed necessary by the Secretary.

(B) CONSULTATION.—Studies and analyses carried out by the office created under subparagraph (A) shall be conducted in appropriate and timely consultation with other relevant Federal agencies, including—

(i) the Bureau of Safety and Environmental Enforcement;

(ii) the United States Fish and Wildlife Service;

(iii) the United States Geological Survey; and

(iv) the National Oceanic and Atmospheric Administration.

(4) LIMITATION.—The Secretary shall not carry out through the Bureau any function, power, or duty that is—

(A) required by section 102 to be carried out through Bureau of Safety and Environmental Enforcement; or

(B) required by section 103 to be carried out through the Office of Natural Resources Revenue.

(d) COMPREHENSIVE DATA AND ANALYSES ON OUTER CONTINENTAL SHELF RESOURCES.—

(1) IN GENERAL.—

(A) PROGRAMS.—The Director shall develop and carry out programs for the collection, evaluation, assembly, analysis, and dissemination of data and information that is relevant to carrying out the duties of the Bureau, including studies under section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346).

(B) USE OF DATA AND INFORMATION.—The Director shall, in carrying out functions pursuant to the Outer Continental Lands Act (43 U.S.C. 1331 et seq.), consider data and information referred to in subparagraph (A) which shall inform the management functions of the Bureau, and shall contribute to a broader coordination of development activities within the contexts of the best available science and marine spatial planning.

(2) INTERAGENCY COOPERATION.—In carrying out programs under this subsection, the Bureau shall—

(A) utilize the authorities of subsection (g) and (h) of section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344);

(B) cooperate with appropriate offices in the Department and in other Federal agencies;

(C) use existing inventories and mapping of marine resources previously undertaken by the Minerals Management Service, mapping undertaken by the United States Geological Survey and the National Oceanographic and Atmospheric Administration, and information provided by the Department of Defense and other Federal and State agencies possessing relevant data; and

(D) use any available data regarding renewable energy potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses of the Outer Continental Shelf.

(e) RESPONSIBILITIES OF LAND MANAGEMENT AGENCIES.—Nothing in this section shall affect the authorities of the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or of the Forest Service under the National Forest Management Act of 1976 (Public Law 94–588).

SEC. 102. BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.

(a) ESTABLISHMENT.—There is established in the Department a Bureau of Safety and Environmental Enforcement (referred to in this section as the ''Bureau'') to be headed by a Director of Safety and Environmental Enforcement (referred to in this section as the ''Director'').

(b) DIRECTOR.—

(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of—

(A) professional background, demonstrated competence, and ability; and

(B) capacity to administer the provisions of this Act.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—The Secretary shall carry out through the Bureau all functions, powers, and duties vested in the Secretary relating to the administration of safety and environmental enforcement activities related to nonrenewable and renewable energy and mineral resources—

(A) on the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(B) on Federal public lands, pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(C) on acquired Federal lands, pursuant to the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(D) in the National Petroleum Reserve in Alaska, pursuant to the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.); and

(E) pursuant to—

(i) the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.);

(ii) the Energy Policy Act of 2005 (Public Law 109–58);

(iii) the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (Public Law 104–185);

(iv) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(vi) this Act; and

(vii) all other applicable Federal laws,

including the authority to develop, promulgate, and enforce regulations to ensure the safe and environmentally sound exploration, development, and production of nonrenewable and renewable energy and mineral resources on the Outer Continental Shelf and onshore federally managed lands.

(d) AUTHORITIES.—In carrying out the duties under this section, the Secretary's authorities shall include—

(1) performing necessary oversight activities to ensure the proper application of environmental reviews, including those conducted pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Bureau of Energy and Resource Management in the performance of its duties under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) suspending or prohibiting, on a temporary basis, any operation or activity, including production—

(A) on leases held on the Outer Continental Shelf, in accordance with section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)); or

(B) on leases or rights-of-way held on Federal lands under any other minerals or energy leasing statute, in accordance with section 302(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(3) cancelling any lease, permit, or right-of-way—

(A) on the Outer Continental Shelf, in accordance with section 5(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(2)); or

(B) on onshore Federal lands, in accordance with section 302(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c));

(4) compelling compliance with applicable worker safety and environmental laws and regulations;

(5) requiring comprehensive safety and environmental management programs for persons engaged in activities connected with the exploration, development, and production of energy or mineral resources;

(6) developing and implementing regulations for Federal employees to carry out any inspection or investigation to ascertain compliance with applicable regulations, including health, safety, or environmental regulations;

(7) collecting, evaluating, assembling, analyzing, and publicly disseminating electronically data and information that is relevant to inspections, failures, or accidents involving equipment and systems used for exploration and production of energy and mineral resources, including human factors associated therewith;

(8) implementing the Offshore Technology Research and Risk Assessment Program under section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347);

(9) summoning witnesses and directing the production of evidence;

(10) levying fines and penalties and disqualifying operators; and

(11) carrying out any safety, response, and removal preparedness functions.

(e) EMPLOYEES.—

(1) IN GENERAL.—The Secretary shall ensure that the inspection force of the Bureau consists of qualified, trained employees who meet qualification requirements and adhere to the highest professional and ethical standards.

(2) QUALIFICATIONS.—The qualification requirements referred to in paragraph (1)—

(A) shall be determined by the Secretary, subject to subparagraph (B); and

(B) shall include—

(i) three years of practical experience in oil and gas exploration, development, or production; or

(ii) a degree in an appropriate field of engineering from an accredited institution of higher learning.

(3) ASSIGNMENT.—In assigning oil and gas inspectors to the inspection and investigation of individual operations, the Secretary shall give due consideration to the extent possible to their previous experience in the particular type of oil and gas operation in which such inspections are to be made.

(4) TRAINING ACADEMY.—

(A) IN GENERAL.—The Secretary shall establish and maintain a National Oil and Gas Health and Safety Academy (referred to in this paragraph as the ''Academy'') as an agency of the Department of the Interior.

(B) FUNCTIONS OF ACADEMY.—The Secretary, through the Academy, shall be responsible for—

(i) the initial and continued training of both newly hired and experienced oil and gas inspectors in all aspects of health, safety, environmental, and operational inspections;

(ii) the training of technical support personnel of the Bureau;

(iii) any other training programs for oil and gas inspectors, Bureau personnel, Department personnel, or other persons as the Secretary shall designate; and

(iv) certification of the successful completion of training programs for newly hired and experienced oil and gas inspectors.

(C) COOPERATIVE AGREEMENTS.—

(i) IN GENERAL.—In performing functions under this paragraph, and subject to clause (ii), the Secretary may enter into cooperative educational and training agreements with educational institutions, related Federal academies, other Federal agencies, State governments, labor organizations, and oil and gas operators and related industries.

(ii) TRAINING REQUIREMENT.—Such training shall be conducted by the Academy in accordance with curriculum needs and assignment of instructional personnel established by the Secretary.

(D) USE OF DEPARTMENTAL PERSONNEL.—In performing functions under this subsection, the Secretary shall use, to the extent practicable, the facilities and personnel of the Department of the Interior. The Secretary may appoint or assign to the Academy such officers and employees as the Secretary considers necessary for the performance of the duties and functions of the Academy.

(5) ADDITIONAL TRAINING PROGRAMS.—

(A) IN GENERAL.—The Secretary shall work with appropriate educational institutions, operators, and representatives of oil and gas workers to develop and maintain adequate programs with educational institutions and oil and gas operators, that are designed—

(i) to enable persons to qualify for positions in the administration of this Act; and

(ii) to provide for the continuing education of inspectors or other appropriate Departmental personnel.

(B) FINANCIAL AND TECHNICAL ASSISTANCE.—The Secretary may provide financial and technical assistance to educational institutions in carrying out this paragraph.

SEC. 103. OFFICE OF NATURAL RESOURCES REVENUE.

(a) ESTABLISHMENT.—There is established in the Department an Office of Natural Resources Revenue (referred to in this section as the ''Office'') to be headed by a Director of Natural Resources Revenue (referred to in this section as the ''Director'').

(b) APPOINTMENT AND COMPENSATION.—

(1) IN GENERAL.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, on the basis of—

(A) professional competence; and

(B) capacity to—

(i) administer the provisions of this Act; and

(ii) ensure that the fiduciary duties of the United States Government on behalf of the American people, as they relate to development of nonrenewable and renewable energy and mineral resources, are duly met.

(2) COMPENSATION.—The Director shall be compensated at the rate provided for Level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) DUTIES.—

(1) IN GENERAL.—The Secretary shall carry out, through the Office—

(A) all functions, powers, and duties vested in the Secretary and relating to the administration of the royalty and revenue management functions pursuant to—

(i) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(ii) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(iii) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.);

(iv) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(v) the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501 et seq.);

(vi) the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.);

(vii) the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (Public Law 104–185);

(viii) the Energy Policy Act of 2005 (Public Law 109–58);

(ix) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.);

(x) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(xi) this Act and all other applicable Federal laws; and

(B) all functions, powers, and duties previously assigned to the Minerals Management Service (including the authority to develop, promulgate, and enforce regulations) regarding—

(i) royalty and revenue collection;

(ii) royalty and revenue distribution;

(iii) auditing and compliance;

(iv) investigation and enforcement of royalty and revenue regulations; and

(v) asset management for onshore and offshore activities.

(d) OVERSIGHT.—In order to provide transparency and ensure strong oversight over the revenue program, the Secretary shall—

(1) create within the Office an independent audit and oversight program responsible for monitoring the performance of the Office with respect to the duties and functions under subsection (c), and conducting internal control audits of the operations of the Office;

(2) facilitate the participation of those Indian tribes and States operating pursuant to cooperative agreements or delegations under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.) on all of the management teams, committees, councils, and other entities created by the Office; and

(3) assure prior consultation with those Indian tribes and States referred to in paragraph (2) in the formulation all policies, procedures, guidance, standards, and rules relating to the functions referred to in subsection (c).

SEC. 104. ETHICS.

(a) CERTIFICATION.—The Secretary shall certify annually that all Department of the Interior officers and employees having regular, direct contact with lessees and operators as a function of their official duties are

in full compliance with all Federal employee ethics laws and regulations under the Ethics in Government Act of 1978 (5 U.S.C. App.) and part 2635 of title 5, Code of Federal Regulations, and all guidance issued under subsection (b).

(b) GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue supplementary ethics guidance for the employees for which certification is required under subsection (a).

SEC. 105. REFERENCES.

(a) BUREAU OF ENERGY AND RESOURCE MANAGEMENT.—Any reference in any law, rule, regulation, directive, instruction, certificate, or other official document, in force immediately before the enactment of this Act—

(1) to the Minerals Management Service that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Bureau of Energy and Resource Management established by section 101;

(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Director of the Bureau of Energy and Resource Management;

(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to that same or equivalent position in the Bureau of Energy and Resource Management;

(4) to the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Bureau of Energy and Resource Management;

(5) to the Director of the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to the Director of the Bureau of Energy and Resource Management; and

(6) to any other position in the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 101 is deemed to refer and apply to that same or equivalent position in the Bureau of Energy and Resource Management.

(b) BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.—Any reference in any law, rule, regulation, directive, instruction, certificate, or other official document in force immediately before the enactment of this Act—

(1) to the Minerals Management Service that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Bureau of Safety and Environmental Enforcement established by section 102;

(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Director of the Bureau of Safety and Environmental Enforcement;

(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to that same or equivalent position in the Bureau of Safety and Environmental Enforcement;

(4) to the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Bureau of Safety and Environmental Enforcement;

(5) to the Director of the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to the Director of the Bureau of Safety and Environmental Enforcement; and

(6) to any other position in the Bureau of Land Management that pertains to any of the duties and authorities referred to in section 102 is deemed to refer and apply to that same or equivalent position in the Bureau of Safety and Environmental Enforcement.

(c) OFFICE OF NATURAL RESOURCES REVENUE.—Any reference in any law, rule, regulation, directive, or instruction, or certificate or other official document, in force immediately prior to enactment—

(1) to the Minerals Management Service that pertains to any of the duties and authorities referred to in section 103 is deemed to refer and apply to the Office of Natural Resources Revenue established by section 103;

(2) to the Director of the Minerals Management Service that pertains to any of the duties and authorities referred to in section 103 is deemed to refer and apply to the Director of Natural Resources Revenue; and

(3) to any other position in the Minerals Management Service that pertains to any of the duties and authorities referred to in section 103 is deemed to refer and apply to that same or equivalent position in the Office of Natural Resources Revenue.

SEC. 106. ABOLISHMENT OF MINERALS MANAGEMENT SERVICE.

(a) ABOLISHMENT.—The Minerals Management Service (in this section referred to as the ''Service'') is abolished.

(b) COMPLETED ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Completed administrative actions of the Service shall not be affected by the enactment of this Act, but shall continue in effect according to their terms until amended, modified, superseded, terminated, set aside, or revoked in accordance with law by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(2) COMPLETED ADMINISTRATIVE ACTION DEFINED.—For purposes of paragraph (1), the term ''completed administrative action'' includes orders, determinations, rules, regulations, personnel actions, permits, agreements, grants, contracts, certificates, licenses, registrations, and privileges.

(c) PENDING PROCEEDINGS.—Subject to the authority of the Secretary of the Interior and the officers of the Department of the Interior under this Act—

(1) pending proceedings in the Service, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue, notwithstanding the enactment of this Act or the vesting of functions of the Service in another agency, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance or modification could have occurred if this Act had not been enacted; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner and on the same terms as if this Act had not been enacted, and any such orders shall continue in effect until amended, modified, superseded, terminated, set aside, or revoked by an officer of the United States or a court of competent jurisdiction, or by operation of law.

(d) PENDING CIVIL ACTIONS.—Subject to the authority of the Secretary of the Interior or any officer of the Department of the Interior under this Act, pending civil actions shall continue notwithstanding the enactment of this Act, and in such civil actions, proceedings shall be had, appeals taken, and judgments rendered and enforced in the same manner and with the same effect as if such enactment had not occurred.

(e) REFERENCES.—References relating to the Service in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede the effective date of this Act are deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding organizational units or functions. Statutory reporting requirements that applied in relation to the Service immediately before the effective date of this Act shall continue to apply.

SEC. 107. CONFORMING AMENDMENT.

Section 5316 of title 5, United States Code, is amended by striking ''Director, Bureau of Mines, Department of the Interior.'' and inserting the following new items:

''Director, Bureau of Energy and Resource Management, Department of the Interior.

''Director, Bureau of Safety and Environmental Enforcement, Department of the Interior.

''Director, Office of Natural Resources Revenue, Department of the Interior.''.

SEC. 108. OUTER CONTINENTAL SHELF SAFETY AND ENVIRONMENTAL ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish, under the Federal Advisory Committee Act, an Outer Continental Shelf Safety and Environmental Advisory Board (referred to in this section as the ''Board''), to provide the Secretary and the Directors of the bureaus established by this title with independent scientific and technical advice on safe and environmentally compliant nonrenewable and renewable energy and mineral resource exploration, development, and production activities.

(b) MEMBERSHIP.—

(1) SIZE.—The Board shall consist of not more than 12 members, chosen to reflect a range of expertise in scientific, engineering, management, environmental, and other disciplines related to safe and environmentally compliant renewable and nonrenewable energy and mineral resource exploration, development, and production activities. The Secretary shall consult with the National Academy of Sciences and the National Academy of Engineering to identify potential candidates for the Board.

(2) TERM.—The Secretary shall appoint Board members to staggered terms of not more than 4 years, and shall not appoint a member for more than 2 consecutive terms.

(3) BALANCE.—In appointing members to the Board, the Secretary shall ensure a balanced representation of industry- and non-industry-related interests.

(c) CHAIR.—The Secretary shall appoint the Chair for the Board.

(d) MEETINGS.—The Board shall meet not less than 3 times per year and, at least once per year, shall host a public forum to review and assess the overall safety and environmental performance of Outer Continental Shelf nonrenewable and renewable energy and mineral resource activities.

(e) OFFSHORE DRILLING SAFETY ASSESSMENTS AND RECOMMENDATIONS.—As part of its duties under this section, the Board shall, by not later than 180 days after the date of enactment of this section and every 5 years thereafter, submit to the Secretary a report that—

(1) assesses offshore oil and gas well control technologies, practices, voluntary standards, and regulations in the United States and elsewhere;

(2) assesses whether existing well control regulations issued by the Secretary under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) adequately protect public health and safety and the environment; and

(3) as appropriate, recommends modifications to the regulations issued under this Act to ensure adequate protection of public health and safety and the environment.

(f) REPORTS.—Reports of the Board shall be submitted to the Congress and made available to the public in electronically accessible form.

(g) TRAVEL EXPENSES.—Members of the Board, other than full-time employees of the Federal Government, while attending meeting of the Board or while otherwise serving at the request of the Secretary or the Director while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

TITLE II—FEDERAL OIL AND GAS DEVELOPMENT

Subtitle A—Safety, Environmental, and Financial Reform of the Outer Continental Shelf Lands Act

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Outer Continental Shelf Lands Act Amendments of 2010''.

SEC. 202. DEFINITIONS.

Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

''(r) The term 'safety case' means a body of evidence that provides a basis for determining whether a system is adequately safe for a given application in a given operating environment.''.

SEC. 203. NATIONAL POLICY FOR THE OUTER CONTINENTAL SHELF.

Section 3 of the Outer Continental Shelf Lands Act (43 U.S.C. 1332) is amended—

(1) by striking paragraph (3) and inserting the following:

''(3) the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, that should be managed in a manner that—

''(A) recognizes the need of the United States for domestic sources of energy, food, minerals, and other resources;

''(B) minimizes the potential impacts of development of those resources on the marine and coastal environment and on human health and safety; and

''(C) acknowledges the long-term economic value to the United States of the balanced and orderly management of those resources that safeguards the environment and respects the multiple values and uses of the outer Continental Shelf;'';

(2) in paragraph (4), by striking the period at the end and inserting a semicolon;

(3) in paragraph (5), by striking ''should be'' and inserting ''shall be'', and striking ''; and'' and inserting a semicolon;

(4) by redesignating paragraph (6) as paragraph (7);

(5) by inserting after paragraph (5) the following:

''(6) exploration, development, and production of energy and minerals on the outer Continental Shelf should be allowed only when those activities can be accomplished in a manner that minimizes—

''(A) harmful impacts to life (including fish and other aquatic life) and health;

''(B) damage to the marine, coastal, and human environments and to property; and

''(C) harm to other users of the waters, seabed, or subsoil; and''; and

(6) in paragraph (7) (as so redesignated), by—

(A) striking ''should be'' and inserting ''shall be'';

(B) inserting ''best available'' after ''using''; and

(C) striking ''or minimize''.

SEC. 204. JURISDICTION OF LAWS ON THE OUTER CONTINENTAL SHELF.

Section 4(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)) is amended by—

(1) inserting ''or producing or supporting production of energy from sources other than oil and gas'' after ''therefrom'';

(2) inserting ''or transmitting such energy'' after ''transporting such resources''; and

(3) inserting ''and other energy'' after ''That mineral''.

SEC. 205. OUTER CONTINENTAL SHELF LEASING STANDARD.

(a) IN GENERAL.—Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended—

(1) in subsection (a), by striking ''The Secretary may at any time'' and inserting ''The Secretary shall'';

(2) in the second sentence of subsection (a), by adding after ''provide for'' the following: ''operational safety, the protection of the marine and coastal environment, and'';

(3) in subsection (a), by inserting ''and the Secretary of Commerce with respect to matters that may affect the marine and coastal environment'' after ''which may affect competition'';

(4) in clause (ii) of subsection (a)(2)(A), by striking ''a reasonable period of time'' and inserting ''30 days'';

(5) in subsection (a)(7), by inserting ''in a manner that minimizes harmful impacts to the marine and coastal environment'' after ''lease area'';

(6) in subsection (a), by striking ''and'' after the semicolon at the end of paragraph (7), redesignating paragraph (8) as paragraph (13), and inserting after paragraph (7) the following:

''(8) for independent third-party certification requirements of safety systems related to well control, such as blowout preventers;

''(9) for performance requirements for blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

''(10) for independent third-party certification requirements of well casing and cementing programs and procedures;

''(11) for the establishment of mandatory safety and environmental management systems by operators on the Outer Continental Shelf;

''(12) for procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons;'';

(7) in subsection (a), by striking the period at the end of paragraph (13), as so redesignated, and inserting ''; and'', and by adding at the end the following:

''(14) ensuring compliance with other applicable environmental and natural resource conservation laws.''; and

(8) by adding at the end the following new subsections:

''(k) DOCUMENTS INCORPORATED BY REFERENCE.—Any documents incorporated by reference in regulations promulgated by the Secretary pursuant to this Act shall be made available to the public, free of charge, on a website maintained by the Secretary.

''(l) REGULATORY STANDARDS FOR BLOWOUT PREVENTERS, WELL DESIGN, AND CEMENTING.—

''(1) IN GENERAL.—In promulgating regulations under this Act related to blowout preventers, well design, and cementing, the Secretary shall ensure that such regulations include the minimum standards included in paragraphs (2), (3), and (4), unless, after notice and an opportunity for public comment, the Secretary determines that a standard required under this subsection would be less effective in ensuring safe operations than an available alternative technology or practice. Such regulations shall require independent third-party certification, pursuant to paragraph (5), of blowout preventers, well design, and cementing programs and procedures prior to the commencement of drilling operations. Such regulations shall also require re-certification by an independent third-party certifier, pursuant to paragraph (5), of a blowout preventer upon any material modification to the blowout preventer or well design and of a well design upon any material modification to the well design.

''(2) BLOWOUT PREVENTERS.—Subject to paragraph (1), regulations issued under this Act for blowout preventers shall include at a minimum the following requirements:

''(A) Two sets of blind shear rams appropriately spaced to prevent blowout preventer failure if a drill pipe joint or drill tool is across one set of blind shear rams during a situation that threatens loss of well control.

''(B) Redundant emergency backup control systems capable of activating the relevant components of a blowout preventer, including when the communications link or other critical links between the drilling rig and the blowout preventer are destroyed or inoperable.

''(C) Regular testing of the emergency backup control systems, including testing during deployment of the blowout preventer.

''(D) As appropriate, remotely operated vehicle intervention capabilities for secondary control of all subsea blowout preventer functions, including adequate hydraulic capacity to activate blind shear rams, casing shear rams, and other critical blowout preventer components.

''(3) WELL DESIGN.—Subject to paragraph (1), regulations issued under this Act for well design standards shall include at a minimum the following requirements:

''(A) In connection with the installation of the final casing string, the installation of at least two independent, tested mechanical barriers, in addition to a cement barrier, across each flow path between hydrocarbon bearing formations and the blowout preventer.

''(B) That wells shall be designed so that a failure of one barrier does not significantly increase the likelihood of another barrier's failure.

''(C) That the casing design is appropriate for the purpose for which it is intended under reasonably expected wellbore conditions.

''(D) The installation and verification with a pressure test of a lockdown device at the time the casing is installed in the wellhead.

''(4) CEMENTING.—Subject to paragraph (1), regulations issued under this Act for cementing standards shall include at a minimum the following requirements:

''(A) Adequate centralization of the casing to ensure proper distribution of cement.

''(B) A full circulation of drilling fluids prior to cementing.

''(C) The use of an adequate volume of cement to prevent any unintended flow of hydrocarbons between any hydrocarbon-bearing formation zone and the wellhead.

''(D) Cement bond logs for all cementing jobs intended to provide a barrier to hydrocarbon flow.

''(E) Cement bond logs or such other integrity tests as the Secretary may prescribe for cement jobs other than those identified in subparagraph (D).

''(5) INDEPENDENT THIRD-PARTY CERTIFIERS.—The Secretary shall establish appropriate standards for the approval of independent third-party certifiers capable of exercising certification functions for blowout preventers, well design, and cementing. For any certification required for regulations related to blowout preventers, well design, or cementing, the operator shall use a qualified independent third-party certifier chosen by the Secretary. The costs of any certification shall be borne by the operator.

''(6) APPLICATION TO INSHORE WATERS; STATE IMPLEMENTATION.—

''(A) IN GENERAL.—Requirements established under this subsection shall apply, as provided in subparagraph (B), to offshore drilling operations that take place on lands that are landward of the outer Continental Shelf and seaward of the line of mean high tide, and that the Secretary determines, based on criteria established by rule, could, in the event of a blowout, lead to extensive and widespread harm to public health and safety or the environment.

''(B) SUBMISSION OF STATE REGULATORY REGIME.—Any State may submit to the Secretary a plan demonstrating that the State's regulatory regime for wells identified in subparagraph (A) establishes requirements for such wells that are comparable to, or alternative requirements providing an equal or greater level of safety than, those established under this section for wells on the outer Continental Shelf. The Secretary shall promptly determine, after notice and an opportunity for public comment, whether a State's regulatory regime meets the standard set forth in the preceding sentence. If the Secretary determines that a State's regulatory regime does not meet such standard, the Secretary shall identify the deficiencies that are the basis for such determination and provide a reasonable period of time for the State to remedy the deficiencies. If the State does not do so within such reasonable period of time, the Secretary shall apply the requirements established under this section to offshore drilling operations described in subparagraph (A) that are located in such State, until such time as the Secretary determines that the deficiencies have been remedied.

''(m) RULEMAKING DOCKETS.—

''(1) ESTABLISHMENT.—Not later than the date of proposal of any regulation under this Act, the Secretary shall establish a publicly available rulemaking docket for such regulation.

''(2) DOCUMENTS TO BE INCLUDED.—The Secretary shall include in the docket—

''(A) all written comments and documentary information on the proposed rule received from any person in the comment period for the rulemaking, promptly upon receipt by the Secretary;

''(B) the transcript of each public hearing, if any, on the proposed rule, promptly upon receipt from the person who transcribed such hearing; and

''(C) all documents that become available after the proposed rule is published and that the Secretary determines are of central relevance to the rulemaking, by as soon as possible after their availability.

''(3) PROPOSED AND DRAFT FINAL RULE AND ASSOCIATED MATERIAL.—The Secretary shall include in the docket—

''(A) each draft proposed rule submitted by the Secretary to the Office of Management and Budget for any interagency review process prior to proposal of such rule, all documents accompanying such draft, all written comments thereon by other agencies, and all written responses to such written comments by the Secretary, by no later than the date of proposal of the rule; and

''(B) each draft final rule submitted by the Secretary for such review process before issuance of the final rule, all such written comments thereon, all documents accompanying such draft, and all written responses thereto, by no later than the date of issuance of the final rule.''.

(b) CONFORMING AMENDMENT.—Subsection (g) of section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351), as redesignated by section 215(4) of this Act, is further amended by striking ''paragraph (8) of section 5(a) of this Act'' each place it appears and inserting ''paragraph (13) of section 5(a) of this Act''.

SEC. 206. LEASES, EASEMENTS, AND RIGHTS-OF-WAY.

(a) FINANCIAL ASSURANCE AND FISCAL RESPONSIBILITY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) REVIEW OF BOND AND SURETY AMOUNTS.—Not later than May 1, 2011, and every 5 years thereafter, the Secretary shall review the minimum financial responsibility requirements for leases issued under this section and shall ensure that any bonds or surety required are adequate to comply with the requirements of this Act or the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

''(r) PERIODIC FISCAL REVIEW AND REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and every 3 years thereafter, the Secretary shall carry out a review and prepare a report setting forth—

''(A)(i) the royalty and rental rates included in new offshore oil and gas leases; and

''(ii) the rationale for the rates;

''(B) whether, in the view of the Secretary, the royalty and rental rates described in subparagraph (A) will yield a fair return to the public while promoting the production of oil and gas resources in a timely manner;

''(C)(i) the minimum bond or surety amounts required pursuant to offshore oil and gas leases; and

''(ii) the rationale for the minimum amounts;

''(D) whether the bond or surety amounts described in subparagraph (C) are adequate to comply with subsection (q); and

''(E) whether the Secretary intends to modify the royalty or rental rates, or bond or surety amounts, based on the review.

''(2) PUBLIC PARTICIPATION.—In carrying out a review and preparing a report under paragraph (1), the Secretary shall provide to the public an opportunity to participate.

''(3) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes a report under paragraph (1), the Secretary shall transmit copies of the report to—

''(A) the Committee on Energy and Natural Resources of the Senate; and

''(B) the Committee on Natural Resources of the House of Representatives.

''(s) COMPARATIVE REVIEW OF FISCAL SYSTEM.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection and every 5 years thereafter, the Secretary shall carry out a comprehensive review of all components of the Federal offshore oil and gas fiscal system, including requirements for—

''(A) bonus bids;

''(B) rental rates; and

''(C) royalties.

''(2) REQUIREMENTS.—

''(A) CONTENTS; SCOPE.—A review under paragraph (1) shall include—

''(i) the information and analyses necessary to compare the offshore bonus bids, rents, and royalties of the Federal Government to the offshore bonus bids, rents, and royalties of other resource owners, including States and foreign countries; and

''(ii) an assessment of the overall offshore oil and gas fiscal system in the United States, as compared to foreign countries.

''(B) INDEPENDENT ADVISORY COMMITTEE.—In carrying out a review under paragraph (1), the Secretary shall convene and seek the advice of an independent advisory committee comprised of oil and gas and fiscal experts from States, Indian tribes, academia, the energy industry, and appropriate nongovernmental organizations.

''(3) REPORT.—

''(A) IN GENERAL.—The Secretary shall prepare a report that contains—

''(i) the contents and results of the review carried out under paragraph (1) for the period covered by the report; and

''(ii) any recommendations of the Secretary based on the contents and results of the review.

''(B) REPORT DEADLINE.—Not later than 30 days after the date on which the Secretary completes a report under paragraph (1), the Secretary shall transmit copies of the report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.''.

(b) ENVIRONMENTAL DILIGENCE.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by striking subsection (d) and inserting the following:

''(d) REQUIREMENT FOR CERTIFICATION OF RESPONSIBLE STEWARDSHIP.—

''(1) CERTIFICATION REQUIREMENT.—No bid or request for a lease, easement, or right-of-way under this section, or for a permit to drill under section 11(d), may be submitted by any person unless the person certifies to the Secretary that the person (including any related person and any predecessor of such person or related person) meets each of the following requirements:

''(A) The person is meeting due diligence, safety, and environmental requirements on other leases, easements, and rights-of-way.

''(B) In the case of a person that is a responsible party for a vessel or a facility from which oil is discharged, for purposes of section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702), the person has met all of its obligations under that Act to provide compensation for covered removal costs and damages.

''(C) In the 7-year period ending on the date of certification, the person, in connection with activities in the oil industry (including exploration, development, production, transportation by pipeline, and refining)—

''(i) was not found to have committed willful or repeated violations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (including State plans approved under section 18(c) of such Act (29 U.S.C. 667(c))) at a rate that is higher than five times the rate determined by the Secretary to be the oil industry average for such violations for such period;

''(ii) was not convicted of a criminal violation for death or serious bodily injury;

''(iii) did not have more than 10 fatalities at its exploration, development, and production facilities and refineries as a result of violations of Federal or State health, safety, or environmental laws;

''(iv) was not assessed, did not enter into an agreement to pay, and was not otherwise required to pay, civil penalties and criminal fines for violations the person was found to have committed under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (including State programs approved under sections 402 and 404 of such Act (33 U.S.C. 1342 and 1344)) in a total amount that is equal to more than $10,000,000; and

''(v) was not assessed, did not enter into an agreement to pay, and was not otherwise required to pay, civil penalties and criminal fines for violations the person was found to have committed under the Clean Air Act (42 U.S.C. 7401 et seq.) (including State plans approved under section 110 of such Act (42 U.S.C. 7410)) in a total amount that is equal to more than $10,000,000.

''(2) ENFORCEMENT.—If the Secretary determines that a certification made under paragraph (1) is false, the Secretary shall cancel any lease, easement, or right of way and

shall revoke any permit with respect to which the certification was required under such paragraph.

''(3) DEFINITION OF RELATED PERSON.—For purposes of this subsection, the term 'related person' includes a parent, subsidiary, affiliate, member of the same controlled group, contractor, subcontractor, a person holding a controlling interest or in which a controlling interest is held, and a person with substantially the same board members, senior officers, or investors.''.

(c) ALTERNATIVE ENERGY DEVELOPMENT.—

(1) CLARIFICATION RELATING TO ALTERNATIVE ENERGY DEVELOPMENT.—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or'' after ''1501 et seq.),'', and by striking ''or other applicable law,''; and

(ii) by amending subparagraph (D) to read as follows:

''(D) use, for energy-related purposes, facilities currently or previously used for activities authorized under this Act, except that any oil and gas energy-related uses shall not be authorized in areas in which oil and gas preleasing, leasing, and related activities are prohibited by a moratorium.''; and

(B) in paragraph (4)—

(i) in subparagraph (E), by striking ''coordination'' and inserting ''in consultation''; and

(ii) in subparagraph (J)(ii), by inserting ''a potential site for an alternative energy facility,'' after ''deepwater port,''.

(2) NONCOMPETITIVE ALTERNATIVE ENERGY LEASE OPTIONS.—Section 8(p)(3) of such Act (43 U.S.C. 1337(p)(3)) is amended to read as follows:

''(3) COMPETITIVE OR NONCOMPETITIVE BASIS.—Any lease, easement, right-of-way, or other authorization granted under paragraph (1) shall be issued on a competitive basis, unless—

''(A) the lease, easement, right-of-way, or other authorization relates to a project that meets the criteria established under section 388(d) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note; Public Law 109–58);

''(B) the lease, easement, right-of-way, or other authorization—

''(i) is for the placement and operation of a meteorological or marine data collection facility; and

''(ii) has a term of not more than 5 years; or

''(C) the Secretary determines, after providing public notice of a proposed lease, easement, right-of-way, or other authorization, that no competitive interest exists.''.

(d) REVIEW OF IMPACTS OF LEASE SALES ON THE MARINE AND COASTAL ENVIRONMENT BY SECRETARY.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end of subsection (a) the following:

''(9) At least 60 days prior to any lease sale, the Secretary shall request a review by the Secretary of Commerce of the proposed sale with respect to impacts on the marine and coastal environment. The Secretary of Commerce shall complete and submit in writing the results of that review within 60 days after receipt of the Secretary of the Interior's request. If the Secretary of Commerce makes specific recommendations related to a proposed lease sale to reduce impacts on the marine and coastal environment, and the Secretary rejects or modifies such recommendations, the Secretary shall provide in writing justification for rejecting or modifying such recommendations.''.

(e) LIMITATION ON LEASE TRACT SIZE.—Section 8(b)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(1)) is amended by striking '', unless the Secretary finds that a larger area is necessary to comprise a reasonable economic production unit''.

(f) SULPHUR LEASES.—Section 8(i) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(i)) is amended by striking ''meet the urgent need'' and inserting ''allow''.

(g) TERMS AND PROVISIONS.—Section 8(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)) is amended by striking ''An oil and gas lease issued pursuant to this section shall'' and inserting ''An oil and gas lease may be issued pursuant to this section only if the Secretary determines that activities under the lease are not likely to result in any condition described in section 5(a)(2)(A)(i), and shall''.

SEC. 207. DISPOSITION OF REVENUES.

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) is amended to read as follows:

''SEC. 9. DISPOSITION OF REVENUES.

''(a) GENERAL.—Except as provided in subsections (b), (c), and (d), all rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the outer Continental Shelf for the period from June 5, 1950, to date, and thereafter shall be deposited in the Treasury of the United States and credited to miscellaneous receipts.

''(b) LAND AND WATER CONSERVATION FUND.—Effective for fiscal year 2011 and each fiscal year thereafter, $900,000,000 of the amounts referred to in subsection (a) shall be deposited in the Treasury of the United States and credited to the Land and Water Conservation Fund. These sums shall be available to the Secretary, without further appropriation or fiscal year limitation, for carrying out the purposes of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

''(c) HISTORIC PRESERVATION FUND.—Effective for fiscal year 2011 and each fiscal year thereafter, $150,000,000 of the amounts referred to in subsection (a) shall be deposited in the Treasury of the United States and credited to the Historic Preservation Fund. These sums shall be available to the Secretary, without further appropriation or fiscal year limitation, for carrying out the purposes of the National Historic Preservation Fund Act of 1966 (16 U.S.C. 470 et seq.).

''(d) OCEAN RESOURCES CONSERVATION AND ASSISTANCE FUND.—Effective for each fiscal year 2011 and thereafter, 10 percent of the amounts referred to in subsection (a) shall be deposited in the Treasury of the United States and credited to the Ocean Resources Conservation and Assistance Fund established by the Consolidated Land, Energy, and Aquatic Resources Act of 2010. These sums shall be available to the Secretary, subject to appropriation, for carrying out the purposes of section 605 of the Consolidated Land, Energy, and Aquatic Resources Act of 2010.

''(e) SAVINGS PROVISION.—Nothing in this section shall decrease the amount any State shall receive pursuant to section 8(g) of this Act or section 105 of the Gulf of Mexico Energy Security Act (43 U.S.C. 1331 note).''.

SEC. 208. EXPLORATION PLANS.

(a) LIMITATION ON HARM FROM AGENCY EXPLORATION.—Section 11(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(a)(1)) is amended by striking '', which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this Act, and which are not unduly harmful to aquatic life in such area'' and inserting ''if a permit authorizing such activity is issued by the Secretary under subsection (g)''.

(b) EXPLORATION PLAN REVIEW.—Section 11(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)), is amended—

(1) by inserting ''(A)'' before the first sentence;

(2) in paragraph (1)(A), as designated by the amendment made by paragraph (1) of this subsection—

(A) by striking ''and the provisions of such lease'' and inserting ''the provisions of such lease, and other applicable environmental and natural resource conservation laws''; and

(B) by striking the fourth sentence and inserting the following:

''(B) The Secretary shall approve such plan, as submitted or modified, within 90 days after its submission and it is made publicly accessible by the Secretary, or within such additional time as the Secretary determines is necessary to complete any environmental, safety, or other reviews, if the Secretary determines that—

''(i) any proposed activity under such plan is not likely to result in any condition described in section 5(a)(2)(A)(i);

''(ii) the plan complies with other applicable environmental or natural resource conservation laws;

''(iii) in the case of geophysical surveys, the applicant will use the best available technologies and methods to minimize impacts on marine life; and

''(iv) the applicant has demonstrated the capability and technology to respond immediately and effectively to a worst-case oil spill in real-world conditions in the area of the proposed activity.''; and

(3) by adding at the end the following:

''(5) If the Secretary requires greater than 90 days to review an exploration plan submitted pursuant to any oil and gas lease issued or maintained under this Act, then the Secretary may provide for a suspension of that lease pursuant to section 5 until the review of the exploration plan is completed.''.

(c) REQUIREMENTS.—Section 11(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c), is amended by amending paragraph (3) to read as follows:

''(3) An exploration plan submitted under this subsection shall include, in the degree of detail that the Secretary may by regulation require—

''(A) a schedule of anticipated exploration activities to be undertaken;

''(B) a detailed and accurate description of equipment to be used for such activities, including—

''(i) a description of each drilling unit;

''(ii) a statement of the design and condition of major safety-related pieces of equipment, including independent third party certification of such equipment; and

''(iii) a description of any new technology to be used;

''(C) a map showing the location of each well to be drilled;

''(D) a scenario for the potential blowout of the well involving the highest potential volume of liquid hydrocarbons, along with a complete description of a response plan to both control the blowout and manage the accompanying discharge of hydrocarbons, including the likelihood for surface intervention to stop the blowout, the availability of a rig to drill a relief well, an estimate of the time it would take to drill a relief well, a description of other technology that may be used to regain control of the well or capture escaping hydrocarbons and the potential timeline for using that technology for its intended purpose, and the strategy, organization, and resources necessary to avoid harm to the environment and human health from hydrocarbons;

''(E) an analysis of the potential impacts of the worst-case-scenario discharge of hydrocarbons on the marine, coastal, and human

environments for activities conducted pursuant to the proposed exploration plan; and

''(F) such other information deemed pertinent by the Secretary.''.

(d) DRILLING PERMITS.—Section 11(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(d)) is amended by to read as follows:

''(d) DRILLING PERMITS.—

''(1) IN GENERAL.—The Secretary shall, by regulation, require that any lessee operating under an approved exploration plan obtain a permit prior to drilling any well in accordance with such plan, and prior to any significant modification of the well design as originally approved by the Secretary.

''(2) ENGINEERING REVIEW REQUIRED.—The Secretary may not grant any drilling permit or modification of the permit prior to completion of a full engineering review of the well system, including a determination that critical safety systems, including blowout prevention, will utilize best available technology and that blowout prevention systems will include redundancy and remote triggering capability.

''(3) OPERATOR SAFETY AND ENVIRONMENTAL MANAGEMENT REQUIRED.—The Secretary shall not grant any drilling permit or modification of the permit prior to completion of a safety and environmental management plan to be utilized by the operator during all well operations.''.

(e) EXPLORATION PERMIT REQUIREMENTS.—Section 11(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(g)) is amended by—

(1) striking ''shall be issued'' and inserting ''may be issued'';

(2) inserting ''and after consultation with the Secretary of Commerce,'' after ''in accordance with regulations issued by the Secretary'';

(3) striking the ''and'' at the end of paragraph (2);

(4) in paragraph (3) striking ''will not be unduly harmful to'' and inserting ''is not likely to harm'';

(5) striking the period at the end of paragraph (3) and inserting a semicolon; and

(6) adding at the end the following:

''(4) the exploration will be conducted in accordance with other applicable environmental and natural resource conservation laws;

''(5) in the case of geophysical surveys, the applicant will use the best available technologies and methods to minimize impacts on marine life; and

''(6) in the case of drilling operations, the applicant has available oil spill response and clean-up equipment and technology that has been demonstrated to be capable of effectively remediating a worst-case release of oil.''.

(f) ENVIRONMENTAL REVIEW OF PLANS; DEEPWATER PLAN; PLAN DISAPPROVAL.—Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by adding at the end the following:

''(i) ENVIRONMENTAL REVIEW OF PLANS.—The Secretary shall treat the approval of an exploration plan, or a significant revision of such a plan, as an agency action requiring preparation of an environmental assessment or environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and shall require that such plan—

''(1) be based on the best available technology to ensure safety in carrying out both the drilling of the well and any oil spill response; and

''(2) contain a technical systems analysis of the safety of the proposed activity, the blowout prevention technology, and the blowout and spill response plans.

''(j) DISAPPROVAL OF PLAN.—

''(1) IN GENERAL.—The Secretary shall disapprove the plan if the Secretary determines, because of exceptional geological conditions in the lease areas, exceptional resource values in the marine or coastal environment, or other exceptional circumstances, that—

''(A) implementation of the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environments;

''(B) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time; and

''(C) the advantages of disapproving the plan outweigh the advantages of exploration.

''(2) CANCELLATION OF LEASE FOR DISAPPROVAL OF PLAN.—If a plan is disapproved under this subsection, the Secretary may cancel such lease in accordance with subsection (c)(1) of this section.''.

SEC. 209. OUTER CONTINENTAL SHELF LEASING PROGRAM.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a) in the second sentence by striking ''meet national energy needs'' and inserting ''balance national energy needs and the protection of the marine and coastal environment and all the resources in that environment,'';

(2) in subsection (a)(2)(A)—

(A) by striking ''existing'' and inserting ''the best available scientific''; and

(B) by inserting '', including at least three consecutive years of data'' after ''information'';

(4) in subsection (a)(2)(D), by inserting ''potential and existing sites of renewable energy installations,'' after ''deepwater ports,'';

(5) in subsection (a)(2)(H), by inserting ''including the availability of infrastructure to support oil spill response'' before the period;

(6) in subsection (a)(3), by—

(A) striking ''to the maximum extent practicable,'';

(B) striking ''obtain a proper balance between'' and inserting ''minimize''; and

(C) striking ''damage,'' and all that follows through the period and inserting ''damage and adverse impacts on the marine, coastal, and human environments, and enhancing the potential for the discovery of oil and gas.'';

(7) in subsection (b)(1), by inserting ''environmental, marine, and energy'' after ''obtain'';

(8) in subsection (b)(2), by inserting ''environmental, marine, and'' after ''interpret the'';

(9) in subsection (b)(3), by striking ''and'' after the semicolon at the end;

(10) by striking the period at the end of subsection (b)(4) and inserting a semicolon;

(11) by adding at the end of subsection (b) the following:

''(5) provide technical review and oversight of exploration plans and a systems review of the safety of well designs and other operational decisions;

''(6) conduct regular and thorough safety reviews and inspections; and

''(7) enforce all applicable laws and regulations.'';

(12) in the first sentence of subsection (c)(1), by inserting ''the National Oceanic and Atmospheric Administration and'' after ''including'';

(13) in subsection (c)(2)—

(A) by inserting after the first sentence the following: ''The Secretary shall also submit a copy of such proposed program to the head of each Federal agency referred to in, or that otherwise provided suggestions under, paragraph (1).'';

(B) in the third sentence, by inserting ''or head of a Federal agency'' after ''such Governor''; and

(C) in the fourth sentence, by inserting ''or between the Secretary and the head of a Federal agency,'' after ''affected State,'';

(14) by redesignating subsection (c)(3) as subsection (c)(4) and by inserting before subsection (c)(4) (as so redesignated) the following:

''(3) At least 60 days prior to the publication of a proposed leasing program under this section, the Secretary shall request a review by the Secretary of Commerce of the proposed leasing program with respect to impacts on the marine and coastal environments. If the Secretary rejects or modifies any of the recommendations made by the Secretary of Commerce concerning the location, timing, or conduct of leasing activities under the proposed leasing program, the Secretary shall provide in writing justification for rejecting or modifying such recommendations.''.

(15) in the second sentence of subsection (d)(2), by inserting '', the head of a Federal agency,'' after ''Attorney General'';

(16) in subsection (g), by inserting after the first sentence the following: ''Such information may include existing inventories and mapping of marine resources previously undertaken by the Department of the Interior and the National Oceanic and Atmospheric Administration, information provided by the Department of Defense, and other available data regarding energy or mineral resource potential, navigation uses, fisheries, aquaculture uses, recreational uses, habitat, conservation, and military uses on the outer Continental Shelf.''; and

(17) by adding at the end the following new subsection:

''(i) RESEARCH AND DEVELOPMENT.—The Secretary shall carry out a program of research and development to ensure the continued improvement of methodologies for characterizing resources of the outer Continental Shelf and conditions that may affect the ability to develop and use those resources in a safe, sound, and environmentally responsible manner. Such research and development activities may include activities to provide accurate estimates of energy and mineral reserves and potential on the Outer Continental Shelf and any activities that may assist in filling gaps in environmental data needed to develop each leasing program under this section.''.

SEC. 210. ENVIRONMENTAL STUDIES.

(a) INFORMATION NEEDED FOR ASSESSMENT AND MANAGEMENT OF ENVIRONMENTAL IMPACTS.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended by striking so much as precedes ''of any area'' in subsection (a)(1) and inserting the following:

''SEC. 20. ENVIRONMENTAL STUDIES.

''(a)(1) The Secretary, in cooperation with the Secretary of Commerce, shall conduct a study no less than once every three years''.

(b) IMPACTS OF DEEP WATER SPILLS.—Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is amended by—

(1) redesignating subsections (c) through (f) as (d) through (g); and

(2) inserting after subsection (b) the following new subsection:

''(c) The Secretary shall conduct research to identify and reduce data gaps related to impacts of deepwater hydrocarbon spills, including—

''(1) effects to benthic substrate communities and species;

''(2) water column habitats and species;

''(3) surface and coastal impacts from spills originating in deep waters; and

''(4) the use of dispersants.''.

SEC. 211. SAFETY REGULATIONS.

Section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) is amended—

(1) in subsection (a), by striking ''Upon the date of enactment of this section,'' and inserting ''Within 6 months after the date of enactment of the Outer Continental Shelf Lands Act Amendments of 2010 and every three years thereafter,'';

(2) in subsection (b) by—

(A) striking ''for the artificial islands, installations, and other devices referred to in section 4(a)(1) of'' and inserting ''under'';

(B) striking ''which the Secretary determines to be economically feasible''; and

(C) adding at the end ''Not later than 6 months after the date of enactment of the Outer Continental Shelf Lands Act Amendments of 2010 and every 3 years thereafter, the Secretary shall, in consultation with the Outer Continental Shelf Safety and Environmental Advisory Board established under title I of the Consolidated Land, Energy, and Aquatic Resources Act of 2010, identify and publish an updated list of (1) the best available technologies for key areas of well design and operation, including blowout prevention and blowout and oil spill response and (2) technology needs for which the Secretary intends to identify best available technologies in the future.''; and

(3) by adding at the end the following:

''(g) SAFETY CASE.—Not later than 6 months after the date of enactment of the Outer Continental Shelf Lands Act Amendments of 2010, the Secretary shall promulgate regulations requiring a safety case be submitted along with each new application for a permit to drill on the outer Continental Shelf. Not later than 5 years after the date final regulations promulgated under this subsection go into effect, and not less than every 5 years thereafter, the Secretary shall enter into an arrangement with the National Academy of Engineering to conduct a study to assess the effectiveness of these regulations and to recommend improvements in their administration.

''(h) OFFSHORE TECHNOLOGY RESEARCH AND RISK ASSESSMENT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program of research, development, and risk assessment to address technology and development issues associated with exploration for, and development and production of, energy and mineral resources on the outer Continental Shelf, with the primary purpose of informing its role relating to safety, environmental protection, and spill response.

''(2) SPECIFIC FOCUS AREAS.—The program under this subsection shall include research and development related to—

''(A) risk assessment, using all available data from safety and compliance records both within the United States and internationally;

''(B) analysis of industry trends in technology, investment, and frontier areas;

''(C) reviews of best available technologies, including those associated with pipelines, blowout preventer mechanisms, casing, well design, and other associated infrastructure related to offshore energy development;

''(D) oil spill response and mitigation;

''(E) risk associated with human factors;

''(F) technologies and methods to reduce the impact of geophysical exploration activities on marine life; and

''(G) renewable energy operations.''.

SEC. 212. ENFORCEMENT OF SAFETY AND ENVIRONMENTAL REGULATIONS.

(a) IN GENERAL.—Section 22 of the Outer Continental Shelf Lands Act (43 U.S.C. 1348) is amended—

(1) by amending subsection (c) to read as follows:

''(c) INSPECTIONS.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall individually, or jointly if they so agree, promulgate regulations to provide for—

''(1) scheduled onsite inspection, at least once a year, of each facility on the outer Continental Shelf which is subject to any environmental or safety regulation promulgated pursuant to this Act, which inspection shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents;

''(2) scheduled onsite inspection, at least once a month, of each facility on the outer Continental Shelf engaged in drilling operations and which is subject to any environmental or safety regulation promulgated pursuant to this Act, which inspection shall include validation of the safety case required for the facility under section 21(g) and identifications of deviations from the safety case, and shall include all safety equipment designed to prevent or ameliorate blowouts, fires, spillages, or other major accidents;

''(3) periodic onsite inspection without advance notice to the operator of such facility to assure compliance with such environmental or safety regulations; and

''(4) periodic audits of each required safety and environmental management plan, and any associated safety case, both with respect to their implementation at each facility on the outer Continental Shelf for which such a plan or safety case is required and with respect to onshore management support for activities at such a facility.'';

(2) in subsection (d)(1)—

(A) by striking ''each major fire and each major oil spillage'' and inserting ''each major fire, each major oil spillage, each loss of well control, and any other accident that presented a serious risk to human or environmental safety''; and

(B) by inserting before the period at the end the following: '', as a condition of the lease or permit'';

(3) in subsection (d)(2), by inserting before the period at the end the following: ''as a condition of the lease or permit'';

(4) in subsection (e), by adding at the end the following: ''Any such allegation from any employee of the lessee or any subcontractor of the lessee shall be investigated by the Secretary.'';

(5) in subsection (b)(1), by striking ''recognized'' and inserting ''uncontrolled''; and

(6) by adding at the end the following:

''(g) INFORMATION ON CAUSES AND CORRECTIVE ACTIONS.—For any incident investigated under this section, the Secretary shall promptly make available to all lessees and the public technical information about the causes and corrective actions taken. All data and reports related to any such incident shall be maintained in a data base available to the public.

''(h) OPERATOR'S ANNUAL CERTIFICATION.—

''(1) The Secretary, in cooperation with the Secretary of the department in which the Coast Guard is operating, shall require all operators of all new and existing drilling and production operations to annually certify that their operations are being conducted in accordance with applicable law and regulations.

''(2) Each certification shall include, but, not be limited to, statements that verify the operator has—

''(A) examined all well control system equipment (both surface and subsea) being used to ensure that it has been properly maintained and is capable of shutting in the well during emergency operations;

''(B) examined and conducted tests to ensure that the emergency equipment has been function-tested and is capable of addressing emergency situations;

''(C) reviewed all rig drilling, casing, cementing, well abandonment (temporary and permanent), completion, and workover practices to ensure that well control is not compromised at any point while emergency equipment is installed on the wellhead;

''(D) reviewed all emergency shutdown and dynamic positioning procedures that interface with emergency well control operations; and

''(E) taken the necessary steps to ensure that all personnel involved in well operations are properly trained and capable of performing their tasks under both normal drilling and emergency well control operations.

''(i) CEO STATEMENT.—The Secretary shall not approve any application for a permit to drill a well under this Act unless such application is accompanied by a statement in which the chief executive officer of the applicant attests, in writing, that—

''(1) the applicant is in compliance with all applicable environmental and natural resource conservation laws;

''(2) the applicant has the capability and technology to respond immediately and effectively to a worst-case oil spill in real-world conditions in the area of the proposed activity under the permit;

''(3) the applicant has an oil spill response plan that ensures that the applicant has the capacity to promptly control and stop a blowout in the event that well control measures fail;

''(4) the blowout preventer to be used during the drilling of the well has redundant systems to prevent or stop a blowout for all foreseeable blowout scenarios and failure modes;

''(5) the well design is safe; and

''(6) the applicant has the capability to expeditiously begin and complete a relief well if necessary in the event of a blowout.

''(j) THIRD PARTY CERTIFICATION.—All operators that modify or upgrade any emergency equipment placed on any operation to prevent blow-outs or other well control events, shall have an independent third party conduct a detailed physical inspection and design review of such equipment within 30 days of its installation. The independent third party shall certify that the equipment will operate as originally designed and any modifications or upgrades conducted after delivery have not compromised the design, performance, or functionality of the equipment. Failure to comply with this subsection shall result in suspension of the lease.''.

(b) APPLICATION.—Section 22(i) of the Outer Continental Shelf Lands Act, as added by the amendments made by subsection (a), shall apply to approvals of applications for a permit to drill that are submitted after the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 213. JUDICIAL REVIEW.

Section 23(c)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1349(c)(3)) is amended by striking ''sixty'' and inserting ''90''.

SEC. 214. REMEDIES AND PENALTIES.

(a) CIVIL PENALTY, GENERALLY.—Section 24(b) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(b)) is amended to read as follows:

''(b)(1) Except as provided in paragraph (2), any person who fails to comply with any provision of this Act, or any term of a lease, license, or permit issued pursuant to this Act, or any regulation or order issued under this Act, shall be liable for a civil administrative penalty of not more than $75,000 for each day of the continuance of such failure. The Secretary may assess, collect, and compromise any such penalty. No penalty shall be assessed until the person charged with a violation has been given an opportunity for a

hearing. The Secretary shall, by regulation at least every 3 years, adjust the penalty specified in this paragraph to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor.

''(2) If a failure described in paragraph (1) constitutes or constituted a threat of harm or damage to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal, or human environment, a civil penalty of not more than $150,000 shall be assessed for each day of the continuance of the failure.''.

(b) KNOWING AND WILLFUL VIOLATIONS.—Section 24(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(c)) is amended in paragraph (4) by striking ''$100,000'' and inserting ''$10,000,000''.

(c) OFFICERS AND AGENTS OF CORPORATIONS.—Section 24(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(d)) is amended by inserting '', or with willful disregard,'' after ''knowingly and willfully''.

SEC. 215. UNIFORM PLANNING FOR OUTER CONTINENTAL SHELF.

Section 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1351) is amended—

(1) by striking ''other than the Gulf of Mexico,'' in each place it appears;

(2) in subsection (c), by striking ''and'' after the semicolon at the end of paragraph (5), redesignating paragraph (6) as paragraph (11), and inserting after paragraph (5) the following new paragraphs:

''(6) a detailed and accurate description of equipment to be used for the drilling of wells pursuant to activities included in the development and production plan, including—

''(A) a description of the drilling unit or units;

''(B) a statement of the design and condition of major safety-related pieces of equipment, including independent third-party certification of such equipment; and

''(C) a description of any new technology to be used;

''(7) a scenario for the potential blowout of each well to be drilled as part of the plan involving the highest potential volume of liquid hydrocarbons, along with a complete description of a response plan to both control the blowout and manage the accompanying discharge of hydrocarbons, including the likelihood for surface intervention to stop the blowout, the availability of a rig to drill a relief well, an estimate of the time it would take to drill a relief well, a description of other technology that may be used to regain control of the well or capture escaping hydrocarbons and the potential timeline for using that technology for its intended purpose, and the strategy, organization, and resources necessary to avoid harm to the environment and human health from hydrocarbons;

''(8) an analysis of the potential impacts of the worst-case-scenario discharge on the marine and coastal environments for activities conducted pursuant to the proposed development and production plan;

''(9) a comprehensive survey and characterization of the coastal or marine environment within the area of operation, including bathymetry, currents and circulation patterns within the water column, and descriptions of benthic and pelagic environments;

''(10) a description of the technologies to be deployed on the facilities to routinely observe and monitor in real time the marine environment throughout the duration of operations, and a description of the process by which such observation data and information will be made available to Federal regulators and to the System established under section 12304 of Public Law 111–11 (33 U.S.C. 3603); and'';

(3) in subsection (e), by striking so much as precedes paragraph (2) and inserting the following:

''(e)(1) The Secretary shall treat the approval of a development and production plan, or a significant revision of a development and production plan, as an agency action requiring preparation of an environmental assessment or environmental impact statement, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).'';

(4) by striking subsections (g) and (l), and redesignating subsections (h) through (k) as subsections (g) through and (j); and

(5) in subsection (g), as so redesignated, by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and inserting after paragraph (1) the following:

''(2) The Secretary shall not approve a development and production plan, or a significant revision to such a plan, unless–

''(A) the plan is in compliance with all other applicable environmental and natural resource conservation laws; and

''(B) the applicant has available oil spill response and clean-up equipment and technology that has been demonstrated to be capable of effectively remediating the projected worst-case release of oil from activities conducted pursuant to the development and production plan.''.

SEC. 216. OIL AND GAS INFORMATION PROGRAM.

Section 26(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1352(a)(1)) is amended by—

(1) striking the period at the end of subparagraph (A) and inserting, '', provided that such data shall be transmitted in electronic format either in real-time or as quickly as practicable following the generation of such data.''; and

(2) striking subparagraph (C) and inserting the following:

''(C) Lessees engaged in drilling operations shall provide to the Secretary—

''(i) all daily reports generated by the lessee, or any daily reports generated by contractors or subcontractors engaged in or supporting drilling operations on the lessee's lease, no more than 24 hours after the end of the day for which they should have been generated;

''(ii) documentation of blowout preventer maintenance and repair, and any changes to design specifications of the blowout preventer, within 24 hours after such activity; and

''(iii) prompt or real-time transmission of the electronic log from a blowout preventer control system.''.

SEC. 217. LIMITATION ON ROYALTY-IN-KIND PROGRAM.

Section 27(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353(a)) is amended by striking the period at the end of paragraph (1) and inserting '', except that the Secretary shall not conduct a regular program to take oil and gas lease royalties in oil or gas.''.

SEC. 218. RESTRICTIONS ON EMPLOYMENT.

Section 29 of the Outer Continental Shelf Lands Act (43 U.S.C. 1355) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''SEC. 29'' and all that follows through ''No full-time'' and inserting the following:

''SEC. 29. RESTRICTIONS ON EMPLOYMENT.

''(a) IN GENERAL.—No full-time''; and

(B) by striking '', and who was at any time during the twelve months preceding the termination of his employment with the Department compensated under the Executive Schedule or compensated at or above the annual rate of basic pay for grade GS–16 of the General Schedule'';

(2) in paragraph (1)—

(A) in subparagraph (A), by inserting ''or advise'' after ''represent'';

(B) in subparagraph (B), by striking ''with the intent to influence, make'' and inserting ''act with the intent to influence, directly or indirectly, or make''; and

(C) in the matter following subparagraph (C)—

(i) by inserting ''inspection or enforcement action,'' before ''or other particular matter''; and

(ii) by striking ''or'' at the end;

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or advise'' after ''represent'';

(B) in subparagraph (B), by striking ''with the intent to influence, make'' and inserting ''act with the intent to influence, directly or indirectly, or make''; and

(C) by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(3) during the 2-year period beginning on the date on which the employment of the officer or employee ceased at the Department, accept employment or compensation from any party that has a direct and substantial interest—

''(A) that was pending under the official responsibility of the officer or employee as an officer at any point during the 2-year period preceding the date of termination of the responsibility; or

''(B) in which the officer or employee participated personally and substantially as an officer or employee of the Department.

''(b) PRIOR DEALINGS.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharged duties or responsibilities under this Act shall participate personally and substantially as a Federal officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, inspection, enforcement action, or other particular matter in which, to the knowledge of the officer or employee—

''(1) the officer or employee or the spouse, minor child, or general partner of the officer or employee has a financial interest;

''(2) any organization in which the officer or employee is serving as an officer, director, trustee, general partner, or employee has a financial interest;

''(3) any person or organization with whom the officer or employee is negotiating or has any arrangement concerning prospective employment has a financial interest; or

''(4) any person or organization in which the officer or employee has, within the preceding 1-year period, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee.

''(c) GIFTS FROM OUTSIDE SOURCES.—No full-time officer or employee of the Department of the Interior who directly or indirectly discharges duties or responsibilities under this Act shall, directly or indirectly, solicit or accept any gift in violation of subpart B of part 2635 of title 5, Code of Federal Regulations (or successor regulations).

''(d) PENALTY.—Any person that violates subsection (a) or (b) shall be punished in accordance with section 216 of title 18, United States Code.''.

SEC. 219. REPEAL OF ROYALTY RELIEF PROVISIONS.

(a) REPEAL OF PROVISIONS OF ENERGY POLICY ACT OF 2005.—The following provisions of the Energy Policy Act of 2005 (Public Law 109–58) are repealed:

(1) Section 344 (42 U.S.C. 15904; relating to incentives for natural gas production from deep wells in shallow waters of the Gulf of Mexico).

(2) Section 345 (42 U.S.C. 15905; relating to royalty relief for deep water production in the Gulf of Mexico).

(b) REPEAL OF PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska''.

SEC. 220. MANNING AND BUY- AND BUILD-AMERICAN REQUIREMENTS.

Section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356) is amended—

(1) in subsection (a), by striking ''shall issue regulations which'' and inserting ''shall issue regulations that shall be supplemental to and complementary with and under no circumstances a substitution for the provisions of the Constitution and laws of the United States extended to the subsoil and seabed of the outer Continental Shelf pursuant to section 4(a)(1) of this Act, except insofar as such laws would otherwise apply to individuals who have extraordinary ability in the sciences, arts, education, or business, which has been demonstrated by sustained national or international acclaim, and that''; and

(2) by adding at the end the following:

''(d) BUY AND BUILD AMERICAN.—It is the intention of the Congress that this Act, among other things, result in a healthy and growing American industrial, manufacturing, transportation, and service sector employing the vast talents of America's workforce to assist in the development of energy from the outer Continental Shelf. Moreover, the Congress intends to monitor the deployment of personnel and material on the outer Continental Shelf to encourage the development of American technology and manufacturing to enable United States workers to benefit from this Act by good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American resources.''.

SEC. 221. NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING.

(a) TECHNICAL EXPERTISE.—

(1) NATIONAL ACADEMY OF ENGINEERING AND NATIONAL RESEARCH COUNCIL.—The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established under Executive Order No. 13543 of May 21, 2010 (referred to in this section as the ''Commission'') shall consult regularly, and in any event no less frequently than once per month, with the engineering and technology experts who are conducting the ''Analysis of Causes of the Deepwater Horizon Explosion, Fire, and Oil Spill to Identify Measures to Prevent Similar Accidents in the Future'' for the National Academy of Engineering and the National Research Council.

(2) OTHER TECHNICAL EXPERTS.—The Commission also shall consult with other United States citizens with experience and expertise in such areas as—

(A) engineering;

(B) environmental compliance;

(C) health and safety law (particularly oil spill legislation);

(D) oil spill insurance policies;

(E) public administration;

(F) oil and gas exploration and production;

(G) environmental cleanup;

(H) fisheries and wildlife management;

(I) marine safety; and

(J) human factors affecting safety.

(3) COMMISSION STAFF AND TECHNICAL EXPERTISE.—The Commission shall retain, as either a full-time employee or a contractor, one or more science and technology expert-advisors with experience and expertise in petroleum engineering, rig safety, or drilling.

(b) SUBPOENAS.—

(1) SUBPOENA POWER.—The Commission may issue subpoenas in accordance with this subsection to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(2) ISSUANCE.—

(A) AUTHORIZATION.—A subpoena may be issued under this subsection only by__

(i) agreement of the Co-Chairs of the Commission; or

(ii) the affirmative vote of a majority of the members of the Commission.

(B) JUSTICE DEPARTMENT COORDINATION.—

(i) NOTIFICATION.—The Commission shall notify the Attorney General or the Attorney General's designee of the Commission's intent to issue a subpoena under this subsection, the identity of the recipient, and the nature of the testimony, documents, or other evidence (described in subparagraph (A)) sought before issuing such a subpoena. The form and content of such notice shall be set forth in the guidelines issued under clause (iv).

(ii) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this Act if the Attorney General objects to the issuance of the subpoena on the basis that the subpoena is likely to interfere with any—

(I) Federal or State criminal investigation or prosecution;

(II) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the ''Civil False Claims Act'');

(III) pending investigation under any other Federal statute providing for civil remedies; or

(IV) civil litigation to which the United States or any of its agencies is or is likely to be a party.

(iii) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this subparagraph without unnecessary delay and as set forth in the guidelines issued under clause (iv).

(iv) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this paragraph.

(C) SIGNATURE AND SERVICE.—A subpoena issued under this subsection may be—

(i) issued under the signature of either Co-Chair of the Commission or any member designated by a majority of the Commission; and

(ii) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(3) ENFORCEMENT.—

(A) REQUIRED PROCEDURES.—In the case of contumacy of any person issued a subpoena under this subsection or refusal by such person to comply with the subpoena, the Commission may request the Attorney General to seek enforcement of the subpoena. Upon such request, the Attorney General may seek enforcement of the subpoena in a court described in subparagraph (B). The court in which the Attorney General seeks enforcement of the subpoena may issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence described in subparagraph (A) of paragraph (2), and may punish any failure to obey the order as a contempt of that court.

(B) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this subsection resides, is served, or may be found, or where the subpoena is returnable, upon application of the Attorney General, shall have jurisdiction to enforce the subpoena as provided in subparagraph (A).

(c) RECOMMENDATIONS AND PURPOSES.—

(1) IN GENERAL.—The Commission shall develop recommendations for—

(A) improvements to Federal laws, regulations, and industry practices applicable to offshore drilling that would—

(i) ensure the effective oversight, inspection, monitoring, and response capabilities; and

(ii) protect the environment and natural resources; and

(B) organizational or other reforms of Federal agencies or processes, including the creation of new agencies, as necessary, to ensure that the improvements described in paragraph (1) are implemented and maintained.

(2) GOALS.—In developing recommendations under paragraph (1), the Commission shall ensure that the following goals are met:

(A) Ensuring the safe operation and maintenance of offshore drilling platforms or vessels.

(B) Protecting the overall environment and natural resources surrounding ongoing and potential offshore drilling sites.

(C) Developing and maintaining Federal agency expertise on the safe and effective use of offshore drilling technologies, including technologies to minimize the risk of release of oil from offshore drilling platforms or vessels.

(D) Encouraging the development and implementation of efficient and effective oil spill response techniques and technologies that minimize or eliminate any adverse effects on natural resources or the environment that result from response activities.

(E) Ensuring that the Federal agencies regulating offshore drilling are staffed with, and managed by, career professionals, who are—

(i) permitted to exercise independent professional judgments and make safety the highest priority in carrying out their responsibilities;

(ii) not subject to undue influence from regulated interests or political appointees; and

(iii) subject to strict regulation to prevent improper relationships with regulated interests and to eliminate real or perceived conflicts of interests.

(3) REPORT TO CONGRESS.—In coordination with its final public report to the President, the Commission shall submit to Congress a report containing the recommendations developed under paragraph (1).

SEC. 222. COORDINATION AND CONSULTATION WITH AFFECTED STATE AND LOCAL GOVERNMENTS.

Section 19 of the Outer Continental Shelf Lands Act (43 U.S.C. 1345) is amended—

(1) by inserting ''exploration plan or'' before ''development and production plan'' in each place it appears; and

(2) by amending subsection (c) to read as follows:

''(c) ACCEPTANCE OR REJECTION OF RECOMMENDATIONS.—The Secretary shall accept recommendations of the Governor and may accept recommendations of the executive of any affected local government if the Secretary determines, after having provided the opportunity for consultation, that they provide for a reasonable balance between the national interest and the well-being of the citizens of the affected State. For purposes of this subsection, a determination of the national interest shall be based on the desirability of obtaining oil and gas supplies in a balanced manner and on protecting coastal and marine ecosystems and the economies dependent on those ecosystems. The Secretary shall provide an explanation to the Governor, in writing, of the reasons for his

determination to accept or reject such Governor's recommendations, or to implement any alternative identified in consultation with the Governor.''.

SEC. 223. IMPLEMENTATION.

(a) NEW LEASES.—The provisions of this title and title VII shall apply to any lease that is issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) after the effective date of this Act.

(b) EXISTING LEASES.—For all leases that were issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) that are in effect on the effective date of this Act, the Secretary shall take action, consistent with the terms of those leases, to apply the requirements of this title and title VII to those leases. Such action may include, but is not limited to, promulgating regulations, renegotiating such existing leases, conditioning future leases on bringing such existing leases into full or partial compliance with this title and title VII, or taking any other actions authorized by law.

Subtitle B—Royalty Relief for American Consumers

SEC. 241. SHORT TITLE.

This subtitle may be cited as the ''Royalty Relief for American Consumers Act of 2010''.

SEC. 242. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary shall not issue any new lease that authorizes the production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) to a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any covered lease, the economic benefit of any covered lease, or any other lease for the production of oil or natural gas in the Gulf of Mexico under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), unless the lessee or other person has—

(1) renegotiated each covered lease with respect to which the lessee or person is a lessee, to modify the payment responsibilities of the lessee or person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(c) USE OF AMOUNTS FOR DEFICIT REDUCTION.—Notwithstanding any other provision of law, any amounts received by the United States as rentals or royalties under covered leases shall be deposited in the Treasury and used for Federal budget deficit reduction or, if there is no Federal budget deficit, for reducing the Federal debt in such manner as the Secretary of the Treasury considers appropriate.

(d) DEFINITIONS.—In this section—

(1) COVERED LEASE.—The term ''covered lease'' means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104-58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term ''lessee'' includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 243. PRICE THRESHOLDS FOR ROYALTY SUSPENSION PROVISIONS.

The Secretary of the Interior shall agree to a request by any lessee to amend any lease issued for any Central and Western Gulf of Mexico tract in the period of January 1, 1996, through November 28, 2000, to incorporate price thresholds applicable to royalty suspension provisions, that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)). Any amended lease shall impose the new or revised price thresholds effective October 1, 2010. Existing lease provisions shall prevail through September 30, 2010.

TITLE III—OIL AND GAS ROYALTY REFORM

SEC. 301. AMENDMENTS TO DEFINITIONS.

Section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702) is amended—

(1) in paragraph (8), by striking the semicolon and inserting ''including but not limited to the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); and all Acts heretofore or hereafter enacted that are amendatory of or supplementary to any of the foregoing Acts;'';

(2) in paragraph (20)(A), by striking '': *Provided, That*'' and all that follows through ''subject of the judicial proceeding'';

(3) in paragraph (20)(B), by striking ''(with written notice to the lessee who designated the designee)'';

(4) in paragraph (23)(A), by striking ''(with written notice to the lessee who designated the designee)'';

(5) by striking paragraph (24) and inserting the following:

''(24) 'designee' means a person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);'';

(6) in paragraph (25)(B)—

(A) by striking ''(subject to the provisions of section 102(a) of this Act)''; and

(B) in clause (ii) by striking the matter after subclause (IV) and inserting the following:

''that arises from or relates to any lease, easement, right-of-way, permit, or other agreement regardless of form administered by the Secretary for, or any mineral leasing law related to, the exploration, production, and development of oil and gas or other energy resource on Federal lands or the Outer Continental Shelf;''.

(7) in paragraph (29), by inserting ''or permit'' after ''lease''; and

(8) by striking ''and'' after the semicolon at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting a semicolon, and by adding at the end the following new paragraphs:

''(34) 'compliance review' means a full-scope or a limited-scope examination of a lessee's lease accounts to compare one or all elements of the royalty equation (volume, value, royalty rate, and allowances) against anticipated elements of the royalty equation to test for variances; and

''(35) 'marketing affiliate' means an affiliate of a lessee whose function is to acquire the lessee's production and to market that production.''.

SEC. 302. COMPLIANCE REVIEWS.

Section 101 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1711) is amended by adding at the end the following new subsection:

''(d) The Secretary may, as an adjunct to audits of accounts for leases, utilize compliance reviews of accounts. Such reviews shall not constitute nor substitute for audits of lease accounts. Any disparity uncovered in such a compliance review shall be immediately referred to a program auditor. The Secretary shall, before completion of a compliance review, provide notice of the review to designees whose obligations are the subject of the review.''.

SEC. 303. CLARIFICATION OF LIABILITY FOR ROYALTY PAYMENTS.

Section 102(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

''(a) In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease, easement, right-of-way, permit, or other agreement, regardless of form, or under the mineral leasing laws, shall make such payment in the time and manner as may be specified by the Secretary or the applicable delegated State. Any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee's designee under this Act. Notwithstanding any other provision of this Act to the contrary, a designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a

person owning legal record title in a lease shall be liable for that person's pro rata share of payment obligations under the lease.''.

SEC. 304. REQUIRED RECORDKEEPING.

Section 103(b) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended by striking ''6'' and inserting ''7''.

SEC. 305. FINES AND PENALTIES.

Section 109 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719) is amended—

(1) in subsection (a) in the matter following paragraph (2), by striking ''$500'' and inserting ''$1,000'';

(2) in subsection (a)(2)(B), by inserting ''(i)'' after ''such person'', and by striking the period at the end and inserting ''; and (ii) has not received notice, pursuant to paragraph (1), of more than two prior violations in the current calendar year.'';

(3) in subsection (b), by striking ''$5,000'' and inserting ''$10,000'';

(4) in subsection (c)—

(A) in paragraph (2), by striking ''; or'' and inserting '', including any failure or refusal to promptly tender requested documents;'';

(B) in the text following paragraph (3)—

(i) by striking ''$10,000'' and inserting ''$20,000''; and

(ii) by striking the comma at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) knowingly or willfully fails to make any royalty payment in the amount or value as specified by statute, regulation, order, or terms of the lease; or

''(5) fails to correctly report and timely provide operations or financial records necessary for the Secretary or any authorized designee of the Secretary to accomplish lease management responsibilities,'';

(5) in subsection (d), by striking ''$25,000'' and inserting ''$50,000'';

(6) in subsection (h), by striking ''by registered mail'' and inserting ''a common carrier that provides proof of delivery''; and

(7) by adding at the end the following subsection:

''(m)(1) Any determination by the Secretary or a designee of the Secretary that a person has committed a violation under subsection (a), (c), or (d)(1) shall toll any applicable statute of limitations for all oil and gas leases held or operated by such person, until the later of—

''(A) the date on which the person corrects the violation and certifies that all violations of a like nature have been corrected for all of the oil and gas leases held or operated by such person; or

''(B) the date a final, nonappealable order has been issued by the Secretary or a court of competent jurisdiction.

''(2) A person determined by the Secretary or a designee of the Secretary to have violated subsection (a), (c), or (d)(1) shall maintain all records with respect to the person's oil and gas leases until the later of—

''(A) the date the Secretary releases the person from the obligation to maintain such records; and

''(B) the expiration of the period during which the records must be maintained under section 103(b).''.

SEC. 306. INTEREST ON OVERPAYMENTS.

Section 111 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721) is amended—

(1) by amending subsections (h) and (i) to read as follows:

''(h) Interest shall not be allowed nor paid nor credited on any overpayment, and no interest shall accrue from the date such overpayment was made.

''(i) A lessee or its designee may make a payment for the approximate amount of royalties (hereinafter in this subsection referred to as the 'estimated payment') that would otherwise be due for such lease by the date royalties are due for that lease. When an estimated payment is made, actual royalties are payable at the end of the month following the month in which the estimated payment is made. If the estimated payment was less than the amount of actual royalties due, interest is owed on the underpaid amount. If the lessee or its designee makes a payment for such actual royalties, the lessee or its designee may apply the estimated payment to future royalties. Any estimated payment may be adjusted, recouped, or reinstated by the lessee or its designee provided such adjustment, recoupment, or reinstatement is made within the limitation period for which the date royalties were due for that lease.'';

(2) by striking subsection (j); and

(3) in subsection (k)(4)—

(A) by striking ''or overpaid royalties and associated interest''; and

(B) by striking '', refunded, or credited''.

SEC. 307. ADJUSTMENTS AND REFUNDS.

Section 111A of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''(3)'', and by striking the last sentence and inserting the following:

''(B) Except as provided in subparagraph (C), no adjustment may be made with respect to an obligation that is the subject of an audit or compliance review after completion of the audit or compliance review, respectively, unless such adjustment is approved by the Secretary or the applicable delegated State, as appropriate.

''(C) If an overpayment is identified during an audit, the Secretary shall allow a credit in the amount of the overpayment.'';

(2) in subsection (a)(4)—

(A) by striking ''six'' and inserting ''four''; and

(B) by striking ''shall'' the second place it appears and inserting ''may''; and

(3) in subsection (b)(1) by striking ''and'' after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ''; and'', and by adding at the end the following:

''(E) is made within the adjustment period for that obligation.''.

SEC. 308. CONFORMING AMENDMENT.

Section 114 of the Federal Oil and Gas Royalty Management Act of 1982 is repealed.

SEC. 309. OBLIGATION PERIOD.

Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following new paragraph:

''(3) ADJUSTMENTS.—In the case of an adjustment under section 111A(a) in which a recoupment by the lessee results in an underpayment of an obligation, for purposes of this Act the obligation becomes due on the date the lessee or its designee makes the adjustment.''.

SEC. 310. NOTICE REGARDING TOLLING AGREEMENTS AND SUBPOENAS.

(a) TOLLING AGREEMENTS.—Section 115(d)(1) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(1)) is amended by striking ''(with notice to the lessee who designated the designee)''.

(b) SUBPOENAS.—Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking ''(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)''.

SEC. 311. APPEALS AND FINAL AGENCY ACTION.

Paragraphs (1) and (2) of section 115(h) the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(h)) are amended by striking ''33'' each place it appears and inserting ''48''.

SEC. 312. ASSESSMENTS.

Section 116 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724) is repealed.

SEC. 313. COLLECTION AND PRODUCTION ACCOUNTABILITY.

(a) PILOT PROJECT.—Within two years after the date of enactment of this Act, the Secretary shall complete a pilot project with willing operators of oil and gas leases on the Outer Continental Shelf that assesses the costs and benefits of automatic transmission of oil and gas volume and quality data produced under Federal leases on the Outer Continental Shelf in order to improve the production verification systems used to ensure accurate royalty collection and audit.

(b) REPORT.—The Secretary shall submit to Congress a report on findings and recommendations of the pilot project within 3 years after the date of enactment of this Act.

SEC. 314. NATURAL GAS REPORTING.

The Secretary shall, within 180 days after the date of enactment of this Act, implement the steps necessary to ensure accurate determination and reporting of BTU values of natural gas from all Federal oil and gas leases to ensure accurate royalty payments to the United States. Such steps shall include, but not be limited to—

(1) establishment of consistent guidelines for onshore and offshore BTU information from gas producers;

(2) development of a procedure to determine the potential BTU variability of produced natural gas on a by-reservoir or by-lease basis;

(3) development of a procedure to adjust BTU frequency requirements for sampling and reporting on a case-by-case basis;

(4) systematic and regular verification of BTU information; and

(5) revision of the ''MMS–2014'' reporting form to record, in addition to other information already required, the natural gas BTU values that form the basis for the required royalty payments.

SEC. 315. PENALTY FOR LATE OR INCORRECT REPORTING OF DATA.

(a) IN GENERAL.—The Secretary shall issue regulations by not later than 1 year after the date of enactment of this Act that establish a civil penalty for late or incorrect reporting of data under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

(b) AMOUNT.—The amount of the civil penalty shall be—

(1) an amount (subject to paragraph (2)) that the Secretary determines is sufficient to ensure filing of data in accordance with that Act; and

(2) not less than $10 for each failure to file correct data in accordance with that Act.

(c) CONTENT OF REGULATIONS.—Except as provided in subsection (b), the regulations issued under this section shall be substantially similar to part 216.40 of title 30, Code of Federal Regulations, as most recently in effect before the date of enactment of this Act.

SEC. 316. REQUIRED RECORDKEEPING.

Within 1 year after the date of enactment of this Act, the Secretary shall publish final regulations concerning required recordkeeping of natural gas measurement data as set forth in part 250.1203 of title 30, Code of Federal Regulations (as in effect on the date of enactment of this Act), to include operators and other persons involved in the transporting, purchasing, or selling of gas under

the requirements of that rule, under the authority provided in section 103 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713).

SEC. 317. SHARED CIVIL PENALTIES.

Section 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1736) is amended by striking ''Such amount shall be deducted from any compensation due such State or Indian Tribe under section 202 or section 205 or such State under section 205.''.

SEC. 318. APPLICABILITY TO OTHER MINERALS.

Section 304 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1753) is amended by adding at the end the following new subsection:

''(e) APPLICABILITY TO OTHER MINERALS.—

''(1) Notwithstanding any other provision of law, sections 107, 109, and 110 of this Act and the regulations duly promulgated with respect thereto shall apply to any lease authorizing the development of coal or any other solid mineral on any Federal lands or Indian lands, to the same extent as if such lease were an oil and gas lease, on the same terms and conditions as those authorized for oil and gas leases.

''(2) Notwithstanding any other provision of law, sections 107, 109, and 110 of this Act and the regulations duly promulgated with respect thereto shall apply with respect to any lease, easement, right-of-way, or other agreement, regardless of form (including any royalty, rent, or other payment due thereunder)—

''(A) under section 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)); or

''(B) under the Geothermal Steam Act (30 U.S.C. 1001 et seq.), to the same extent as if such lease, easement, right-of-way, or other agreement were an oil and gas lease on the same terms and conditions as those authorized for oil and gas leases.

''(3) For the purposes of this subsection, the term 'solid mineral' means any mineral other than oil, gas, and geo-pressured-geothermal resources, that is authorized by an Act of Congress to be produced from public lands (as that term is defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).''.

SEC. 319. ENTITLEMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary shall publish final regulations prescribing when a Federal lessee or designee must report and pay royalties on the volume of oil and gas it takes under either a Federal or Indian lease or on the volume to which it is entitled to based upon its ownership interest in the Federal or Indian lease. The Secretary shall give consideration to requiring 100 percent entitlement reporting and paying based upon the lease ownership.

SEC. 320. LIMITATION ON ROYALTY IN-KIND PROGRAM.

Section 36 of the Mineral Leasing Act (30 U.S.C. 192) is amended by inserting before the period at the end of the first sentence the following: '', except that the Secretary shall not conduct a regular program to take oil and gas lease royalties in oil or gas''.

TITLE IV—FULL FUNDING FOR THE LAND AND WATER CONSERVATION AND HISTORIC PRESERVATION FUNDS

Subtitle A—Land and Water Conservation Fund

SEC. 401. AMENDMENTS TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.).

SEC. 402. EXTENSION OF THE LAND AND WATER CONSERVATION FUND.

Section 2 (16 U.S.C. 4601–5) is amended by striking ''September 30, 2015'' both places it appears and inserting ''September 30, 2040''.

SEC. 403. PERMANENT FUNDING.

(a) IN GENERAL.—The text of section 3 (16 U.S.C. 4601–6) is amended to read as follows:

''(a) PERMANENT FUNDING.—Of the moneys covered into the fund, $900,000,000 shall be available each fiscal year for expenditure for the purposes of this Act without further appropriation.

''(b) ALLOCATION AUTHORITY.—The Committees on Appropriations of the House of Representatives and the Senate may provide by law for the allocation of moneys in the fund to eligible activities under this Act.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2) (16 U.S.C. 4601–5(c)(2)) is amended by striking '': *Provided*'' and all that follows through the end of the sentence and inserting a period.

(2) Section 7(a) (16 U.S.C. 4601–9) is amended to read as follows: ''Moneys from the fund for Federal purposes shall, unless allocated pursuant to section 3(b) of this Act, be allotted by the President to the following purposes and subpurposes:''.

Subtitle B—National Historic Preservation Fund

SEC. 411. PERMANENT FUNDING.

The text of section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended to read as follows:

''(a) PERMANENT FUNDING.—To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereinafter referred to as the 'fund') in the Treasury of the United States. There shall be covered into the fund $150,000,000 for each of fiscal years 1982 through 2040 from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338) and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C.191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure without further appropriation.

''(b) ALLOCATION AUTHORITY.—The Committees on Appropriations of the House of Representatives and the Senate may provide by law for the allocation of moneys in the fund to eligible activities under this Act.''.

TITLE V—GULF OF MEXICO RESTORATION

SEC. 501. GULF OF MEXICO RESTORATION PROGRAM.

(a) PROGRAM.—There is established a Gulf of Mexico Restoration Program for the purposes of coordinating Federal, State, and local restoration programs and projects to maximize efforts in restoring biological integrity, productivity and ecosystem functions in the Gulf of Mexico.

(b) GULF OF MEXICO RESTORATION TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the Gulf of Mexico Restoration Task Force (in this section referred to as the ''Restoration Task Force'').

(2) MEMBERSHIP.—The Restoration Task Force shall consist of the Governors of each of the Gulf Coast States and the heads of appropriate Federal agencies selected by the President. The chairperson of the Restoration Task Force (in this subsection referred to as the ''Chair'') shall be appointed by the President. The Chair shall be a person who, as the result of experience and training, is exceptionally well-qualified to manage the work of the Restoration Task Force. The Chair shall serve in the Executive Office of the President.

(3) ADVISORY COMMITTEES.—The Restoration Task Force may establish advisory committees and working groups as necessary to carry out is its duties under this Act.

(c) GULF OF MEXICO RESTORATION PLAN.—

(1) IN GENERAL.—Not later than nine months after the date of enactment of this Act, the Restoration Task Force shall issue a proposed comprehensive, multi-jurisdictional plan for long-term restoration of the Gulf of Mexico that incorporates, to the greatest extent possible, existing restoration plans. Not later than 12 months after the date of enactment and after notice and opportunity for public comment, the Restoration Task Force shall publish a final plan. The Plan shall be updated every five years in the same manner.

(2) ELEMENTS OF RESTORATION PLAN.—The Plan shall—

(A) identify processes and strategies for coordinating Federal, State, and local restoration programs and projects to maximize efforts in restoring biological integrity, productivity and ecosystem functions in the Gulf of Mexico region;

(B) identify mechanisms for scientific review and input to evaluate the benefits and long-term effectiveness of restoration programs and projects;

(C) identify, using the best science available, strategies for implementing restoration programs and projects for natural resources including—

(i) restoring species population and habitat including oyster reefs, sea grass beds, coral reefs, tidal marshes and other coastal wetlands and barrier islands and beaches;

(ii) restoring fish passage and improving migratory pathways for wildlife;

(iii) research that directly supports restoration programs and projects;

(iv) restoring the biological productivity and ecosystem function in the Gulf of Mexico region;

(v) improving the resilience of natural resources to withstand the impacts of climate change and ocean acidification to ensure the long-term effectiveness of the restoration program; and

(vi) restoring fisheries resources in the Gulf of Mexico that benefit the commercial and recreational fishing industries and seafood processing industries throughout the United States.

(3) REPORT.—The Task Force shall annually provide a report to Congress about the progress in implementing the Plan.

(d) DEFINITIONS.—For purposes of this section, the term—

(1) ''Gulf Coast State'' means each of the States of Texas, Louisiana, Mississippi, Alabama, and Florida; and

(2) ''restoration programs and projects'' means activities that support the restoration, rehabilitation, replacement, or acquisition of the equivalent, of injured or lost natural resources including the ecological services and benefits provided by such resources.

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section affects the ability or authority of the Federal Government to recover costs of removal or damages from a person determined to be a responsible party pursuant to the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or other law.

SEC. 502. GULF OF MEXICO LONG-TERM ENVIRONMENTAL MONITORING AND RESEARCH PROGRAM.

(a) IN GENERAL.—To ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess long-term direct and indirect impacts on trust resources located in the Gulf of Mexico

and Southeast region resulting from the *Deepwater Horizon* oil spill, the Secretary, through the National Oceanic and Atmospheric Administration, shall establish as soon as practicable after the date of enactment of this Act, a long-term, comprehensive marine environmental monitoring and research program for the marine and coastal environment of the Gulf of Mexico. The program shall remain in effect for a minimum of 10 years, and the Secretary may extend the program beyond this initial period based upon a determination that additional monitoring and research is warranted.

(b) SCOPE OF PROGRAM.—The program established under subsection (a) shall at a minimum include monitoring and research of the physical, chemical, and biological characteristics of the affected marine, coastal, and estuarine areas of the Gulf of Mexico and other regions of the exclusive economic zone of the United States affected by the *Deepwater Horizon* oil spill, and shall include specifically the following elements:

(1) The fate, transport, and persistence of oil released during the spill and spatial distribution throughout the water column.

(2) The fate, transport, and persistence of chemical dispersants applied in-situ or on surface waters.

(3) Identification of lethal and sub-lethal impacts to fish and wildlife resources that utilize habitats located within the affected region.

(4) Impacts to regional, State, and local economies that depend on the natural resources of the affected area, including commercial and recreational fisheries, and other wildlife-dependent recreation.

(5) Other elements considered necessary by the Secretary to ensure a comprehensive marine research and monitoring program to comprehend and understand the implications to trust resources caused by the *Deepwater Horizon* oil spill.

(c) COOPERATION AND CONSULTATION.—In developing the research and monitoring program established under subsection (a), the Secretary shall cooperate with the United States Geological Survey, and shall consult with—

(1) the Council authorized under subtitle E of title II of Public Law 104–201;

(2) appropriate representatives from the Gulf Coast States;

(3) academic institutions and other research organizations; and

(4) other experts with expertise in long-term environmental monitoring and research of the marine environment.

(d) AVAILABILITY OF DATA.—Data and information generated through the program established under subsection (a) shall be managed and archived to ensure that it is accessible and available to governmental and non-governmental personnel and to the general public for their use and information.

(e) REPORT.—No later than one year after the establishment of the program under subsection (a), and biennially thereafter, the Secretary shall forward to the Congress a comprehensive report summarizing the activities and findings of the program and detailing areas and issues requiring future monitoring and research.

(f) DEFINITIONS.—For the purposes of this section, the term—

(1) ''trust resources'' means the living and nonliving natural resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States, any State, an Indian tribe, or a local government;

(2) ''Gulf coast State'' means each of the states of Texas, Louisiana, Mississippi, Alabama and Florida; and

(3) ''Secretary'' means the Secretary of Commerce.

SEC. 503. GULF OF MEXICO EMERGENCY MIGRATORY SPECIES ALTERNATIVE HABITAT PROGRAM.

(a) IN GENERAL.—In order to reduce the injury or death of many populations of migratory species of fish and wildlife, including threatened and endangered species and other species of critical conservation concern, that utilize estuarine, coastal, and marine habitats of the Gulf of Mexico that have been impacted, or are likely to be impacted, by the *Deepwater Horizon* oil spill, and to ensure that migratory species upon their annual return to the Gulf of Mexico find viable, healthy, and environmentally-safe habitats to utilize for resting, feeding, nesting and roosting, and breeding, the Secretary of the Interior shall establish as soon as practicable after date of enactment of this Act, an emergency migratory species alternative habitat program.

(b) SCOPE OF PROGRAM.—The program established under subsection (a) shall at a minimum support projects along the Northern coast of the Gulf of Mexico to—

(1) improve wetland water quality and forage;

(2) restore and refurbish diked impoundments;

(3) improve riparian habitats to increase fish passage and breeding habitat;

(4) encourage conversion of agricultural lands to provide alternative migratory habitat for water fowl and other migratory birds;

(5) transplant, relocate, or rehabilitate fish and wildlife; and

(6) conduct other activities considered necessary by the Secretary to ensure that migratory species have alternative habitat available for their use outside of habitat impacted by the oil spill.

(c) NATIONAL FISH AND WILDLIFE FOUNDATION.—In implementing this section the Secretary may enter into an agreement with the National Fish and Wildlife Foundation to administer the program.

TITLE VI—COORDINATION AND PLANNING

SEC. 601. REGIONAL COORDINATION.

(a) IN GENERAL.—The purpose of this title is to promote—

(1) better coordination, communication, and collaboration between Federal agencies with authorities for ocean, coastal, and Great Lakes management; and

(2) coordinated and collaborative regional planning efforts using the best available science, and to ensure the protection and maintenance of marine ecosystem health, in decisions affecting the sustainable development and use of Federal renewable and nonrenewable resources on, in, or above the ocean (including the Outer Continental Shelf) and the Great Lakes for the long-term economic and environmental benefit of the United States.

(b) OBJECTIVES OF REGIONAL EFFORTS.—Such regional efforts shall achieve the following objectives:

(1) Greater systematic communication and coordination among Federal, coastal State, and affected tribal governments concerned with the conservation of and the sustainable development and use of Federal renewable and nonrenewable resources of the oceans, coasts, and Great Lakes.

(2) Greater reliance on a multiobjective, science- and ecosystem-based, spatially explicit management approach that integrates regional economic, ecological, affected tribal, and social objectives into ocean, coastal, and Great Lakes management decisions.

(3) Identification and prioritization of shared State and Federal ocean, coastal, and Great Lakes management issues.

(4) Identification of data and information needed by the Regional Coordination Councils established under section 602.

(c) REGIONS.—There are hereby designated the following Coordination Regions:

(1) PACIFIC REGION.—The Pacific Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of Washington, Oregon, and California.

(2) GULF OF MEXICO REGION.—The Gulf of Mexico Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of Texas, Louisiana, Mississippi, and Alabama, and the west coast of Florida.

(3) NORTH ATLANTIC REGION.—The North Atlantic Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut

(4) MID ATLANTIC REGION.—The Mid Atlantic Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia.

(5) SOUTH ATLANTIC REGION.—The South Atlantic Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the States of North Carolina, South Carolina, Georgia, the east coast of Florida, and the Straits of Florida Planning Area.

(6) ALASKA REGION.—The Alaska Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the State of Alaska.

(7) PACIFIC ISLANDS REGION.—The Pacific Islands Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to the State of Hawaii, the Commonwealth of the Northern Mariana Islands, American Samoa, and Guam.

(8) CARIBBEAN REGION.—The Caribbean Coordination Region, which shall consist of the coastal waters and Exclusive Economic Zone adjacent to Puerto Rico and the United States Virgin Islands.

(9) GREAT LAKES REGION.—The Great Lakes Coordination Region, which shall consist of waters of the Great Lakes in the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

SEC. 602. REGIONAL COORDINATION COUNCILS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Chairman of the Council on Environmental Quality, in consultation with the affected coastal States and affected Indian tribes, shall establish or designate a Regional Coordination Council for each of the Coordination Regions designated by section 601(c).

(b) MEMBERSHIP.—

(1) FEDERAL REPRESENTATIVES.—Within 90 days after the date of enactment of this Act, the Chairman of the Council on Environmental Quality shall publish the titles of the officials of each Federal agency and department that shall participate in each Council. The Councils shall include representatives of each Federal agency and department that has authorities related to the development of ocean, coastal, or Great Lakes policies or engages in planning, management, or scientific activities that significantly affect or inform the use of ocean, coastal, or Great Lakes resources. The Chairman of the Council on Environmental Quality shall determine which Federal agency representative shall serve as the chairperson of each Council.

(2) COASTAL STATE REPRESENTATIVES.—

(A) NOTICE OF INTENT TO PARTICIPATE.—The Governor of each coastal State within each Coordination Region designated by section 601(c) shall within 3 months after the date of enactment of this Act, inform the Chairman of the Council on Environmental Quality

whether or not the State intends to participate in the Regional Coordination Council for the Region.

(B) APPOINTMENT OF RESPONSIBLE STATE OFFICIAL.—If a coastal State intends to participate in such Council, the Governor of the coastal State shall appoint an officer or employee of the coastal State agency with primary responsibility for overseeing ocean and coastal policy or resource management to that Council.

(C) ALASKA REGIONAL COORDINATION COUNCIL.—The Regional Coordination Council for the Alaska Coordination Region shall include representation from each of the States of Alaska, Washington, and Oregon, if appointed by the Governor of that State in accordance with this paragraph.

(3) REGIONAL FISHERY MANAGEMENT COUNCIL REPRESENTATION.—A representative of each Regional Fishery Management Council with jurisdiction in the Coordination Region of a Regional Coordination Council (who is selected by the Regional Fishery Management Council) and the executive director of the interstate marine fisheries commission with jurisdiction in the Coordination Region of a Regional Coordination Council shall each serve as a member of the Council.

(4) REGIONAL OCEAN PARTNERSHIP REPRESENTATION.—A representative of any Regional Ocean Partnership that has been established for any part of the Coordination Region of a Regional Coordination Council may appoint a representative to serve on the Council in addition to any Federal or State appointments.

(5) TRIBAL REPRESENTATION.—An appropriate tribal official selected by affected Indian tribes situated in the affected Coordination Region may elect to appoint a representative of such tribes collectively to serve as a member of the Regional Coordination Council for that Region.

(6) LOCAL REPRESENTATION.—The Chairman of the Council on Environmental Quality shall, in consultation with the Governors of the coastal States within each Coordination Region, identify and appoint representatives of county and local governments, as appropriate, to serve as members of the Regional Coordination Council for that Region.

(c) ADVISORY COMMITTEE.—Each Regional Coordination Council shall establish advisory committees for the purposes of public and stakeholder input and scientific advice, made up of a balanced representation from the energy, shipping, transportation, commercial and recreational fishing, and recreation industries, from marine environmental nongovernmental organizations, and from scientific and educational authorities with expertise in the conservation and management of ocean, coastal, and Great Lakes resources to advise the Council during the development of Regional Assessments and Regional Strategic Plans and in its other activities.

(d) COORDINATION WITH EXISTING PROGRAMS.—Each Regional Coordination Council shall build upon and complement current State, multistate, and regional capacity and governance and institutional mechanisms to manage and protect ocean waters, coastal waters, and ocean resources.

SEC. 603. REGIONAL STRATEGIC PLANS.

(a) INITIAL REGIONAL ASSESSMENT.—

(1) IN GENERAL.—Each Regional Coordination Council, shall, within one year after the date of enactment of this Act, prepare an initial assessment of its Coordination Region that shall identify deficiencies in data and information necessary to informed decision-making by Federal, State, and affected tribal governments concerned with the conservation of and management of the oceans, coasts, and Great Lakes. Each initial assessment shall to the extent feasible—

(A) identify the Coordination Region's renewable and non renewable resources, including current and potential energy resources;

(B) identify and include a spatially and temporally explicit inventory of existing and potential uses of the Coordination Region, including fishing and fish habitat, recreation, and energy development;

(C) document the health and relative environmental sensitivity of the marine ecosystem within the Coordination Region, including a comprehensive survey and status assessment of species, habitats, and indicators of ecosystem health;

(D) identify marine habitat types and important ecological areas within the Coordination Region;

(E) assess the Coordination Region's marine economy and cultural attributes and include regionally-specific ecological and socio-economic baseline data;

(F) identify and prioritize additional scientific and economic data necessary to inform the development of Strategic Plans; and

(G) include other information to improve decision making as determined by the Regional Coordination Council.

(2) DATA.—Each initial assessment shall—

(A) use the best available data;

(B) collect and provide data in a spatially explicit manner wherever practicable and provide such data to the interagency comprehensive digital mapping initiative as described in section 2 of Public Law 109–58 (42 U.S.C. 15801); and

(C) make publicly available any such data that is not classified information.

(3) PUBLIC PARTICIPATION.—Each Regional Coordination Council shall provide adequate opportunity for review and input by stakeholders and the general public during the preparation of the initial assessment and any revised assessments.

(b) REGIONAL STRATEGIC PLANS.—

(1) REQUIREMENT.—Each Regional Coordination Council shall, within 3 years after the completion of the initial regional assessment, prepare and submit to the Chairman of the Council on Environmental Quality a multiobjective, science- and ecosystem-based, spatially explicit, integrated Strategic Plan in accordance with this subsection for the Council's Coordination Region.

(2) OBJECTIVE AND GOALS.—The objective of the Strategic Plans under this subsection shall be to foster comprehensive, integrated, and sustainable development and use of ocean, coastal, and Great Lakes resources, while protecting marine ecosystem health and sustaining the long-term economic and ecosystem values of the oceans, coasts, and Great Lakes.

(3) CONTENTS.—Each Strategic Plan prepared by a Regional Coordination Council shall—

(A) be based on the initial regional assessment and updates for the Coordination Region under subsections (a) and (c), respectively;

(B) foster the sustainable and integrated development and use of ocean, coastal, and Great Lakes resources in a manner that protects the health of marine ecosystems;

(C) identify areas with potential for siting and developing renewable and nonrenewable energy resources in the Coordination Region covered by the Strategic Plan;

(D) identify other current and potential uses of the ocean and coastal resources in the Coordination Region;

(E) identify and recommend long-term monitoring needs for ecosystem health and socioeconomic variables within the Coordination Region covered by the Strategic Plan;

(F) identify existing State and Federal regulating authorities within the Coordination Region covered by the Strategic Plan and measures to assist those authorities in carrying out their responsibilities;

(G) identify best available technologies to minimize adverse environmental impacts and use conflicts in the development of ocean and coastal resources in the Coordination Region;

(H) identify additional research, information, and data needed to carry out the Strategic Plan;

(I) identify performance measures and benchmarks for purposes of fulfilling the responsibilities under this section to be used to evaluate the Strategic Plan's effectiveness;

(J) define responsibilities and include an analysis of the gaps in authority, coordination, and resources, including funding, that must be filled in order to fully achieve those performance measures and benchmarks; and

(K) include such other information at the Chairman of the Council on Environmental Quality determines is appropriate.

(4) PUBLIC PARTICIPATION.—Each Regional Coordination Council shall provide adequate opportunities for review and input by stakeholders and the general public during the development of the Strategic Plan and any Strategic Plan revisions.

(c) UPDATED REGIONAL ASSESSMENTS.—Each Regional Coordination Council shall update the initial regional assessment prepared under subsection (a) in coordination with each Strategic Plan revision under subsection (e), to provide more detailed information regarding the required elements of the assessment and to include any relevant new information that has become available in the interim.

(d) REVIEW AND APPROVAL.—

(1) COMMENCEMENT OF REVIEW.—Within 10 days after receipt of a Strategic Plan under this section, or any revision to such a Strategic Plan, from a Regional Coordination Council, the Chairman of the Council of Environmental Quality shall commence a review of the Strategic Plan or the revised Strategic Plan, respectively.

(2) PUBLIC NOTICE AND COMMENT.—Immediately after receipt of such a Strategic Plan or revision, the Chairman of the Council of Environmental Quality shall publish the Strategic Plan or revision in the Federal Register and provide an opportunity for the submission of public comment for a 90-day period beginning on the date of such publication.

(3) REQUIREMENTS FOR APPROVAL.—Before approving a Strategic Plan, or any revision to a Strategic Plan, the Chairman of the Council on Environmental Quality must find that the Strategic Plan or revision—

(A) is consistent with the Outer Continental Shelf Lands Act;

(B) complies with subsection (b); and

(C) complies with the purposes of this title as identified in section 601(a) and the objectives identified in section 601(b).

(4) DEADLINE FOR COMPLETION.—Within 180 days after the receipt of a Strategic Plan, or a revision to a Strategic Plan, the Chairman of the Council of Environmental Quality shall approve or disapprove the Strategic Plan or revision. If the Chairman disapproves the Strategic Plan or revision, the Chairman shall transmit to the Regional Coordination Council that submitted the Strategic Plan or revision, an identification of the deficiencies and recommendations to improve it. The Council shall submit a revised Strategic Plan or revision to such plan with 180 days after receiving the recommendations from the Chairman.

(e) PLAN REVISION.—Each Strategic Plan shall be reviewed and revised by the relevant Regional Coordination Council at least once

every 5 years. Such review and revision shall be based on the most recently updated regional assessment. Any proposed revisions to the Strategic Plan shall be submitted to the Chairman of the Council on Environmental Quality for review and approval pursuant to this section.

SEC. 604. REGULATIONS AND SAVINGS CLAUSE.

(a) REGULATIONS.—The Chairman of the Council on Environmental Quality may issue such regulations as the Chairman considers necessary to implement sections 601 through 603.

(b) SAVINGS CLAUSE.—Nothing in this title shall be construed to affect existing authorities under Federal law.

SEC. 605. OCEAN RESOURCES CONSERVATION AND ASSISTANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Treasury of the United States a separate account to be known as the Ocean Resources Conservation and Assistance Fund.

(2) CREDITS.—The ORCA Fund shall be credited with amounts as specified in section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), as amended by section 207 of this Act.

(3) ALLOCATION OF THE ORCA FUND.—Of the amounts appropriated from the ORCA Fund each fiscal year—

(A) 70 percent shall be allocated to the Secretary, of which—

(i) 1/2 shall be used to make grants to coastal States and affected Indian tribes under subsection (b); and

(ii) 1/2 shall be used for the ocean, coastal, and Great Lakes grants program established by subsection (c);

(B) 20 percent shall be allocated to the Secretary to carry out the purposes of subsection (e); and

(C) 10 percent shall be allocated to the Secretary to make grants to Regional Ocean Partnerships under subsection (d) and the Regional Coordination Councils established under section 602.

(4) PROCEDURES.—The Secretary shall establish application, review, oversight, financial accountability, and performance accountability procedures for each grant program for which funds are allocated under this subsection.

(b) GRANTS TO COASTAL STATES.—

(1) GRANT AUTHORITY.—The Secretary may use amounts allocated under subsection (a)(3)(A)(I)(I) to make grants to—

(A) coastal States pursuant to the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)); and

(B) affected Indian tribes based on and proportional to any specific coastal and ocean management authority granted to an affected tribe pursuant to affirmation of a Federal reserved right.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, a coastal State or affected Indian tribe must prepare and revise a 5-year plan and annual work plans that—

(A) demonstrate that activities for which the coastal State or affected Indian tribe will use the funds are consistent with the eligible uses of the Fund described in subsection (f); and

(B) provide mechanisms to ensure that funding is made available to government, nongovernment, and academic entities to carry out eligible activities at the county and local level.

(3) APPROVAL OF STATE AND AFFECTED TRIBAL PLANS.—

(A) IN GENERAL.—Plans required under paragraph (2) must be submitted to and approved by the Secretary.

(B) PUBLIC INPUT AND COMMENT.—In determining whether to approve such plans, the Secretary shall provide opportunity for, and take into consideration, public input and comment on the plans from stakeholders and the general public.

(5) ENERGY PLANNING GRANTS.—For each of the fiscal years 2011 through 2015, the Secretary may use funds allocated for grants under this subsection to make grants to coastal States and affected tribes under section 320 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), as amended by this Act.

(6) USE OF FUNDS.—Any amounts provided as a grant under this subsection, other than as a grants under paragraph (5), may only be used for activities described in subsection (f).

(c) OCEAN AND COASTAL COMPETITIVE GRANTS PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall use amounts allocated under subsection (a)(3)(A)(I)(II) to make competitive grants for conservation and management of ocean, coastal, and Great Lakes ecosystems and marine resources.

(2) OCEAN, COASTAL, AND GREAT LAKES REVIEW PANEL.—

(A) IN GENERAL.—The Secretary shall establish an Ocean, Coastal, and Great Lakes Review Panel (in this subsection referred to as the ''Panel''), which shall consist of 12 members appointed by the Secretary with expertise in the conservation and management of ocean, coastal, and Great Lakes ecosystems and marine resources. In appointing members to the Council, the Secretary shall include a balanced diversity of representatives of relevant Federal agencies, the private sector, nonprofit organizations, and academia.

(B) FUNCTIONS.—The Panel shall—

(i) review, in accordance with the procedures and criteria established under paragraph (3), grant applications under this subsection;

(ii) make recommendations to the Secretary regarding which grant applications should be funded and the amount of each grant; and

(iii) establish any specific requirements, conditions, or limitations on a grant application recommended for funding.

(3) PROCEDURES AND ELIGIBILITY CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall establish—

(i) procedures for applying for a grant under this subsection and criteria for evaluating applications for such grants; and

(ii) criteria, in consultation with the Panel, to determine what persons are eligible for grants under the program.

(B) ELIGIBLE PERSONS.—Persons eligible under the criteria under subparagraph (A)(ii) shall include Federal, State, affected tribal, and local agencies, fishery or wildlife management organizations, nonprofit organizations, and academic institutions.

(4) APPROVAL OF GRANTS.—In making grants under this subsection the Secretary shall give the highest priority to the recommendations of the Panel. If the Secretary disapproves a grant recommended by the Panel, the Secretary shall explain that disapproval in writing.

(5) USE OF GRANT FUNDS.—Any amounts provided as a grant under this subsection may only be used for activities described in subsection (f).

(d) GRANTS TO REGIONAL OCEAN PARTNERSHIPS.—

(1) GRANT AUTHORITY.—The Secretary may use amounts allocated under subsection (a)(3)(A)(iii) to make grants to Regional Ocean Partnerships.

(2) ELIGIBILITY.—In order to be eligible to receive a grant, a Regional Ocean Partnership must prepare and annually revise a plan that—

(A) identifies regional science and information needs, regional goals and priorities, and mechanisms for facilitating coordinated and collaborative responses to regional issues;

(B) establishes a process for coordinating and collaborating with the Regional Coordination Councils established under section 602 to address regional issues and information needs and achieve regional goals and priorities; and

(C) demonstrates that activities to be carried out with such funds are eligible uses of the funds identified in subsection (f).

(3) APPROVAL BY SECRETARY.—Such plans must be submitted to and approved by the Secretary.

(4) PUBLIC INPUT AND COMMENT.—In determining whether to approve such plans, the Secretary shall provide opportunity for, and take into consideration, input and comment on the plans from stakeholders and the general public.

(5) USE OF FUNDS.—Any amounts provided as a grant under this subsection may only be used for activities described in subsection (f).

(e) LONG-TERM OCEAN AND COASTAL OBSERVATIONS.—

(1) IN GENERAL.—The Secretary shall use the amounts allocated under subsection (a)(3)(A)(ii) to build, operate, and maintain the system established under section 12304 of Public Law 111–11 (33 U.S.C. 3603), in accordance with the purposes and policies for which the system was established.

(2) ADMINISTRATION OF FUNDS.—The Secretary shall administer and distribute funds under this subsection based upon comprehensive system budgets adopted by the Council referred to in section 12304(c)(1)(A) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(c)(1)(A)).

(f) ELIGIBLE USE OF FUNDS.—Any funds made available under this section may only be used for activities that contribute to the conservation, protection, maintenance, and restoration of ocean, coastal, and Great Lakes ecosystems in a manner that is consistent with Federal environmental laws and that avoids environmental degradation, including—

(1) activities to conserve, protect, maintain, and restore coastal, marine, and Great Lakes ecosystem health;

(2) activities to protect marine biodiversity and living marine and coastal resources and their habitats, including fish populations;

(3) the development and implementation of multiobjective, science- and ecosystem-based plans for monitoring and managing the wide variety of uses affecting ocean, coastal, and Great Lakes ecosystems and resources that consider cumulative impacts and are spatially explicit where appropriate;

(4) activities to improve the resiliency of those ecosystems;

(5) activities to improve the ability of those ecosystems to become more resilient, and to adapt to and withstand the impacts of climate change and ocean acidification;

(6) planning for and managing coastal development to minimize the loss of life and property associated with sea level rise and the coastal hazards resulting from it;

(7) research, education, assessment, monitoring, and dissemination of information that contributes to the achievement of these purposes;

(8) research of, protection of, enhancement to, and activities to improve the resiliency of culturally significant areas and resources; and

(9) activities designed to rescue, rehabilitate, and recover injured marine mammals, marine birds, and sea turtles.

(g) DEFINITIONS.—In this section:

(1) ORCA FUND.—The term ''ORCA Fund'' means the Ocean Resources Conservation

and Assistance Fund established by this section

(2) SECRETARY.—Notwithstanding section 3, the term ''Secretary'' means the Secretary of Commerce.

SEC. 606. WAIVER.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Regional Coordination Councils established under section 602.

TITLE VII—OIL SPILL ACCOUNTABILITY AND ENVIRONMENTAL PROTECTION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Oil Spill Accountability and Environmental Protection Act of 2010''.

SEC. 702. REPEAL OF AND ADJUSTMENTS TO LIMITATION ON LIABILITY.

(a) IN GENERAL.—Section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking ''$800,000,,'' and inserting ''$800,000,''; and

(ii) by adding ''and'' after the semicolon at the end;

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3);

(2) in subsection (b)(2) by striking the second sentence; and

(3) by striking subsection (d)(4) and inserting the following:

''(4) ADJUSTMENT OF LIMITS ON LIABILITY.—Not later than 3 years after the date of enactment of the Oil Spill Accountability and Environmental Protection Act of 2010, and at least once every 3 years thereafter, the President shall review the limits on liability specified in subsection (a) and shall by regulation revise such limits upward to reflect either the amount of liability that the President determines is commensurate with the risk of discharge of oil presented by a particular category of vessel, facility, or port or any increase in the Consumer Price Index, whichever is greater.''.

(b) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 703. EVIDENCE OF FINANCIAL RESPONSIBILITY FOR OFFSHORE FACILITIES.

Section 1016 of the Oil Pollution Act of 1990 (33 U.S.C. 2716) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (B) by striking ''subparagraph (A) is'' and all that follows before the period and inserting ''subparagraph (A) is $300,000,000''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) ALTERNATE AMOUNT.—

''(i) SPECIFIC FACILITIES.—

''(I) IN GENERAL.—If the President determines that an amount of financial responsibility for a responsible party that is less than the amount required by subparagraph (B) is justified based on the criteria established under clause (ii), the evidence of financial responsibility required shall be for an amount determined by the President.

''(II) MINIMUM AMOUNTS.—In no case shall the evidence of financial responsibility required under this section be less than—

''(aa) $105,000,000 for an offshore facility located seaward of the seaward boundary of a State; or

''(bb) $30,000,000 for an offshore facility located landward of the seaward boundary of a State.

''(ii) CRITERIA FOR DETERMINATION OF FINANCIAL RESPONSIBILITY.—The President shall prescribe the amount of financial responsibility required under clause (i)(I) based on the following:

''(I) The market capacity of the insurance industry to issue such instruments.

''(II) The operational risk of a discharge and the effects of that discharge on the environment and the region.

''(III) The quantity and location of the oil and gas that is explored for, drilled for, produced, or transported by the responsible party.

''(IV) The asset value of the owner of the offshore facility, including the combined asset value of all partners that own the facility.

''(V) The cost of all removal costs and damages for which the owner may be liable under this Act based on a worst-case-scenario.

''(VI) The safety history of the owner of the offshore facility.

''(VII) Any other factors that the President considers appropriate.

''(iii) ADJUSTMENT FOR ALL OFFSHORE FACILITIES.—

''(I) IN GENERAL.—Not later than 3 years after the date of enactment of the Oil Spill Accountability and Environmental Protection Act of 2010, and at least once every 3 years thereafter, the President shall review the levels of financial responsibility specified in this subsection and the limit on liability specified in subsection (f)(4) and may by regulation revise such levels and limit upward to the levels and limit that the President determines are justified based on the relative operational, environmental, and other risks posed by the quantity, quality, or location of oil that is explored for, drilled for, produced, or transported by the responsible party.

''(II) NOTICE TO CONGRESS.—Upon completion of a review specified in subclause (I), the President shall notify Congress as to whether the President will revise the levels of financial responsibility and limit on liability referred to in subclause (I) and the factors used in making such determination.''; and

(2) in subsection (f)—

(A) in paragraph (1) by striking ''Subject'' and inserting ''Except as provided in paragraph (4) and subject''; and

(B) by adding at the end the following:

''(4) MAXIMUM LIABILITY.—The maximum liability of a guarantor of an offshore facility under this subsection is $300,000,000.''.

SEC. 704. DAMAGES TO HUMAN HEALTH.

(a) IN GENERAL.—Section 1002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)) is amended by adding at the end the following:

''(G) HUMAN HEALTH.—

''(i) IN GENERAL.—Damages to human health, including fatal injuries, which shall be recoverable by any claimant who has a demonstrable, adverse impact to human health or, in the case of a fatal injury to an individual, a claimant filing a claim on behalf of such individual.

''(ii) INCLUSION.—For purposes of clause (i), the term 'human health' includes mental health.''.

(b) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 705. CLARIFICATION OF LIABILITY FOR DISCHARGES FROM MOBILE OFFSHORE DRILLING UNITS.

(a) IN GENERAL.—Section 1004(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(b)(2)) is amended—

(1) by striking ''from any incident described in paragraph (1)'' and inserting ''from any discharge of oil, or substantial threat of a discharge of oil, into or upon the water''; and

(2) by striking ''liable'' and inserting ''liable as described in paragraph (1)''.

(b) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 706. STANDARD OF REVIEW FOR DAMAGE ASSESSMENT.

Section 1006(e)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2706(e)(2)) is amended—

(1) in the heading by striking ''REBUTTABLE PRESUMPTION'' and inserting ''JUDICIAL REVIEW OF ASSESSMENTS''; and

(2) by striking ''have the force and effect'' and all that follows before the period and inserting the following: ''be subject to judicial review under subchapter II of chapter 5 of title 5, United States Code (commonly known as the Administrative Procedure Act), on the basis of the administrative record developed by the lead Federal trustee as provided in such regulations''.

SEC. 707. INFORMATION ON CLAIMS.

(a) IN GENERAL.—Title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) is amended by inserting after section 1013 the following:

''SEC. 1013A. INFORMATION ON CLAIMS.

''In the event of a spill of national significance, the President may require a responsible party or a guarantor of a source designated under section 1014(a) to provide to the President any information on or related to claims, either individually, in the aggregate, or both, that the President requests, including—

''(1) the transaction date or dates of such claims, including processing times; and

''(2) any other data pertaining to such claims necessary to ensure the performance of the responsible party or the guarantor with regard to the processing and adjudication of such claims.''.

(b) CONFORMING AMENDMENT.—The table of contents contained in section 2 of such Act is amended by inserting after the item relating to section 1013 the following:

''Sec. 1013A. Information on claims.''.

(c) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 708. ADDITIONAL AMENDMENTS AND CLARIFICATIONS TO OIL POLLUTION ACT OF 1990.

(a) DEFINITIONS.—

(1) REMOVAL COSTS.—Section 1001(31) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(31)) is amended by inserting before the semicolon the following: ''and includes all costs of Federal enforcement activities related thereto''.

(2) RESPONSIBLE PARTY.—Section 1001(32)(B) of such Act (33 U.S.C. 2701(32)(B)) is amended by inserting before '', except a'' the following: ''any person who owns or who has a leasehold interest or other property interest in the land or in the minerals beneath

the land on which the facility is located, and any person who is the assignor of a property interest in the land or in the minerals beneath the land on which the facility is located,''.

(b) ELEMENTS OF LIABILITY.—Section 1002(b)(1)(A) of such Act (33 U.S.C. 2702(b)(1)(A)) is amended by inserting before the semicolon the following: '', including all costs of Federal enforcement activities related thereto''.

(c) SUBROGATION.—Section 1015(c) of such Act (33 U.S.C. 2715(c)) is amended by adding at the end the following: ''In such actions, the Fund shall recover all costs and damages paid from the Fund unless the decision to make the payment is found to be arbitrary or capricious.''.

(d) FINANCIAL RESPONSIBILITY.—Section 1016(f)(1) of such Act (33 U.S.C. 2717(f)(1)) is amended—

(1) by inserting ''and'' at the end of subparagraph (A); and

(2) by striking ''; and'' at the end of subparagraph (B) and inserting a period; and

(3) by striking subparagraph (C).

(e) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 709. AMERICANIZATION OF OFFSHORE OPERATIONS IN THE EXCLUSIVE ECONOMIC ZONE.

(a) REGISTRY ENDORSEMENT REQUIRED.—

(1) IN GENERAL.—Section 12111 of title 46, United States Code, is amended by adding at the end the following:

''(e) RESOURCE ACTIVITIES IN THE EEZ.—Except for activities requiring an endorsement under sections 12112 or 12113, only a vessel for which a certificate of documentation with a registry endorsement is issued and that is owned by a citizen of the United States (as determined under section 50501(d)) may engage in support of exploration, development, or production of resources in, on, above, or below the exclusive economic zone or any other activity in the exclusive economic zone to the extent that the regulation of such activity is not prohibited under customary international law.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) applies only with respect to exploration, development, production, and support activities that commence on or after July 1, 2011.

(b) LEGAL AUTHORITY.—Section 2301 of title 46, United States Code, is amended—

(1) by striking ''chapter'' and inserting ''title''; and

(2) by inserting after ''1988'' the following: ''and the exclusive economic zone to the extent that the regulation of such operation is not prohibited under customary international law''.

(c) TRAINING FOR COAST GUARD PERSONNEL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall establish a program to provide Coast Guard personnel with the training necessary for the implementation of the amendments made by this section.

SEC. 710. SAFETY MANAGEMENT SYSTEMS FOR MOBILE OFFSHORE DRILLING UNITS.

Section 3203 of title 46, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) MOBILE OFFSHORE DRILLING UNITS.—The safety management system described in subsection (a) for a mobile offshore drilling unit operating in waters subject to the jurisdiction of the United States (including the exclusive economic zone) shall include processes, procedures, and policies related to the safe operation and maintenance of the machinery and systems on board the vessel that may affect the seaworthiness of the vessel in a worst-case event.''.

SEC. 711. SAFETY STANDARDS FOR MOBILE OFFSHORE DRILLING UNITS.

Section 3306 of title 46, United States Code, is amended by adding at the end the following:

''(k) In prescribing regulations for mobile offshore drilling units, the Secretary shall develop standards to address a worst-case event on the vessel.''.

SEC. 712. OPERATIONAL CONTROL OF MOBILE OFFSHORE DRILLING UNITS.

(a) LICENSES FOR MASTERS OF MOBILE OFFSHORE DRILLING UNITS.—

(1) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by redesignating sections 7104 through 7114 as sections 7105 through 7115, respectively, and by inserting after section 7103 the following:

''§ 7104. Licenses for masters of mobile offshore drilling units

''A license as master of a mobile offshore drilling unit may be issued only to an applicant who has been issued a license as master under section 7101(c)(1) and has demonstrated the knowledge, understanding, proficiency, and sea service for all industrial business or functions of a mobile offshore drilling unit.''.

(2) CONFORMING AMENDMENT.—Section 7109 of such title, as so redesignated, is amended by striking ''section 7106 or 7107'' and inserting ''section 7107 or 7108''.

(3) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by striking the items relating to sections 7104 through 7114 and inserting the following:

''7104. Licenses for masters of mobile offshore drilling units.
''7105. Certificates for medical doctors and nurses.
''7106. Oaths.
''7107. Duration of licenses.
''7108. Duration of certificates of registry.
''7109. Termination of licenses and certificates of registry.
''7110. Review of criminal records.
''7111. Exhibiting licenses.
''7112. Oral examinations for licenses.
''7113. Licenses of masters or mates as pilots.
''7114. Exemption from draft.
''7115. Fees.''.

(b) REQUIREMENT FOR CERTIFICATE OF INSPECTION.—Section 8101(a)(2) of title 46, United States Code, is amended by inserting before the semicolon the following: ''and shall at all times be under the command of a master licensed under section 7104''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SEC. 713. SINGLE-HULL TANKERS.

(a) APPLICATION OF TANK VESSEL CONSTRUCTION STANDARDS.—Section 3703a(b) of title 46, United States Code, is amended by striking paragraph (3), and redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2011.

SEC. 714. REPEAL OF RESPONSE PLAN WAIVER.

Section 311(j)(5)(G) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(G)) is amended—

(1) by striking ''a tank vessel, nontank vessel, offshore facility, or onshore facility'' and inserting ''a nontank vessel'';

(2) by striking ''tank vessel, nontank vessel, or facility'' and inserting ''nontank vessel''; and

(3) by adding at the end the following: ''A mobile offshore drilling unit, as such term is defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701), is not eligible to operate without a response plan approved under this section.''.

SEC. 715. NATIONAL CONTINGENCY PLAN.

(a) GUIDELINES FOR CONTAINMENT BOOMS.—Section 311(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)(2)) is amended by adding at the end the following:

''(N) Guidelines regarding the use of containment booms to contain a discharge of oil or a hazardous substance, including identification of quantities of containment booms likely to be needed, available sources of containment booms, and best practices for containment boom placement, monitoring, and maintenance.''.

(b) SCHEDULE, CRITERIA, AND FEES.—Section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)) is amended by adding at the end the following:

''(5) SCHEDULE FOR USE OF DISPERSANTS, OTHER CHEMICALS, AND OTHER SPILL MITIGATING DEVICES AND SUBSTANCES.—

''(A) RULEMAKING.—Not later than 2 years after the date of enactment of this paragraph, the President, acting through the Administrator, after providing notice and an opportunity for public comment, shall issue a revised regulation for the development of the schedule for the use of dispersants, other chemicals, and other spill mitigating devices and substances developed under paragraph (2)(G) in a manner that is consistent with the requirements of this paragraph and shall modify the existing schedule to take into account the requirements of the revised regulation.

''(B) SCHEDULE LISTING REQUIREMENTS.—In issuing the regulation under subparagraph (A), the Administrator shall—

''(i) with respect to dispersants, other chemicals, and other spill mitigating substances included or proposed to be included on the schedule under paragraph (2)(G)—

''(I) establish minimum toxicity and efficacy testing criteria, taking into account the results of the study carried out under subparagraph (D);

''(II) provide for testing or other verification (independent from the information provided by an applicant seeking the inclusion of such dispersant, chemical, or substance on the schedule) related to the toxicity and effectiveness of such dispersant, chemical, or substance;

''(III) establish a framework for the application of any such dispersant, chemical, or substance, including—

''(aa) application conditions;

''(bb) the quantity thresholds for which approval by the Administrator is required;

''(cc) the criteria to be used to develop the appropriate maximum quantity of any such dispersant, chemical, or substance that the Administrator determines may be used, both on a daily and cumulative basis; and

''(dd) a ranking, by geographic area, of any such dispersant, chemical, or substance based on a combination of its effectiveness for each type of oil and its level of toxicity;

''(IV) establish a requirement that the volume of oil or hazardous substance discharged, and the volume and location of any such dispersant, chemical, or substance used, be measured and made publicly available, including on the Internet;

''(V) require the public disclosure of the specific chemical identity, including the chemical and common name of any ingredients contained in, and specific chemical formulas or mixtures of, any such dispersant, chemical, or substance; and

''(VI) in addition to existing authority, expressly provide a mechanism for the delisting of any such dispersant, chemical, or substance that the Administrator determines poses a significant risk or impact to water quality, the environment, or any other factor the Administrator determines appropriate;

''(ii) with respect to a dispersant, other chemical, and other spill mitigating substance not specifically identified on the schedule, and prior to the use of such dispersant, chemical, or substance in accordance with paragraph (2)(G)—

''(I) establish the minimum toxicity and efficacy levels for such dispersant, chemical, or substance;

''(II) require the public disclosure of the specific chemical identity of (including the chemical and common name of any ingredients contained in and the specific chemical formula or mixture of) any such dispersant, chemical, or substance; and

''(III) require the provision of such additional information as the Administrator determines necessary; and

''(iii) with respect to other spill mitigating devices included or proposed to be included on the schedule under paragraph (2)(G)—

''(I) require the manufacturer of such device to carry out a study of the risks and effectiveness of the device according to guidelines developed and published by the Administrator; and

''(II) in addition to existing authority, expressly provide a mechanism for the delisting of any such device based on any information made available to the Administrator that demonstrates that such device poses a significant risk or impact to water quality, the environment, or any other factor the Administrator determines appropriate.

''(C) DELISTING.—In carrying out subparagraphs (B)(i)(VI) and (B)(iii)(II), the Administrator, after posting a notice in the Federal Register and providing an opportunity for public comment, shall initiate a formal review of the potential risks and impacts associated with a dispersant, chemical, substance, or device prior to delisting the dispersant, chemical, substance, or device.

''(D) STUDY.—

''(i) IN GENERAL.—Not later than 3 months after the date of enactment of this paragraph, the Administrator shall initiate a study of the potential risks and impacts to water quality, the environment, or any other factor the Administrator determines appropriate, including acute and chronic risks, from the use of dispersants, other chemicals, and other spill mitigating substances, if any, that may be used to carry out the National Contingency Plan, including an assessment of such risks and impacts—

''(I) on a representative sample of biota and types of oil from locations where such dispersants, chemicals, or substances may potentially be used; and

''(II) that result from any by-products created from the use of such dispersants, chemicals, or substances.

''(ii) INFORMATION FROM MANUFACTURERS.—

''(I) IN GENERAL.—In conjunction with the study authorized by clause (i), the Administrator shall determine the requirements for manufacturers of dispersants, chemicals, or substances to evaluate the potential risks and impacts to water quality, the environment, or any other factor the Administrator determines appropriate, including acute and chronic risks, associated with the use of the dispersants, chemicals, or substances and any byproducts generated by such use and to provide the details of such evaluation as a condition for listing on the schedule, or approving for use under this section, according to guidelines developed and published by the Administrator.

''(II) MINIMUM REQUIREMENTS FOR EVALUATION.—In carrying out this clause, the Administrator shall require a manufacturer to include—

''(aa) information on the oils and locations where such dispersants, chemicals, or substances may potentially be used; and

''(bb) if appropriate, an assessment of application and impacts from subsea use of the dispersant, chemical, or substance, including the potential long term effects of such use on water quality and the environment.

''(E) PERIODIC REVISIONS.—

''(i) IN GENERAL.—Not later than 5 years after the date of the issuance of the regulation under this paragraph, and on an ongoing basis thereafter (and at least once every 5 years), the Administrator shall review the schedule for the use of dispersants, other chemicals, and other spill mitigating devices and substances that may be used to carry out the National Contingency Plan and update or revise the schedule, as necessary, to ensure the protection of water quality, the environment, and any other factor the Administrator determines appropriate.

''(ii) EFFECTIVENESS.—The Administrator shall ensure, to the maximum extent practicable, that each update or revision to the schedule increases the minimum effectiveness value necessary for listing a dispersant, other chemical, or other spill mitigating device or substance on the schedule.

''(F) APPROVAL OF USE AND APPLICATION OF DISPERSANTS.—

''(i) IN GENERAL.—In issuing the regulation under subparagraph (A), the Administrator shall require the approval of the Federal On-Scene Coordinator, in coordination with the Administrator, for all uses of a dispersant, other chemical, or other spill mitigating substance in any removal action, including—

''(I) any such dispersant, chemical, or substance that is included on the schedule developed pursuant to this subsection; or

''(II) any dispersant, chemical, or other substance that is included as part an approved area contingency plan or response plan developed under this section.

''(ii) REPEAL.—Any part of section 300.910 of title 40, Code of Federal Regulations, that is inconsistent with this paragraph is hereby repealed.

''(G) TOXICITY DEFINITION.—In this section, the term 'toxicity' is used in reference to the potential impacts of a dispersant, substance, or device on water quality or the environment.

''(6) REVIEW OF AND DEVELOPMENT OF CRITERIA FOR EVALUATING RESPONSE PLANS.—

''(A) REVIEW.—Not later than 6 months after the date of enactment of this paragraph, the President shall review the procedures and standards developed under paragraph (2)(J) to determine their sufficiency in ceasing and removing a worst case discharge of oil or hazardous substances, and for mitigating or preventing a substantial threat of such a discharge.

''(B) RULEMAKING.—Not later than 2 years after the date of enactment of this paragraph, the President, after providing notice and an opportunity for public comment, shall issue a final rule to—

''(i) revise the procedures and standards for ceasing and removing a worst case discharge of oil or hazardous substances, and for mitigating or preventing a substantial threat of such a discharge; and

''(ii) develop a metric for evaluating the National Contingency Plan, Area Contingency Plans, and tank vessel, nontank vessel, and facility response plans consistent with the procedures and standards developed pursuant to this paragraph.

''(7) FEES.—

''(A) GENERAL AUTHORITY AND FEES.—Subject to subparagraph (B), the Administrator shall establish a schedule of fees to be collected from the manufacturer of a dispersant, chemical, or spill mitigating substance or device to offset the costs of the Administrator associated with evaluating the use of the dispersant, chemical, substance, or device in accordance with this subsection and listing the dispersant, chemical, substance, or device on the schedule under paragraph (2)(G).

''(B) LIMITATION ON COLLECTION.—No fee may be collected under this subsection unless the expenditure of the fee to pay the costs of activities and services for which the fee is imposed is provided for in advance in an appropriations Act.

''(C) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(i) IN GENERAL.—Notwithstanding section 3302 of title 31, United States Code, any fee authorized to be collected under this paragraph shall—

''(I) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

''(II) be available for expenditure only to pay the costs of activities and services for which the fee is imposed, including all costs associated with collecting such fees; and

''(III) remain available until expended.

''(ii) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Environmental Protection Agency is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

''(iii) ADJUSTMENTS.—The Administrator shall adjust the fees established by subparagraph (A) periodically to ensure that each of the fees required by subparagraph (A) is reasonably related to the Administration's costs, as determined by the Administrator, of performing the activity for which the fee is imposed.''.

(c) TEMPORARY MORATORIUM ON APPROVAL OF USE OF DISPERSANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator of the Environmental Protection Agency may not approve the use of a dispersant under section 311(d) of the Oil Pollution Act of 1990 (33 U.S.C. 1321(d)), and shall withdraw any approval of such use made before the date of enactment of this Act, until the date on which the rulemaking and study required by subparagraphs (A) and (D) of section 311(d)(5) of such Act (as added by subsection (b) of this section) are complete.

(2) CONDITIONAL APPROVAL.—The Administrator may approve the use of a dispersant under section 311(d) of such Act (33 U.S.C. 1321(d)) for the period of time before the date on which the rulemaking and study required by subparagraphs (A) and (D) of section 311(d)(5) of such Act (as added by subsection (b) of this section) are complete if the Administrator determines that such use will not have a negative impact on water quality, the environment, or any other factor the Administrator determines appropriate.

(3) INFORMATION.—In approving the use of a dispersant under paragraph (2), the Administrator may require the manufacturer of the dispersant to provide such information as the Administrator determines necessary to satisfy the requirements of that paragraph.

(d) INCLUSION OF CONTAINMENT BOOMS IN AREA CONTINGENCY PLANS.—Section 311(j)(4)(C)(iv) of such Act (33 U.S.C. 1321(j)(4)(C)(iv)) is amended by striking ''(including firefighting equipment)'' and inserting ''(including firefighting equipment and containment booms)''.

SEC. 716. TRACKING DATABASE.

Section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321(b)) is amended by adding at the end the following:

''(13) TRACKING DATABASE.—

''(A) IN GENERAL.—The President shall create a database to track all discharges of oil or hazardous substances—

''(i) into the waters of the United States, onto adjoining shorelines, or into or upon the waters of the contiguous zone;

''(ii) in connection with activities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); or

''(iii) which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.)).

''(B) REQUIREMENTS.—The database shall—

''(i) include—

''(I) the name of the vessel or facility;

''(II) the name of the owner, operator, or person in charge of the vessel or facility;

''(III) the date of the discharge;

''(IV) the volume of the discharge;

''(V) the location of the discharge, including an identification of any receiving waters that are or could be affected by the discharge;

''(VI) the type, volume, and location of the use of any dispersant, other chemical, or other spill mitigating substance used in any removal action;

''(VII) a record of any determination of a violation of this section or liability under section 1002 of the Oil Pollution Act of 1990 (33 U.S.C. 2702);

''(VIII) a record of any enforcement action taken against the owner, operator, or person in charge; and

''(IX) any additional information that the President determines necessary;

''(ii) use data provided by the Environmental Protection Agency, the Coast Guard, and other appropriate Federal agencies;

''(iii) use data protocols developed and managed by the Environmental Protection Agency; and

''(iv) be publicly accessible, including by electronic means.''.

SEC. 717. EVALUATION AND APPROVAL OF RESPONSE PLANS; MAXIMUM PENALTIES.

(a) AGENCY REVIEW OF RESPONSE PLANS.—

(1) LEAD FEDERAL AGENCY FOR REVIEW OF RESPONSE PLANS.—Section 311(j)(5)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(A)) is amended by adding at the end the following:

''(iii) In issuing the regulations under this paragraph, the President shall ensure that—

''(I) the owner, operator, or person in charge of a tank vessel, nontank vessel, or offshore facility described in subparagraph (C) will not be considered to have complied with this paragraph until the owner, operator, or person in charge submits a plan under clause (i) or (ii), as appropriate, to the Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, or the Administrator, with respect to such offshore facilities as the President may designate, and the Secretary or Administrator, as appropriate, determines and notifies the owner, operator, or person in charge that the plan, if implemented, will provide an adequate response to a worst case discharge of oil or a hazardous substance or a substantial threat of such a discharge; and

''(II) the owner, operator, or person in charge of an onshore facility described in subparagraph (C)(iv) will not be considered to have complied with this paragraph until the owner, operator, or person in charge submits a plan under clause (i) either to the Secretary of Transportation, with respect to transportation-related onshore facilities, or the Administrator, with respect to all other onshore facilities, and the Secretary or Administrator, as appropriate, determines and notifies the owner, operator, or person in charge that the plan, if implemented, will provide an adequate response to a worst-case discharge of oil or a hazardous substance or a substantial threat of such a discharge.

''(iv)(I) The Secretary of the department in which the Coast Guard is operating, the Secretary of the Interior, the Secretary of Transportation, or the Administrator, as appropriate, shall require that a plan submitted to the Secretary or Administrator for a vessel or facility under clause (iii)(I) or (iii)(II) by an owner, operator, or person in charge—

''(aa) contain a probabilistic risk analysis for all critical engineered systems of the vessel or facility; and

''(bb) adequately address all risks identified in the risk analysis.

''(II) The Secretary or Administrator, as appropriate, shall require that a risk analysis developed under subclause (I) include, at a minimum, the following:

''(aa) An analysis of human factors risks, including both organizational and management failure risks.

''(bb) An analysis of technical failure risks, including both component technologies and integrated systems risks.

''(cc) An analysis of interactions between humans and critical engineered systems.

''(dd) Quantification of the likelihood of modes of failure and potential consequences.

''(ee) A description of methods for reducing known risks.

''(III) The Secretary or Administrator, as appropriate, shall require an owner, operator, or person in charge that develops a risk analysis under subclause (I) to make the risk analysis available to the public.''.

(2) REVIEW AND APPROVAL OF RESPONSE PLANS.—Section 311(j)(5)(E) of such Act (33 U.S.C. 1321(j)(5)(E)) is amended to read as follows:

''(E) With respect to any response plan submitted under this paragraph for an onshore facility that, because of its location, could reasonably be expected to cause significant and substantial harm to the environment by discharging into or on the navigable waters or adjoining shorelines or the exclusive economic zone, and with respect to each response plan submitted under this paragraph for a tank vessel, nontank vessel, or offshore facility, the President shall—

''(i) promptly review the response plan;

''(ii) verify that the response plan complies with subparagraph (A)(iv), relating to risk analyses;

''(iii) with respect to a plan for an offshore or onshore facility or a tank vessel that carries liquefied natural gas, provide an opportunity for public notice and comment on the response plan;

''(iv) taking into consideration any public comments received and other appropriate factors, as determined by the President, require revisions to the response plan;

''(v) approve, approve with revisions, or disapprove the response plan;

''(vi) review the response plan periodically thereafter, and if applicable requirements are not met, acting through the head of the appropriate Federal department or agency—

''(I) issue administrative orders directing the owner, operator, or person in charge to comply with the response plan or any regulation issued under this section; or

''(II) assess civil penalties or conduct other appropriate enforcement actions in accordance with subsections (b)(6), (b)(7), and (b)(8) for failure to develop, submit, receive approval of, adhere to, or maintain the capability to implement the response plan, or failure to comply with any other requirement of this section;

''(vii) acting through the head of the appropriate Federal department or agency, conduct, at a minimum, biennial inspections of the tank vessel, nontank vessel, or facility to ensure compliance with the response plan or identify deficiencies in such plan;

''(viii) acting through the head of the appropriate Federal department or agency, make the response plan available to the public, including on the Internet; and

''(ix) in the case of a plan for a nontank vessel, consider any applicable State-mandated response plan in effect on the date of enactment of the Coast Guard and Maritime Transportation Act of 2004 and ensure consistency to the extent practicable.''.

(3) BIENNIAL REPORT.—Section 311(j)(5) of such Act (33 U.S.C. 1321(j)(5)) is amended by adding at the end the following:

''(J) Not later than 2 years after the date of enactment of this subparagraph, and biennially thereafter, the President, acting through the Administrator, the Secretary of the department in which the Coast Guard is operating, and the Secretary of Transportation, shall submit to Congress a report containing the following information for each owner, operator, or person in charge that submitted a response plan for a tank vessel, nontank vessel, or facility under this paragraph:

''(i) The number of response plans approved, disapproved, or approved with revisions under subparagraph (E) annually for tank vessels, nontank vessels, and facilities of the owner, operator, or person in charge.

''(ii) The number of inspections conducted under subparagraph (E) annually for tank vessels, nontank vessels, and facilities of the owner, operator, or person in charge.

''(iii) A summary of each administrative or enforcement action concluded with respect each tank vessel, nontank vessel, and facility of the owner, operator, or person in charge, including a description of the violation, the date of violation, the amount of each penalty proposed, and the final assessment of each penalty and an explanation for any reduction in a penalty.''.

(4) ADMINISTRATIVE PROVISIONS FOR FACILITIES.—Section 311(m)(2) of such Act (33 U.S.C. 1321(m)(2)) is amended in each of subparagraphs (A) and (B) by inserting '', the Secretary of Transportation,'' before ''or the Secretary of the department in which the Coast Guard is operating''.

(b) PENALTIES.—

(1) ADMINISTRATIVE PENALTIES.—

(A) AUTHORITY OF SECRETARY OF TRANSPORTATION TO ASSESS PENALTIES.—Section 311(b)(6)(A) of such Act (33 U.S.C. 1321(b)(6)(A)) is amended by inserting '', the Secretary of Transportation,'' before ''or the Administrator''.

(B) ADMINISTRATIVE PENALTIES FOR FAILURE TO PROVIDE NOTICE.—Section 311(b)(6)(A) of such Act (33 U.S.C. 1321(b)(6)(A)) is further amended—

(i) in clause (i) by striking ''paragraph (3), or'' and inserting ''paragraph (3),'';

(ii) in clause (ii) by striking ''any regulation issued under subsection (j)'' and inserting ''any order or action required by the President under subsection (c) or (e) or any regulation issued under subsection (d) or (j)'';

(iii) by redesignating clause (ii) as clause (iii);

(iv) by inserting after clause (i) the following:

''(ii) who fails to provide notice to the appropriate Federal agency pursuant to paragraph (5), or''; and

(v) by adding at the end the following: ''Whenever the President delegates the authority to issue regulations under subsection (j), the head of the agency who issues regulations pursuant to that authority shall have the authority to assess a civil penalty in accordance with this section for violations of such regulations.''.

(C) PENALTY AMOUNTS.—Section 311(b)(6)(B) of such Act (33 U.S.C. 1321(b)(6)(B)) is amended—

(i) in clause (i)—

(I) by striking ''$10,000'' and inserting ''$100,000''; and

(II) by striking ''$25,000'' and inserting ''$250,000''; and

(ii) in clause (ii)—

(I) by striking ''$10,000'' and inserting ''$100,000''; and

(II) by striking ''$125,000'' and inserting ''$1,000,000''.

(2) CIVIL PENALTIES.—Section 311(b)(7) of such Act (33 U.S.C. 1321(b)(7)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$25,000'' and inserting ''$100,000''; and

(ii) by striking ''$1,000'' and inserting ''$2,500'';

(B) in subparagraph (B)—

(i) by striking ''described in subparagraph (A)'';

(ii) in clause (i) by striking ''carry out removal of the discharge under an order of the President pursuant to subsection (c); or'' and inserting ''comply with any order or action required by the President pursuant to subsection (c),'';

(iii) in clause (ii) by striking ''(1)(B)'';

(iv) by redesignating clause (ii) as clause (iii);

(v) by inserting after clause (i) the following:

''(ii) fails to provide notice to the appropriate Federal agency pursuant to paragraph (5), or''; and

(vi) by striking ''$25,000'' and inserting ''$100,000'';

(C) in subparagraph (C)—

(i) by striking ''(j)'' and inserting ''(d) or (j)'';

(ii) by striking ''$25,000'' and inserting ''$100,000''; and

(iii) by adding at the end the following: ''Whenever the President delegates the authority to issue regulations under subsection (j), the head of the agency who issues regulations pursuant to that authority shall have the authority to seek injunctive relief or assess a civil penalty in accordance with this section for violations of such regulations and the authority to refer the matter to the Attorney General for action under subparagraph (E).'';

(D) in subparagraph (D)—

(i) by striking ''$100,000'' and inserting ''$300,000''; and

(ii) by striking ''$3,000'' and inserting ''$7,500''; and

(E) in subparagraph (E) by adding at the end the following: ''The court may award appropriate relief, including a temporary or permanent injunction, civil penalties, and punitive damages.''.

(3) APPLICABILITY.—The amendments made by this subsection apply to—

(A) any claim arising from an event occurring after the date of enactment of this Act; and

(B) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

(c) CLARIFICATION OF FEDERAL REMOVAL AUTHORITY.—Section 311(c)(1)(B)(ii) of such Act (33 U.S.C. 1321(c)(1)(B)(ii)) is amended by striking ''direct'' and inserting ''direct, including through the use of an administrative order,''.

SEC. 718. OIL AND HAZARDOUS SUBSTANCE CLEANUP TECHNOLOGIES.

Section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(9) OIL AND HAZARDOUS SUBSTANCE CLEANUP TECHNOLOGIES.—The President, acting through the Secretary of the department in which the Coast Guard is operating, shall—

''(A) in coordination with the Secretary of the Interior and the heads of other appropriate Federal agencies, establish a process for—

''(i) quickly and effectively soliciting, assessing, and deploying offshore oil and hazardous substance cleanup technologies in the event of a discharge or substantial threat of a discharge of oil or a hazardous substance; and

''(ii) effectively coordinating with other appropriate agencies, industry, academia, small businesses, and others to ensure the best technology available is implemented in the event of such a discharge or threat; and

''(B) in coordination with the Secretary of the Interior and the heads of other appropriate Federal agencies, maintain a database on best available oil and hazardous substance cleanup technologies in the event of a discharge or substantial threat of a discharge of oil or a hazardous substance.''.

SEC. 719. IMPLEMENTATION OF OIL SPILL PREVENTION AND RESPONSE AUTHORITIES.

Section 311(l) of the Federal Water Pollution Control Act (33 U.S.C. 1321(l)) is amended—

(1) by striking ''(l) The President'' and inserting the following:

''(l) DELEGATION AND IMPLEMENTATION.—

''(1) DELEGATION.—The President''; and

(2) by adding at the end the following:

''(2) ENVIRONMENTAL PROTECTION AGENCY.—

''(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Administrator.

''(B) RESPONSIBILITIES.—With respect to onshore facilities (other than transportation-related facilities) and such offshore facilities as the President may designate, the Administrator shall ensure that Environmental Protection Agency personnel develop and maintain operational capability—

''(i) for effective inspection, monitoring, prevention, preparedness, and response authorities related to the discharge or substantial threat of a discharge of oil or a hazardous substance;

''(ii) to protect water quality and the environment from impacts of a discharge or substantial threat of a discharge of oil or a hazardous substance; and

''(iii) to review and approve of, disapprove of, or require revisions (if necessary) to facility response plans and to carry out all other responsibilities under subsection (j)(5)(E).

''(3) COAST GUARD.—

''(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Secretary of the department in which the Coast Guard is operating.

''(B) RESPONSIBILITIES.—The Secretary shall ensure that Coast Guard personnel develop and maintain operational capability—

''(i) to establish and enforce regulations and standards for procedures, methods, equipment, and other requirements to prevent and to contain a discharge of oil or a hazardous substance from a tank vessel or nontank vessel or such an offshore facility as the President may designate;

''(ii) to establish and enforce regulations, and to carry out all other responsibilities, under subsection (j)(5) with respect to such vessels and offshore facilities as the President may designate; and

''(iii) to protect the environment and natural resources from impacts of a discharge or substantial threat of a discharge of oil or a hazardous substance from such vessels and offshore facilities as the President may designate.

''(C) ROLE AS FIRST RESPONDER.—

''(i) IN GENERAL.—The responsibilities delegated to the Secretary under subparagraph (B) shall be sufficient to allow the Coast Guard to act as a first responder to a discharge or substantial threat of a discharge of oil or a hazardous substance from a tank vessel, nontank vessel, or offshore facility.

''(ii) CAPABILITIES.—The President shall ensure that the Coast Guard has sufficient personnel and resources to act as a first responder as described in clause (i), including the resources necessary for on-going training of personnel, acquisition of equipment (including containment booms, dispersants, and skimmers), and prepositioning of equipment.

''(D) CONTRACTS.—The Secretary may enter into contracts with private and nonprofit organizations for personnel and equipment in carrying out the responsibilities delegated to the Secretary under subparagraph (B).

''(4) DEPARTMENT OF TRANSPORTATION.—

''(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Secretary of Transportation.

''(B) RESPONSIBILITIES.—The Secretary of Transportation shall—

''(i) establish and enforce regulations and standards for procedures, methods, equipment, and other requirements to prevent and to contain discharges of oil and hazardous substances from transportation-related onshore facilities;

''(ii) have the authority to review and approve of, disapprove of, or require revisions (if necessary) to transportation-related onshore facility response plans and to carry out all other responsibilities under subsection (j)(5)(E); and

''(iii) ensure that Department of Transportation personnel develop and maintain operational capability—

''(I) for effective inspection, monitoring, prevention, preparedness, and response authorities related to the discharge or substantial threat of a discharge of oil or a hazardous substance from a transportation-related onshore facility; and

''(II) to protect the environment and natural resources from the impacts of a discharge or substantial threat of a discharge of oil or a hazardous substance from a transportation-related onshore facility.

''(5) DEPARTMENT OF THE INTERIOR.—

''(A) IN GENERAL.—The President shall delegate the responsibilities under subparagraph (B) to the Secretary of the Interior.

''(B) RESPONSIBILITIES.—The Secretary of the Interior shall—

''(i) establish and enforce regulations and standards for procedures, methods, equipment, and other requirements to prevent and to contain discharges of oil and hazardous substances from such offshore facilities as the President may designate;

''(ii) establish and enforce regulations to carry out all other responsibilities under subsection (j)(5) for such offshore facilities as the President may designate;

''(iii) have the authority to review and approve of, disapprove of, or require revisions (if necessary) to offshore facility response plans under subsection (j)(5) for such offshore facilities as the President may designate; and

''(iv) ensure that Department of the Interior personnel develop and maintain operational capability for effective inspection, monitoring, prevention, and preparedness authorities related to the discharge or a substantial threat of a discharge of oil or hazardous material from such offshore facilities as the President may designate.''.

SEC. 720. IMPACTS TO INDIAN TRIBES AND PUBLIC SERVICE DAMAGES.

(a) IN GENERAL.—Section 1002(b)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(b)(2)) is amended—

(1) in subparagraph (D) by striking ''or a political subdivision thereof'' and inserting ''a political subdivision of a State, or an Indian tribe''; and

(2) in subparagraph (F) by striking ''by a State'' and all that follows before the period and inserting ''the United States, a State, a political subdivision of a State, or an Indian tribe''.

(b) APPLICABILITY.—The amendments made by this section apply to—

(1) any claim arising from an event occurring after the date of enactment of this Act; and

(2) any claim arising from an event occurring before such date of enactment, if the claim is brought within the limitations period applicable to the claim.

SEC. 721. FEDERAL ENFORCEMENT ACTIONS.

Section 309(g)(6)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1319(g)(6)(A)) is amended by striking ''or section 311(b)''.

SEC. 722. TIME REQUIRED BEFORE ELECTING TO PROCEED WITH JUDICIAL CLAIM OR AGAINST THE FUND.

Paragraph (2) of section 1013(c) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(c)) is amended by striking ''90'' and inserting ''45''.

SEC. 723. AUTHORIZED LEVEL OF COAST GUARD PERSONNEL.

The authorized end-of-year strength for active duty personnel of the Coast Guard for fiscal year 2011 is hereby increased by 300 personnel, above any other level authorized by law, for implementing the activities of the Coast Guard under this title, including the amendments made by this title.

SEC. 724. CLARIFICATION OF MEMORANDUMS OF UNDERSTANDING.

Not later than September 30, 2011, the President (acting through the head of the appropriate Federal department or agency) shall implement or revise, as appropriate, memorandums of understanding to clarify the roles and jurisdictional responsibilities of the Environmental Protection Agency, the Coast Guard, the Department of the Interior, the Department of Transportation, and other Federal agencies relating to the prevention of oil discharges from tank vessels, nontank vessels, and facilities subject to the Oil Pollution Act of 1990.

SEC. 725. BUILD AMERICA REQUIREMENT FOR OFFSHORE FACILITIES.

(a) IN GENERAL.—Title VI of the Oil Pollution Act of 1990 (33 U.S.C. 2751 et seq.) is amended by adding at the end the following:

''SEC. 6005. BUILD AMERICA REQUIREMENT FOR OFFSHORE FACILITIES.

''(a) BUILD AMERICA REQUIREMENT.—Except as provided by subsection (b), a person may not use an offshore facility to engage in support of exploration, development, or production of oil or natural gas in, on, above, or below the exclusive economic zone unless the facility was built in the United States, including construction of any major component of the hull or superstructure of the facility.

''(b) WAIVER AUTHORITY.—A person seeking to charter an offshore facility in the exclusive economic zone may seek a waiver of subsection (a). The Secretary may waive subsection (a) if the Secretary, in consultation with the Secretary of the Interior and the Secretary of Transportation, finds that—

''(1) the offshore facility was built in a foreign country and is under contract, on the date of enactment of this section, in support of exploration, development, or production of oil or natural gas in, on, above, or below the exclusive economic zone;

''(2) an offshore facility built in the United States is not available within a reasonable period of time, as defined in subsection (e), or of sufficient quality to perform drilling operations required under a contract; or

''(3) an emergency requires the use of an offshore facility built in a foreign country.

''(c) WRITTEN JUSTIFICATION AND PUBLIC NOTICE OF NONAVAILABILITY WAIVER.—When issuing a waiver based on a determination under subsection (b)(2), the Secretary shall issue a detailed written justification as to why the waiver meets the requirement of such subsection. The Secretary shall publish the justification in the Federal Register and provide the public with 45 days for notice and comment.

''(d) FINAL DECISION.—The Secretary shall approve or deny any waiver request submitted under subsection (b) not later than 90 days after the date of receipt of the request.

''(e) REASONABLE PERIOD OF TIME DEFINED.—For purposes of subsection (b)(2), the term 'reasonable period of time' means the time needed for a person seeking to charter an offshore facility in the exclusive economic zone to meet the requirements in the primary term of the person's lease.''.

(b) CLERICAL AMENDMENT.—The table of contents contained in section 2 of such Act is amended by inserting after the item relating to section 6004 the following:

''Sec. 6005. Build America requirement for offshore facilities.''.

SEC. 726. OIL SPILL RESPONSE VESSEL DATABASE.

(a) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall complete an inventory of all vessels operating in the waters of the United States that are capable of meeting oil spill response needs designated in the National Contingency Plan authorized by section 311(d) of the Federal Water Pollution Control Act (33 U.S.C. 1321(d)).

(b) CATEGORIZATION.—The inventory required under subsection (a) shall categorize such vessels by capabilities, type, function, and location.

(c) MAINTENANCE OF DATABASE.—The Commandant shall maintain a database containing the results of the inventory required under subsection (a) and update the information in the database on no less than a quarterly basis.

(d) AVAILABILITY.—The Commandant may make information regarding the location and capabilities of oil spill response vessels available to a Federal On-Scene Coordinator designated under section 311 of such Act (33 U.S.C. 1321) to assist in the response to an oil spill or other incident in the waters of the United States.

SEC. 727. OFFSHORE SENSING AND MONITORING SYSTEMS.

(a) REQUIREMENT.—Subtitle A of title IV of the Oil Pollution Act of 1990 is amended by adding at the end the following new section:

''SEC. 4119. OFFSHORE SENSING AND MONITORING SYSTEMS.

''(a) IN GENERAL.—The equipment required to be available under section 311(j)(5)(D)(iii) of the Federal Water Pollution Control Act for facilities listed in section 311(j)(5)(C)(iii) of such Act and located in more than 500 feet of water includes sensing and monitoring systems that meet the requirements of this section.

''(b) SYSTEMS REQUIREMENTS.—Sensing and monitoring systems required under subsection (a) shall—

''(1) use an integrated, modular, expandable, multi-sensor, open-architecture design and technology with interoperable capability;

''(2) be capable of—

''(A) operating for at least 25 years;

''(B) real-time physical, biological, geological, and environmental monitoring;

''(C) providing alerts in the event of anomalous circumstances;

''(D) providing docking bases to accommodate spatial sensors for remote inspection and monitoring; and

''(E) collecting chemical boundary condition data for drift and flow modeling; and

''(3) include—

''(A) an uninterruptible power source;

''(B) a spatial sensor;

''(C) secure Internet access to real-time physical, biological, geological, and environmental monitoring data gathered by the system sensors; and

''(D) a process by which such observation data and information will be made available to Federal Regulators and to the system established under section 12304 of Public Law 111–11 (33 U.S.C. 3603).''.

(b) REQUEST FOR INFORMATION.—Within 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a request for information to determine the most capable and efficient domestic systems that meet the requirements under section 4119 of the Oil Pollution Act of 1990, as amended by this section.

(c) IMPLEMENTING REGULATIONS.—Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue regulations to implement section 4119 of the Oil Pollution Act of 1990 as amended by this section.

(d) CLERICAL AMENDMENT.—The table of contents in section 2 of the Oil Pollution Act of 1990 is amended by adding at the end of the items relating to such subtitle the following new item:

''Sec. 4119. Offshore sensing and monitoring systems.''.

SEC. 728. OIL AND GAS EXPLORATION AND PRODUCTION.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (24); and

(2) by redesignating paragraph (25) as paragraph (24).

SEC. 729. LEAVE RETENTION AUTHORITY.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

''§ 426. Emergency leave retention authority

''(a) IN GENERAL.—A duty assignment for an active duty member of the Coast Guard in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or in response to a spill of national significance shall be treated, for the purpose of section 701(f)(2) of title 10, as a duty assignment in support of a contingency operation.

''(b) DEFINITIONS.—In this section:

''(1) SPILL OF NATIONAL SIGNIFICANCE.—The term 'spill of national significance' means a discharge of oil or a hazardous substance that is declared by the Commandant to be a spill of national significance.

''(2) DISCHARGE.—The term 'discharge' has the meaning given that term in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701).''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 425 the following:

''426. Emergency leave retention authority.''.

SEC. 730. AUTHORIZATION OF APPROPRIATIONS.

(a) COAST GUARD.—In addition to amounts made available pursuant to section 1012(a)(5)(A) of the Oil Pollution Act of 1990

(33 U.S.C. 2712(a)(5)(A)), there is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating from the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509) to carry out the purposes of this title and the amendments made by this title the following:

(1) For fiscal year 2011, $30,000,000.

(2) For each of fiscal years 2012 through 2015, $32,000,000.

(b) ENVIRONMENTAL PROTECTION AGENCY.—In addition to amounts made available pursuant to section 1012 of the Oil Pollution Act of 1990 (33 U.S.C. 2712), there is authorized to be appropriated to the Administrator of the Environmental Protection Agency from the Oil Spill Liability Trust Fund to implement this title and the amendments made by this title $10,000,000 for each of fiscal years 2011 through 2015.

(c) DEPARTMENT OF TRANSPORTATION.—In addition to amounts made available pursuant to section 60125 of title 49, United States Code, there is authorized to be appropriated to the Secretary of Transportation from the Oil Spill Liability Trust Fund to carry out the purposes of this title and the amendments made by this title the following:

(1) For each of fiscal years 2011 through 2013, $7,000,000.

(2) For each of fiscal years 2014 and 2015, $6,000,000.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. REPEAL OF CERTAIN TAXPAYER SUBSIDIZED ROYALTY RELIEF FOR THE OIL AND GAS INDUSTRY.

(a) PROVISIONS RELATING TO PLANNING AREAS OFFSHORE ALASKA.—Section 8(a)(3)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(B)) is amended by striking ''and in the Planning Areas offshore Alaska'' after ''West longitude''.

(b) PROVISIONS RELATING TO NAVAL PETROLEUM RESERVE IN ALASKA.—Section 107 of the Naval Petroleum Reserves Production Act of 1976 (as transferred, redesignated, moved, and amended by section 347 of the Energy Policy Act of 2005 (119 Stat. 704)) is amended—

(1) in subsection (i) by striking paragraphs (2) through (6); and

(2) by striking subsection (k).

SEC. 802. CONSERVATION FEE.

(a) ESTABLISHMENT.—The Secretary shall, within 180 days after the date of enactment of this Act, issue regulations to establish an annual conservation fee for all oil and gas leases on Federal onshore and offshore lands.

(b) AMOUNT.—The amount of the fee shall be, for each barrel or barrel equivalent produced from land that is subject to a lease from which oil or natural gas is produced in a calendar year, $2 per barrel of oil and 20 cents per million BTU of natural gas in 2010 dollars.

(c) ASSESSMENT AND COLLECTION.—The Secretary shall assess and collect the fee established under this section.

(d) REGULATIONS.—The Secretary may issue regulations to prevent evasion of the fee under this section.

(e) SUNSET.—This section and the fee established under this section shall expire on December 31, 2021.

SEC. 803. LEASING ON INDIAN LANDS.

Nothing in this Act modifies, amends, or affects leasing on Indian lands as currently carried out by the Bureau of Indian Affairs.

SEC. 804. OUTER CONTINENTAL SHELF STATE BOUNDARIES.

(a) GENERAL.—Not later than 2 years after the date of enactment of this Act, the President, acting through the Secretary of the Interior, shall publish a final determination under section 4(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)) of the boundaries of coastal States projected seaward to the outer margin of the Outer Continental Shelf.

(b) NOTICE AND COMMENT.—In determining the projected boundaries specified in subsection (a), the Secretary shall comply with the notice and comment requirements under chapter 5 of title 5, United States Code.

(c) SAVINGS CLAUSE.—The determination and publication of projected boundaries under subsection (a) shall not be construed to alter, limit, or modify the jurisdiction, control, or any other authority of the United States over the Outer Continental Shelf.

SEC. 805. LIABILITY FOR DAMAGES TO NATIONAL WILDLIFE REFUGES.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following new subsection:

''(p) DESTRUCTION OR LOSS OF, OR INJURY TO, REFUGE RESOURCES.—

''(1) LIABILITY.—

''(A) LIABILITY TO UNITED STATES.—Any person who destroys, causes the loss of, or injures any refuge resource is liable to the United States for an amount equal to the sum of—

''(i) the amount of the response costs and damages resulting from the destruction, loss, or injury; and

''(ii) interest on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705).

''(B) LIABILITY IN REM.—Any instrumentality, including a vessel, vehicle, aircraft, or other equipment, that destroys, causes the loss of, or injures any refuge resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury to the same extent as a person is liable under subparagraph (A).

''(C) DEFENSES.—A person is not liable under this paragraph if that person establishes that—

''(i) the destruction or loss of, or injury to, the refuge resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;

''(ii) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

''(iii) the destruction, loss, or injury was negligible.

''(D) LIMITS TO LIABILITY.—Nothing in sections 30501 to 30512 or section 30706 of title 46, United States Code, shall limit the liability of any person under this section.

''(2) RESPONSE ACTIONS.—The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, refuge resources, or to minimize the imminent risk of such destruction, loss, or injury.

''(3) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.—

''(A) IN GENERAL.—The Attorney General, upon request of the Secretary, may commence a civil action against any person or instrumentality who may be liable under paragraph (1) for response costs and damages. The Secretary, acting as trustee for refuge resources for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

''(B) JURISDICTION AND VENUE.—An action under this subsection may be brought in the United States district court for any district in which—

''(i) the defendant is located, resides, or is doing business, in the case of an action against a person;

''(ii) the instrumentality is located, in the case of an action against an instrumentality; or

''(iii) the destruction of, loss of, or injury to a refuge resource occurred.

''(4) USE OF RECOVERED AMOUNTS.—Response costs and damages recovered by the Secretary under this subsection shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)) and used as follows:

''(A) RESPONSE COSTS.—Amounts recovered by the United States for costs of response actions and damage assessments under this subsection shall be used, as the Secretary considers appropriate—

''(i) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

''(ii) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any refuge resource.

''(B) OTHER AMOUNTS.—All other amounts recovered shall be used, in order of priority—

''(i) to restore, replace, or acquire the equivalent of the refuge resources that were the subject of the action, including the costs of monitoring the refuge resources;

''(ii) to restore degraded refuge resources of the refuge that was the subject of the action, giving priority to refuge resources that are comparable to the refuge resources that were the subject of the action; and

''(iii) to restore degraded refuge resources of other refuges.

''(5) DEFINITIONS.—In this subsection, the term—

''(A) 'damages' includes—

''(i) compensation for—

''(I)(aa) the cost of replacing, restoring, or acquiring the equivalent of a refuge resource; and

''(bb) the value of the lost use of a refuge resource pending its restoration or replacement or the acquisition of an equivalent refuge resource; or

''(II) the value of a refuge resource if the refuge resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;

''(ii) the cost of conducting damage assessments;

''(iii) the reasonable cost of monitoring appropriate to the injured, restored, or replaced refuge resource; and

''(iv) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a refuge resource;

''(B) 'response costs' means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, refuge resources, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure, forfeiture, storage, or disposal arising from liability, or to monitor ongoing effects of incidents causing such destruction, loss, or injury under this subsection; and

''(C) 'refuge resource' means any living or nonliving resource of a refuge that contributes to the conservation, management, and restoration mission of the System, including living or nonliving resources of a marine national monument that may be managed as a unit of the System.''.

SEC. 806. STRENGTHENING COASTAL STATE OIL SPILL PLANNING AND RESPONSE.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended adding at the end the following new section:

''SEC. 320. STRENGTHENING COASTAL STATE OIL SPILL RESPONSE AND PLANNING.

''(a) GRANTS TO STATES.—The Secretary may make grants to eligible coastal states—

''(1) to revise management programs approved under section 306 (16 U.S.C. 1455) to identify and implement new enforceable policies and procedures to ensure sufficient response capabilities at the state level to address the environmental, economic, and social impacts of oil spills or other accidents resulting from Outer Continental Shelf energy activities with the potential to affect any land or water use or natural resource of the coastal zone; and

''(2) to review and revise where necessary applicable enforceable policies within approved state management programs affecting coastal energy activities and energy to ensure that these policies are consistent with—

''(A) other emergency response plans and policies developed under Federal or State law; and

''(B) new policies and procedures developed under paragraph (1); and

''(3) after a State has adopted new or revised enforceable policies and procedures under paragraphs (1) and (2)—

''(A) the State shall submit the policies and procedures to the Secretary; and

''(B) the Secretary shall notify the State whether the Secretary approves or disapproves the incorporation of the policies and procedures into the State's management program pursuant to section 306(e).

''(b) ELEMENTS.—New enforceable policies and procedures developed by coastal states with grants awarded under this section shall consider, but not be limited to—

''(1) other existing emergency response plans, procedures and enforceable policies developed under other Federal or State law that affect the coastal zone;

''(2) identification of critical infrastructure essential to facilitate spill or accident response activities;

''(3) identification of coordination, logistics and communication networks between Federal and State government agencies, and between State agencies and affected local communities, to ensure the efficient and timely dissemination of data and other information;

''(4) inventories of shore locations and infrastructure and equipment necessary to respond to oil spills or other accidents resulting from Outer Continental Shelf energy activities;

''(5) identification and characterization of significant or sensitive marine ecosystems or other areas possessing important conservation, recreational, ecological, historic, or aesthetic values;

''(6) inventories and surveys of shore locations and infrastructure capable of supporting alternative energy development; and

''(7) other information or actions as may be necessary.

''(c) GUIDELINES.—The Secretary shall, within 180 days after the date of enactment of this section and after consultation with the coastal states, publish guidelines for the application for and use of grants under this section.

''(d) PARTICIPATION.—A coastal state shall provide opportunity for public participation in developing new enforceable policies and procedures under this section pursuant to sections 306(d)(1) and 306(e), especially by relevant Federal agencies, other coastal state agencies, local governments, regional organizations, port authorities, and other interested parties and stakeholders, public and private, that are related to, or affected by Outer Continental Shelf energy activities.

''(e) ANNUAL GRANTS.—

''(1) IN GENERAL.—For each of fiscal years 2011 through 2015, the Secretary may make a grant to a coastal state to develop new enforceable polices and procedures as required under this section.

''(2) GRANT AMOUNTS AND LIMIT ON AWARDS.—The amount of any grant to any one coastal State under this section shall not exceed $750,000 for any fiscal year. No coastal state may receive more than two grants under this section.

''(3) NO STATE MATCHING CONTRIBUTION REQUIRED.—As it is in the national interest to be able to respond efficiently and effectively at all levels of government to oil spills and other accidents resulting from Outer Continental Shelf energy activities, a coastal state shall not be required to contribute any portion of the cost of a grant awarded under this section.

''(4) SECRETARIAL REVIEW AND LIMIT ON AWARDS.—After an initial grant is made to a coastal state under this section, no subsequent grant may be made to that coastal state under this section unless the Secretary finds that the coastal state is satisfactorily developing revisions to address offshore energy impacts. No coastal state is eligible to receive grants under this section for more than 2 fiscal years.

''(f) APPLICABILITY.—The requirements of this section shall only apply if appropriations are provided to the Secretary to make grants under this section. This section shall not be construed to convey any new authority to any coastal state, or repeal or supersede any existing authority of any coastal state, to regulate the siting, licensing, leasing, or permitting of energy facilities in areas of the Outer Continental Shelf under the administration of the Federal Government. Nothing in this section repeals or supersedes any existing coastal state authority.

''(g) ASSISTANCE BY THE SECRETARY.—The Secretary as authorized under section 310(a) and to the extent practicable, shall make available to coastal states the resources and capabilities of the National Oceanic and Atmospheric Administration to provide technical assistance to the coastal states to prepare revisions to approved management programs to meet the requirements under this section.''.

SEC. 807. INFORMATION SHARING.

Section 388(b) of the Energy Policy Act of 2005 (43 U.S.C. 1337 note) is amended by adding at the end the following:

''(4) AVAILABILITY OF DATA AND INFORMATION.—All heads of departments and agencies of the Federal Government shall, upon request of the Secretary, provide to the Secretary all data and information that the Secretary deems necessary for the purpose of including such data and information in the mapping initiative, except that no department or agency of the Federal Government shall be required to provide any data or information that is privileged or proprietary.''.

SEC. 808. LIMITATION ON USE OF FUNDS.

None of the funds authorized or made available by this Act may be used to carry out any activity or pay any costs for removal or damages for which a responsible party (as such term is defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) is liable under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) or other law.

SEC. 809. ENVIRONMENTAL REVIEW.

Section 390 of the Energy Policy Act of 2005 (Public Law 109–58; 42 U.S.C. 15942) is repealed.

SEC. 810. FEDERAL RESPONSE TO STATE PROPOSALS TO PROTECT STATE LANDS AND WATERS.

Any State shall be entitled to timely decisions regarding permit applications or other approvals from any Federal official, including the Secretary of the Interior or the Secretary of Commerce, for any State or local government response activity to protect State lands and waters that is directly related to the discharge of oil determined to be a spill of national significance. Within 48 hours of the receipt of the State application or request for approval, the Federal official shall provide a clear determination on the permit application or approval request to the State, or provide a definite date by which the determination shall be made to the State. If the Federal official fails to meet either of these deadlines, the permit application is presumed to be approved or other approval granted.

The CHAIR. No amendment to that amendment in the nature of a substitute is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–582.

Mr. RAHALL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 150, strike lines 15 and 16 (and redesignate the subsequent subparagraphs accordingly).

Page 37, line 7, strike ''public health and''.

Page 37, line 11, strike ''public health and''.

Page 39, line 8, strike ''human health and''.

Page 47, line 15, strike ''public health and''.

Page 66, line 11, strike ''and human health''.

Page 87, line 15, strike ''and human health''.

Page 180, strike lines 17 through 23 and insert the following:

''(V) require the public disclosure of all ingredients, including the chemical and common name of such ingredients, contained in any such dispersant, chemical, or substance; and

Page 181, strike lines 17 through 23 and insert the following:

''(II) require the public disclosure of all ingredients, including the chemical and common name of such ingredients, contained in any such dispersant, chemical, or substance; and

Page 169, line 18, insert ''**PROCEDURES FOR CLAIMS AGAINST FUND;**'' before ''**INFORMATION ON CLAIMS**'' (and conform the table of contents accordingly).

Page 169, after line 18, insert the following:

(a) PROCEDURES FOR CLAIMS AGAINST FUND.—Section 1013(e) of the Oil Pollution Act of 1990 (33 U.S.C. 2713(e)) is amended by adding at the end the following: ''In the event of a spill of national significance, the President may exercise the authorities under this section to ensure that the presentation, filing, processing, settlement, and adjudication of claims occurs within the States and local governments affected by such spill to the greatest extent practicable.''.

Page 169, line 19, strike ''(a) IN GENERAL.—'' and insert ''(b) INFORMATION ON CLAIMS.—''.

Page 170, line 10, strike ''(b)'' and insert ''(c)''.

Page 170, line 14, strike ''(c)'' and insert ''(d)''.

Add at the end of title VII the following:

SEC. 731. CLARIFICATION OF LIABILITY UNDER OIL POLLUTION ACT OF 1990.

The Oil Pollution Act of 1990 is amended—

(1) in section 1013 (33 U.S.C. 2713), by inserting after subsection (d) the following:

''(e) LIMITATION ON RELEASE OF LIABILITY.—No release of liability in connection with compensation received by a claimant under this Act shall apply to liability for any tope of harm unless—

''(1) the claimant presented a claim under subsection (a) with respect to such type of harm; and

''(2) the claimant received compensation for such type of harm, from the responsible party or from guarantor of the source designated under section 1014(a), in connection with such release.''; and

(2) in section 1018 (33 U.S.C. 2718), by—

(A) striking ''or'' at the end of paragraph (1);

(B) striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) inserting after paragraph (2) the following:

''(3) with respect to a claim described in section 1013(e), affect, or be construed or interpreted to affect or modify in any way, the obligations or liabilities of any person under other Federal law.''.

Page 223, after line 13, insert the following (and conform the table of contents of the bill accordingly):

SEC. 732. SALVAGE ACTIVITIES.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)(2)(D) by inserting ''or salvage activities'' after ''removal''; and

(2) in subsection (c)(4)(A) by inserting ''or conducting salvage activities'' after ''advice''.

Page 23, line 4, insert ''safety training firms,'' after ''labor organizations,''.

Page 8, line 7, strike ''Biomass or landfill'' and insert ''Landfill''.

Page 238, after line 19, insert the following:

SEC. 811. GOVERNMENT ACCOUNTABILITY OFFICE EVALUATION.

(a) EVALUATION.—The Comptroller General shall conduct an evaluation of the Department of the Interior to determine—

(1) whether the reforms carried out under this Act and the amendments made by this Act address concerns of the Government Accountability Office and the Inspector General expressed before the date of enactment of this Act;

(2) whether the increased hiring authority given to the Secretary of the Interior under this Act and the amendments made by this Act has resulted in the Department of the Interior being more effective in addressing its oversight missions; and

(3) whether there has been a sufficient reduction in the conflict between mission and interest within the Department of the Interior.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the evaluation conducted under subsection (a).

Page 24, after line 12, insert the following:

(6) ROLE OF OIL OR GAS OPERATORS AND RELATED INDUSTRIES.—The Secretary shall ensure that any cooperative agreement or other collaboration with a representative of an oil or gas operator or related industry in relation to a training program established under paragraph (4) or paragraph (5) is limited to consultation regarding curricula and does not extend to the provision of instructional personnel.

Page 238, after line 19, insert the following new section:

SEC. 812. STUDY ON RELIEF WELLS.

Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Engineering under which the Academy shall, not later than 1 year after such arrangement is entered into, submit to the Secretary and to Congress a report that assesses the economic, safety, and environmental impacts of requiring that 1 or more relief wells be drilled in tandem with the drilling of some or all wells subject to the requirements of this Act and the amendments made by this Act.

Page 223, after line 13, insert the following (and conform the table of contents accordingly):

SEC. 733. REQUIREMENT FOR REDUNDANCY IN RESPONSE PLANS.

(a) REQUIREMENT.—Section 311(j)(5)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1331(j)(5)(D)) is amended by redesignating clauses (v) and (vi) as clauses (vii) and (viii), and by inserting after clause (iv) the following new clauses:

''(v) include redundancies that specify response actions that will be taken if other response actions specified in the plan fail;

''(vi) be vetted by impartial experts;''.

(b) CONDITION OF PERMIT.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following new section:

''SEC. 32. RESPONSE PLAN REQUIRED FOR PERMIT OR LICENSE AUTHORIZING DRILLING FOR OIL AND GAS.

''The Secretary may not issue any license or permit authorizing drilling for oil and gas on the Outer Continental Shelf unless the applicant for the license or permit has a response plan approved under section 311(j)(5)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1331(j)(5)(D)) for the vessel or facility that will be used to conduct such drilling.''.

Add at the end the following new title:

TITLE ____—STUDY OF ACTIONS TO IMPROVE THE ACCURACY OF COLLECTION OF ROYALTIES

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Study of Ways to Improve the Accuracy of the Collection of Federal Oil, Condensate, and Natural Gas Royalties Act of 2010''.

SEC. ___2. STUDY OF ACTIONS TO IMPROVE THE ACCURACY OF COLLECTION OF FEDERAL OIL, CONDENSATE, AND NATURAL GAS ROYALTIES.

The Secretary of the Interior shall seek to enter into an arrangement with the National Academy of Engineering under which the Academy, by not later than six months after the date of the enactment of this Act, shall study and report to the Secretary regarding whether the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of Federal lands (in eluding submerged and deep water lands) and Indian lands would be improved by any of the following:

(1) Requiring the installation of digital meters, calibrated at least monthly to an absolute zero value, for all lands from which natural gas (including condensate) is produced under such leases.

(2) Requiring that—

(A) the size of every orifice plate on each natural gas well operated under such leases be inspected at least quarterly by the Secretary; and

(B) chipped orifice plates and wrong-sized orifice plates be replaced immediately after those inspections and reported to the Secretary for retroactive volume measurement corrections and royalty payments with interest of 8 percent compounded monthly.

(3) Requiring that any plug valves that are in natural gas gathering lines be removed and replaced with ball valves.

(4) Requiring that—

(A) all meter runs should be opened for inspection by the Secretary and the producer at all times; and

(B) any welding or closing of the meter runs leading to the orifice plates should be prohibited unless authorized by the Secretary.

(5) Requiring the installation of straightening vanes approximately 10 feet before natural gas enters each orifice meter, including each master meter and each sales meter.

(6) Requiring that all master meters be inspected and the results of such inspections be made available to the Secretary and the producers immediately.

(7) Requiring that—

(A) all sampling of natural gas for heating content analysis be performed monthly upstream of each natural gas meter, including upstream of each master meter;

(B) records of such sampling and heating content analysis be maintained by the purchaser and made available to the Secretary and to the producer monthly;

(C) probes for such upstream sampling be installed upstream within three feet of each natural gas meter;

(D) any oil and natural gas lease for which heat content analysis is falsified shall be subject to cancellation;

(E) natural gas sampling probes be located—

(i) upstream of the natural gas meter at all times;

(ii) within a few feet of the natural gas meter; and

(iii) after the natural gas goes through a Welker or Y–Z vanishing chamber; and

(F) temperature probes and testing probes be located between the natural gas sampling probe and the orifice of the natural gas meter.

(8) Prohibiting the dilution of natural gas with inert nitrogen or inert carbon dioxide gas for royalty determination, sale, or resale at any point.

(9) Requiring that both the measurement of the volume of natural gas and the heating content analyses be reported only on the basis of 14.73 PSI and 60 degrees Fahrenheit, regardless of the elevation above sea level of such volume measurement and heating content analysis, for both purchases and sales of natural gas.

(10) Prohibiting the construction of bypass pipes that go around the natural gas meter, and imposing criminal penalties for any such construction or subsequent removal including, but not limited to, automatic cancellation of the lease.

(11) Requiring that all natural gas sold to consumers have a minimum BTU content of 960 at an atmospheric pressure of 14.73 PSI and be at a temperature of 60 degrees Fahrenheit, as required by the State of Wyoming Public Utilities Commission.

(12) Requiring that all natural gas sold in the USA will be on a MMBTU basis with the BTU content adjusted for elevation above sea level in higher altitudes. Thus all natural gas meters must correct for BTU content in higher elevations (altitudes).

(13) Issuance by the Secretary of rules for the measurement at the wellhead of the standard volume of natural gas produced, based on independent industry standards such as those suggested by the American Society of Testing Materials (ASTM).

(14) Requiring use of the fundamental orifice meter mass flow equation, as revised in 1990, for calculating the standard volume of natural gas produced.

(15) Requiring the use of Fpv in standard volume measurement computations as described in the 1992 American Gas Association Report No. 8 entitled Compressibility Factor of Natural Gas and Other Related Hydrocarbon Gases.

(16) Requiring that gathering lines must be constructed so as to have as few angles and turns as possible, with a maximum of three angles, before they connect with the natural gas meter.

(17) Requiring that for purposes of reporting the royalty value of natural gas, condensate, oil, and associated natural gases, such royalty value must be based upon the natural gas' condensate's, oil's, and associated natural gases' arm's length, independent market value, as reported in independent, respected market reports such as Platts or Bloombergs, and not based upon industry controlled posted prices, such as Koch's.

(18) Requiring that royalties be paid on all the condensate recovered through purging gathering lines and pipelines with a cone-shaped device to push out condensate (popularly referred to as a pig) and on condensate recovered from separators, dehydrators, and processing plants.

(19) Requiring that all royalty deductions for dehydration, treating, natural gas gathering, compression, transportation, marketing, removal of impurities such as carbon dioxide (CO_2), nitrogen (N_2), hydrogen sulphide (H_2S), mercaptain (HS), helium (He), and other similar charges on natural gas, condensate, and oil produced under such leases that are now in existence be eliminated.

(20) Requiring that at all times—

(A) the quantity, quality, and value obtained for natural gas liquids (condensate) be reported to the Secretary; and

(B) such reported value be based on fair independent arm's length market value.

(21) Issuance by the Secretary of regulations that prohibit venting or flaring (or both) of natural gas in cases for which technology exists to reasonably prevent it, strict enforcement of such prohibitions, and cancellation of leases for violations.

(22) Requiring lessees to pay full royalties on any natural gas that is vented, flared, or otherwise avoidably lost.

(23)(A) Requiring payment of royalties on carbon dioxide at the wellhead used for tertiary oil recovery from depleted oil fields on the basis of 5 percent of the West Texas Intermediate crude oil fair market price to be used for one MCF (1,000 cubic feet) of carbon dioxide gas.

(B) Requiring that—

(i) carbon dioxide used for edible purposes should be subjected to a royalty per thousand cubic feet (MCF) on the basis of the sales price at the downstream delivery point without deducting for removal of impurities, processing, transportation, and marketing costs;

(ii) such price to apply with respect to gaseous forms, liquid forms, and solid (dry ice) forms of carbon dioxide converted to equivalent MCF; and

(iii) such royalty to apply with respect to both a direct producer of carbon dioxide and purchases of carbon dioxide from another person that is either affiliated or not affiliated with the purchaser.

(24) Requiring that—

(A) royalties be paid on the fair market value of nitrogen extracted from such leases that is used industrially for well stimulation, helium recovery, or other uses; and

(B) royalties be paid on the fair market value of ultimately processed helium recovered from such leases.

(25) Allowing only 5 percent of the value of the elemental sulfur recovered during processing of hydrogen sulfide gas from such leases to be deducted for processing costs in determining royalty payments.

(26) Requiring that all heating content analysis of natural gas be conducted to a minimum level of C_{15}.

(27) Eliminating artificial conversion from dry BTU to wet BTU, and requiring that natural gas be analyzed and royalties paid for at all times on the basis of dry BTU only.

(28) Requiring that natural gas sampling be performed at all times with a floating piston cylinder container at the same pressure intake as the pressure of the natural gas gathering line.

(29) Requiring use of natural gas filters with a minimum of 10 microns, and preferably 15 microns, both in the intake to natural gas sampling containers and in the exit from the natural gas sampling containers into the chromatograph.

(30) Mandate the use of a Quad Unit for both portable and stationary chromatographs in order to correct for the presence of nitrogen and oxygen, if any, in certain natural gas streams.

(31) Require the calibration of all chromatograph equipment every three months and the use of only American Gas Association-approved standard comparison containers for such calibration.

(32) Requiring payment of royalties on any such natural gas stored on Federal or Indian lands on the basis of corresponding storage charges for the use of Federal or Indian lands, respectively, for such storage service.

(33) Imposing penalties for the intentional nonpayment of royalties for natural gas liquids recovered—

(A) from purging of natural gas gathering lines and natural gas pipelines; or

(B) from field separators, dehydrators, and processing plants,

including cancellation of oil and natural gas leases and criminal penalties.

(34) Requiring that the separator, dehydrator, and natural gas meter be located within 100 feet of each natural gas wellhead.

(35) Requiring that BTU heating content analysis be performed when the natural gas is at a temperature of 140 to 150 degrees Fahrenheit at all times, as required by the American Gas Association (AGA) regulations.

(36) Requiring that heating content analysis and volume measurements are identical at the sales point to what they are at the purchase point, after allowing for a small volume for leakage in old pipes, but with no allowance for heating content discrepancy.

(37) Verification by the Secretary that the specific gravity of natural gas produced under such leases, as measured at the meter run, corresponds to the heating content analysis data for such natural gas, in accordance with the Natural Gas Processors Association Publication 2145–71(1), entitled ''Physical Constants Of Paraffin Hydrocarbons And Other Components Of Natural Gas'', and reporting of all discrepancies immediately.

(38) Prohibiting all deductions on royalty payments for marketing of natural gas, condensate, and oil by an affiliate or agent.

(39) Requiring that all standards of the American Petroleum Institute, the American Gas Association, the Gas Processors Association, and the American Society of Testing Materials, Minerals Management Service Order No. 5, and all other Minerals Management Service orders be faithfully observed and applied, and willful misconduct of such standards and orders be subject to oil and gas lease cancellation.

SEC. ___3. DEFINITIONS.

In this title:

(1) COVERED LANDS.—The term ''covered lands'' means—

(A) all Federal onshore lands and offshore lands that are under the administrative jurisdiction of the Department of the Interior for purposes of oil and gas leasing; and

(B) Indian onshore lands.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

At the end of subtitle A of title II, add the following new section:

SEC. 224. REPORT ON ENVIRONMENTAL BASELINE STUDIES.

The Secretary of the Interior shall report to Congress within 6 months after the date of enactment of this Act on the costs of baseline environmental studies to gather, analyze, and characterize resource data necessary to implement the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.). The Secretary shall include in the report proposals of fees or other ways to recoup such costs from persons engaging or seeking to engage in activities on the Outer Continental Shelf to which that Act applies.

At the end of title III add the following new section:

SEC. 321. APPLICATION OF ROYALTY TO OIL THAT IS SAVED, REMOVED, SOLD, OR DISCHARGED UNDER OFFSHORE OIL AND GAS LEASES.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)) is further amended by adding at the end the following new paragraph:

''(10)(A) Any royalty under a lease under this section shall apply to all oil that is saved, removed, sold, or discharged, without regard to whether any of the oil is unavoidably lost or used on, or for the benefit of, the lease.

''(B) In this paragraph the term 'discharged' means any emission (other than natural seepage), intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.''.

Page 82, line 24, before ''The Secretary'' insert the following:

(1) IN GENERAL.—

Page 83, line 4, strike ''(1)'' and insert ''(A)''.

Page 83, line 7, strike ''(2)'' and insert ''(B)''.

Page 83, line 11, strike ''(3)'' and insert ''(C)''.

Page 83, line 15, strike ''(4)'' and insert ''(D)''.

Page 83, line 19, strike ''(5)'' and insert ''(E)''.

Page 83, line 20, strike ''(6)'' and insert ''(F)''.

Page 83, after line 22, insert the following:

''(2) CIVIL PENALTY.—Any chief executive officer who makes a false certification under paragraph (1) shall be liable for a civil penalty under section 24.

Page 129, after line 19, insert the following:

(4) CITIZEN ADVISORY COUNCIL.—

(A) IN GENERAL.—The Gulf Coast Restoration Task Force shall create a Citizen Advisory Council made up of individuals who—

(i) are local residents of the Gulf of Mexico region;

(ii) are stakeholders who are not from the oil and gas industry or scientific community;

(iii) include business owners, homeowners, and local decisionmakers; and

(iv) are a balanced representation geographically and in diversity among the interests of its members.

(B) FUNCTION.—The Council shall provide recommendations to the Task Force regarding its work.

At the end of subtitle A of title II add the following new section:

SEC. 225. CUMULATIVE IMPACTS ON MARINE MAMMAL SPECIES AND STOCKS AND SUBSISTENCE USE.

Section 20 of the Outer Continental Shelf Lands Act (43 U.S.C. 1346) is further amended by adding at the end the following:

''(h) CUMULATIVE IMPACTS ON MARINE MAMMAL SPECIES AND STOCKS AND SUBSISTENCE USE.—In determining, pursuant to subparagraphs (A)(i) and (D)(i) of section 101(a)(5) of

the Marine Mammal Protection Act of 1972 (16 U.S.C.1371(a)(5)), whether takings from specified activities administered under this title will have a negligible impact on a marine mammal species or stock, and not have an unmitigable adverse impact on the availability of such species or stock for taking for subsistence uses, the Secretary of Commerce or Interior shall incorporate any takings of such species or stock from any other reasonably foreseeable activities administered under this Act.''.

Page 145, line 3, insert '', except for the assessment for the Great Lakes Coordination Region, for which the Regional Coordination Council for such Coordination Region shall only identify the Great Lakes Coordination Region's renewable energy resources, including current and potential renewable energy resources'' after ''potential energy resources''.

Page 147, line 23, insert '', except for the Strategic Plan for the Great Lakes Coordination Region which shall identify only areas with potential for siting and developing renewable energy resources in the Great Lakes Coordination Region'' after ''Strategic Plan''.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Chairman, the amendment incorporates a number of constructive proposals from my colleagues which I believe significantly improve the CLEAR Act. Some of these proposals affect the provisions of the bill under our Natural Resources Committee's jurisdiction while others address the title of the bill that was added by Chairman OBERSTAR's T&I Committee.

In addition to a number of technical changes, this amendment also contains language that will improve the management of the new training academy for oil and gas inspectors that has been established in this bill. It holds CEOs more accountable for the actions of their companies. It ensures that, even when you spill the public's oil, you still pay the royalties that are due to the American people, and it also leads to a more accurate collection of royalties for natural gas. This amendment also studies the issue of potentially requiring relief wells to be drilled at the same time as the primary well. These are noncontroversial, good government, and good policy provisions. I urge my colleagues to support them.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 10 minutes.

Mr. HASTINGS of Washington. I yield myself 3 minutes.

Mr. Chairman, this amendment consolidates 17 Democrat amendments and one Republican amendment. Inside this lengthy amendment are a number of significant changes to oil and gas policies, royalties, collections, and studies. That might be fine, but I am not aware that any of these provisions have been subject to hearings in our Committee on Natural Resources, and I think that we should certainly have a better understanding of the impacts before we pass this on the House floor.

□ 1450

I want to point out two provisions in this amendment. There is one provision stripping biomass from the regulation from the bureau. Now this, I think, is a fine amendment, but I think it would have been better accomplished if we had simply made in order the Lummis amendment. The gentlelady from Wyoming had an amendment to take out all of the language on onshore activity. That would have been a much, much better way to do it, especially in light of the fact that the administration in this regard says that, and I quote, It would be most effective if this reorganization focused exclusively on the OCS at this time, end quote. But, of course, that wasn't done. So this is, I suppose, a small victory.

The second, however, is a much more insidious amendment that includes a cumulative impact of oil and gas on marine mammals. Now I don't know exactly—and I don't think anybody really knows—how to measure what those impacts are, plus or minus, good or bad. I think it would be good for us, from the standpoint of making policy, to know the full impact of that. And, really, the only way you can know the full impact of that is to have hearings on this subject. To my knowledge, we have not had any hearings on that.

So all in all, I would say, Mr. Chairman, this seems to be a pattern that we see on a regular basis on this floor where there are amendments—we saw this earlier today. We saw a whole bill, for example, brought to the floor today that was introduced literally minutes before it was debated. That is not the way the American people think we ought to do business here. We ought to look at these things in a way that we can make the proper decisions. And these two issues that I highlight in this manager's amendment, in my view, fall within that category. So I am disappointed in the way this is being done, probably more than what is the content of the manager's amendment. Therefore, I am left only to oppose the manager's amendment.

I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentlelady from Wisconsin, Ms. GWEN MOORE, who has been very helpful to us in drafting this bill.

Ms. MOORE of Wisconsin. Mr. Chair, I want to thank Chairman RAHALL for yielding and including in his manager's amendment a provision I authored that would ensure that citizens living in the gulf coast region will be able to have input into the work of the Gulf Coast Restoration Task Force. The Citizens Advisory Board, called for in my amendment, would not be filled with energy industry representatives and scientists but, rather, with individuals, such as the fishermen who have been put out of business, the hotel owner along the beach which now has more tar balls than tourists, and citizens in Alabama, Mississippi, Louisiana, Florida who simply want to have their beaches, wetlands, waters back to support their livelihoods, their health, and their enjoyment.

Restoring the environmental and natural resources in the gulf will be a long and arduous task. My amendment simply makes it clear that the input of those most impacted by this disaster, the residents of the States and the region, should be a priority.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. GRAVES), one of the newer Members of our House and a very valuable member of our Republican Conference.

Mr. GRAVES of Georgia. Mr. Chairman, 46 days ago, I was sworn in right down here before the House, and since that time, constituents have asked, What has been the biggest surprise since your time being sworn in? And I will tell you what it is. I have seen it here today. I have seen it over the past several weeks, and that is the fear and the lack of trust in this leadership to allow their own Members to vote on amendments.

It is clear that there is bipartisan opposition to this measure. In fact, 88 amendments were offered. Only nine were accepted. No Republicans from the gulf coast region had an accepted amendment, and only two Democrats from the region had amendments accepted. Only 14 percent of the Democrat amendments offered were accepted, meaning a large, large portion were not; and only 4 percent of Republican amendments were accepted to even be voted on here today. That means that over 50 million American voices did not get their representation right here today because the amendments of more than 80 Members of Congress were ignored by this Democrat majority. There has got to be a better way, and maybe in about 6 months we will find out.

Mr. RAHALL. Mr. Chairman, I am very happy to yield 2½ minutes at this point to the gentleman from Maryland, Mr. ELIJAH CUMMINGS, the chairman of the Subcommittee on the Coast Guard of our Transportation and Infrastructure Committee, a gentleman who has been so instrumental in helping to bring this legislation to the floor.

Mr. CUMMINGS. Thank you very much.

I rise in strong support of the manager's amendment. I express strong support for the underlying text, including the extensive provisions authored by the Transportation Committee to correct regulatory failures that contributed to the Deepwater Horizon accident and to strengthen the role of the Coast Guard in oil spill response planning and safety management.

The manager's amendment includes a number of provisions that improve the underlying text. For example, it imposes civil penalties on chief executive

officers who certify information that misrepresents a company's ability to respond to or contain an oil spill. BP wrote in its exploration plan for the Mississippi Canyon 252 site that ''in the event of an anticipated blowout resulting in an oil spill, it is unlikely to have an impact based on the industry-wide standards for using proven equipment and technology for such responses, implementation of BP's Regional Oil Spill Response Plan which address available equipment and personnel, techniques for containment and recovery and removal of oil spill.''

Obviously that was a false statement. There were no proven equipment or technologies to respond to the kind of oil spill that occurred in the gulf.

The manager's amendment also requires redundancy in accident and spill response plans, something critically needed, given our current lack of proven response equipment and technologies. Further, the amendment authorizes a study of economic, safety and environmental impacts of requiring a relief well to be drilled in tandem with the drilling of some or all wells.

The manager's amendment clarifies the liability provisions in the Oil Pollution Act to protect claimants from signing broad liability releases. This will help protect the rights of those in the gulf who have been so devastated by the spill. The manager's amendment also includes a provision that I offered that would exempt discharges resulting from salvage activities from liability, consistent with the National Contingency Plan or as directed by the President.

I applaud Chairman RAHALL and I applaud Chairman OBERSTAR for their excellent work on the CLEAR Act, and I urge the adoption of the manager's amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT. Mr. Chair, you know, at a time when 42 cents out of every dollar we are spending, we are allocating here in this body is having to be borrowed and someday paid back by children and the children's children, some of whom may be watching right now, it is absolutely critical we do it right.

Here we have got all of these amendments lumped into one so we can't debate them, and we can't take one thing out. That's not right. And when I heard my friend from West Virginia saying, There they go again, apologizing for BP, I will challenge anybody to find any comment by anybody on this side of the aisle in this debate today who has apologized for, to, or about BP. Some of us think they ought to be strung up when we find out who's most responsible.

So I know my friend from West Virginia would never intentionally misrepresent the facts, but whoever prepared that statement that he read sure did.

Mr. RAHALL. I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

(Mr. BOYD asked and was given permission to revise and extend his remarks.)

Mr. BOYD. I thank Chairman RAHALL for offering this manager's amendment and giving me time to speak.

Mr. Chairman, in this manager's amendment, there's a provision that is very important to the folks in the district I represent in northwest Florida. Ladies and gentlemen, our local economy has been significantly impacted by the BP oil spill. Many of our people are out of work as a result of this man-made disaster that they had no hand in creating. Fortunately, we have been successful in setting up the BP Oil Spill Victims Compensation Fund which will help speed relief to the victims of this tragedy and help respond to one of the gulf coast's greatest needs.

This amendment that is being offered by Chairman RAHALL will ensure that gulf residents will have the right of first refusal for the job opportunities processing the claims filed for the oil spill.

□ 1500

It emphasizes the importance of gulf residents serving their neighbors by processing these claims and ensuring that they receive the consideration for the ramifications of this spill.

I have already spoken with Mr. Ken Feinberg, the administrator of the BP Deepwater Horizon Victims Fund, about employing local residents to process claims, and he agrees with me that there is no one better suited to perform this essential task. In fact, I told him that in north Florida we have a ready and willing workforce ready to go. These workers, who unfortunately are looking for work as a result of their corporations' closing their facility, have the skill and the talent that directly align with the skills needed to process oil spill claims. They should be considered first in line to beef up the newly established claims fund and ensure a high quality response for fellow gulf coast residents.

I recommend a ''yes'' vote on the chairman's manager's amendment.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. RAHALL. I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you, Chairman RAHALL, for yielding.

Mother Earth, wake up. Today's the day that Congress is going to show some leadership. Leadership is about getting results. And last week, the President of the United States enacted, by Executive order, a government oceans plan, a governance plan to look at our oceans in totality. Today, Congress is going to enact the ability to govern the oceans and to think about the totality of how this Earth survives with 73 percent of the Earth being covered by oceans.

Too bad that so many people get up and talk about, in a crisis, oh, if it was just a little bit better we could support half the bill, we could support a little bit of this, something's wrong. That's not leadership. Leadership's about getting results. And the only way you get results today is to vote ''aye.'' It solves a lot of problems. Voting ''no'' solves nothing. Nothing. The planet can't stand nothing.

For too long there has not been leadership. That side is the side that gave us James Watt, ''Drill, baby drill,'' gave us Richard Pombo, chair of the Resources Committee, the Darth Vader of environmental legislation. Nothing ever came out of that committee. And today what do they want? We don't want this bill because it's not perfect.

Ladies and gentlemen, today's the day that we respect Mother Earth and give her a chance to help our dying oceans stop dying. And the only way to do that is to vote ''aye.''

Mr. RAHALL. Madam Chair, I yield the remainder of my time to the gentleman from Massachusetts (Mr. MARKEY), who has been so instrumental in this legislation as well on this issue.

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman from Massachusetts is recognized for 2 minutes.

Mr. MARKEY of Massachusetts. I thank Mr. RAHALL for his great leadership working with Chairman WAXMAN and Chairman STUPAK and I on the Energy and Commerce Committee to include new safety procedures.

This bill takes lessons learned and will turn them into laws. That's what we need to do. Included in this bill is a provision which is going to collect $53 billion from the oil industry, where they are drilling in American waters without paying any royalties to the American people. And in this bill we reclaim those $53 billion from the oil companies, and we will reduce the Federal deficit by $53 billion. That's in this bill. And it is going to be the dues which the oil companies should be paying to the American people for using American waters.

At $80 a barrel, for the American people to be subsidizing Big Oil to drill, it would be like subsidizing a fish to swim or a bird to fly, to subsidize the oil industry to drill for oil at $80 a barrel. You just don't have to do it.

So with this bill we cut the deficit and we stop Big Oil from cutting corners on safety. This is BP's spill, but it is America's ocean. That's what this bill is all about. That's what this vote is on today. Are we going to reclaim the oceans of America so that they are not polluted, so that BP and the oil companies pay the royalties that they owe to our people and not avoid them, that we reduce the Federal deficit and we make sure that we never again see a day where the American people for 100 days have to watch oil flow into our oceans?

Vote ''aye'' on this very important legislation.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Madam Chairman, the last speaker made an interesting point when he was talking about the oceans and how this bill is going to save the oceans. I don't think there is anybody in this body that doesn't want to make sure that our oceans are in a healthy, robust way. But it begs the question why are there restrictions, if this is an oceans bill, and if it's a gulf oil bill, why does this bill deal with onshore oil and gas regulation and restrictions? That question, honestly, has not come up once in the debate even though that reference has been made many times by Members on this side of the aisle.

This amendment, of course, is on the manager's amendment. As I mentioned, it is 17 Democrat amendments and one Republican amendment. There may be some good things involved with this amendment. In fact, there are. But why is there always this tendency to throw so much more into these amendments when many of the subjects that are covered in them have not been fully vetted throughout the committee process? That's the concern. And it's a pattern that we see over and over and over again. And frankly, it's a pattern that I think the American people see and respond to when asked about how they feel this body is in a favorable or unfavorable way. Because this body has very low favorable ratings. I think this is part—not the only thing—but this is certainly part of that.

So I urge my colleagues to vote against the manager's amendment. I am certainly going to ask them to vote against the underlying bill because the underlying bill, while it's purported to be in response to the gulf oil spill, we saw it was expanded just a moment ago, at least in remarks by the gentleman from Massachusetts, to all of the oceans. In fact, the gentleman from California said the same thing come to think of it.

But yet what this bill really is all about, when you look at the substance and how it affects the American people, is another gigantic tax increase, and an addition of mandatory spending on top of the mandatory spending we have within our government right now. We all know, all of us in this body knows that the mandatory spending in this Congress and our Federal Government is unsustainable over time. And yet here we are, albeit on a small level, adding to mandatory spending.

I urge my colleagues to oppose the Rahall amendment and the underlying bill.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in support of the manager's amendment to H.R. 3534, "The Consolidated Land, Energy and Aquatic Resources (CLEAR) Act." The manager's amendment provides a number of provisions that will ensure that there is greater chance of preventing an incident such as the April 30, 2010 Deepwater Horizon explosion and oil spill.

The Manager's amendment includes my amendment which requires redundancy in accident and spill response plans as part of the permitting process under the Outer Continental Shelf Lands Act.

Specifically, my amendment will require that businesses applying for permits to drill and produce crude oil in the Gulf of Mexico submit detailed spill mitigation and recovery plans as part of the permitting process. Not only must they have recovery plans, but they will be required to have backup plans, in case their first response fails. Additionally, those plans must be vetted by impartial experts, rather than rubber-stamped by insufficiently vigilant regulators. With this additional layer of response planning, there is a better chance that we will be better prepared to respond to future incidents like the Gulf oil spill.

The Manager's amendment also includes provisions that do the following:

Clarifies that the Secretary of the Interior may enter into cooperative education and training agreements with safety training firms in establishing the National Oil and Gas Health and Safety Academy.

Clarifies that the Secretary is permitted to consult with industry representatives regarding training program curricula, but is not authorized to utilize industry representatives as instructional personnel for the trainings.

Imposes civil penalties on CEO's who certify to false information about a company's capability to prevent or contain an oil spill.

Establishes a Citizen's Advisory Committee composed of non-energy industry individuals to assist the Gulf Coast Restoration Task Force in its work.

Clarifies that the Regional Assessment and Regional Strategic Plan created by the Great Lakes Regional Coordination Council shall include only renewable and not non-renewable energy resources.

Ensures that Gulf residents would have the right of first refusal for processing the claims filed due to the oil spill.

Replaces the requirement for dispersant manufacturers to disclose their product's chemical formula with a requirement to disclose dispersant products' ingredients.

Provides that discharges resulting from salvage activities consistent with the National Contingency Plan or as directed by the President are exempt from liability under the Federal Water Pollution Control Act.

Authorizes a study of the economic, safety, and environmental impacts of requiring a relief well be drilled in tandem with the drilling of some or all wells.

Requires the GAO to complete a study to determine whether the reforms to the Department of the Interior mandated in this legislation have increased oversight and decreased conflicts of interest within the department.

Includes in the Environmental Study an analysis of the cumulative impact of drilling on the Outer Continental Shelf.

Requires oil and gas companies to pay royalties on all oil that is discharged from a well, including spilled oil.

Directs GAO to study the impact of assessing a fee on the processing of oil and gas leases and using the proceeds to fund the gathering of baseline environmental data necessary for the permitting process.

Directs the Secretary of the Interior to arrange with the National Academy of Engineering to study and report to the Secretary regarding whether the accuracy of collection of royalties on production of oil, condensate, and natural gas under leases of federal lands would be improved by implementing certain prescribed measures; and

Amends the liability provisions in the Oil Pollution Act to protect claimants from signing broad liability releases, and to clarify that the new cause of action under OPA for damages to human health does not supersede remedies under other federal law.

Mr. Chair, I support this manager's amendment which includes my amendment that will require redundancy in accident and spill response plans as part of the permitting process under the Outer Continental Shelf Lands Act. I urge my colleagues to support this amendment.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–582.

Mr. CASTLE. Mr. Chairman, I seek recognition to present amendment No. 2.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title I add the following new section:

SEC. ____. LIMITATION ON EFFECT ON DEVELOPMENT OF OCEAN RENEWABLE ENERGY RESOURCE FACILITIES.

Nothing in this title shall delay development of ocean renewable energy resource facilities including—

(1) promotion of offshore wind development;

(2) planning, leasing, licensing, and fee and royalty collection for such development of ocean renewable energy resource facilities; and

(3) developing and administering an efficient leasing and licensing process for ocean renewable energy resource facilities.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. I yield myself such time as I may consume.

I rise today to urge support for amendment No. 2 to the CLEAR Act, which will help ensure that there is no delay in the development of ocean renewable energy resources, including offshore wind, under the MMS reorganization called for under title I.

The actions to reform MMS following the devastating oil spill are necessary and commendable.

□ 1510

While the new bureaus and office are focused on the critical task of transforming the agency into a more effective, transparent agency, this will require significant organizational and cultural alterations. Under this restructuring, it would be a great disappointment to lose ground in our efforts to prepare a workable comprehensive offshore energy plan for our Nation.

If we are serious about advancing new clean sources of power, which I sincerely hope we are, an important goal of the MMS reorganization must continue to facilitate, not hinder, the development of offshore renewable energy development in the waters of the United States.

For offshore renewable energy projects already underway, like the wind project off the coast of Delaware, progress must continue. While I continue to believe there is value in establishing a separate office for ocean renewable energy development, which we can perhaps continue to work on in our discussions with the Senate, this amendment would, at a minimum, ensure appropriate attention is paid to advancing ocean renewable energy development and protecting against bottlenecks that could result in unnecessary delays.

Offshore wind farms alone present a significant and rapidly growing source of emissions-free electrical power for our constituents. And recent Department of the Interior-U.S. Department of Energy reports confirm that winds off the coast of the United States are a promising source of clean, renewable electrical power.

My amendment is simple and calls attention to the need to ensure that targeted efforts to support offshore wind and renewable energy development continue without delay. I hope my colleagues on both sides of the aisle will support its adoption.

Mr. RAHALL. Will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from West Virginia.

Mr. RAHALL. We are prepared to accept the gentleman from Delaware's amendment on this act and commend him for bringing it to us.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. We are more than happy to accept it on our side.

Mr. CASTLE. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KIND

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–582.

Mr. KIND. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 127, line 6, strike the closing quotation marks and the final period.

Page 127, after line 6, insert the following:

''(c) RECREATIONAL ACCESS FUNDING.—Notwithstanding subsection (b), not less than 1.5 percent of the amounts made available under subsection (a) for each fiscal year shall be made available for projects that secure recreational public access to Federal land under the jurisdiction of the Secretary of the Interior for hunting, fishing, and other recreational purposes through easements, rights-of-way, or fee title acquisitions, from willing sellers.''.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself 1 minute.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. This is a very simple amendment. One of the strengths of the CLEAR Act is that it asks public companies that are extracting resources from our public lands to contribute to a fund, a fund called the Land and Water Conservation Fund that was established in the mid-1960s to help preserve and conserve the vital natural resources that we have throughout the United States. But the problem is that so much of the public lands that are available are inaccessible. They're not accessible for the hunters, the fisherman, the outdoor recreationists, those who enjoy shooting sports to gain access to the lands.

In fact, a recent study showed that close to 35 million acres that currently exist in public lands are inaccessible to hunters and fishermen throughout the country. This amendment would direct just 1½ percent out of the Land and Water Conservation Fund that would be used in order to purchase easements or right-of-ways from willing, voluntary sellers so that the hunters and fishermen have access to these public lands.

The inaccessibility is one of the contributing causes of why so many people are not hunting or not involved in shooting sports. This amendment would go a long way to addressing that, and it's consistent with the underlying philosophy of the Land and Water Conservation Fund. I'd ask my colleagues to support it.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I'm not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, our main purpose here today is supposed to be, as I've said several times, to be addressing the gulf oil spill and ensuring that offshore drilling is the safest in the world. Unfortunately, as I have mentioned again many times, the Democrats have used this vehicle to put extraneous material on this particular bill.

One of the most glaring unrelated items that I had mentioned several times, also, is the $30 billion in new mandatory spending. An oil spill is not an excuse to spend more money, especially when the money is going towards provisions that are completely unrelated to the gulf oil spill. Regardless of your views of the Land and Water Conservation Fund and the Historic Preservation Fund—and I know I would probably disagree if it were my friend from Wisconsin on that—everyone should agree that that bill has no business being here in this particular bill.

However, I fully support our Nation's sportsmen and would like to see more of our public land open for a variety of purposes such as hunting, fishing, recreation, and economic development. Given that the Democrat majority and the Obama administration continually are looking for ways to lock up our land and block public access, it's encouraging to me to see some of my colleagues across the aisle supporting increased access, and I thank the gentleman for that. I hope that we will work with this in the future to ensure that all Americans, including sportsmen, have greater access to public lands.

However, as I had mentioned, this bill is not the appropriate vehicle to address this issue. I think we can do it in a much more ordered way if we take this up on its own, because there is some merit to the gentleman's proposal. But I will not stand in the way of this amendment.

I yield back the balance of my time.

Mr. KIND. Mr. Chairman, at this time, I would like to yield 1 minute to a very strong supporter of the hunting and fishing community, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Thank you, Mr. KIND, for your leadership on this amendment.

I rise in strong support of the amendment so that we can increase, as was said, access to federally protected lands for hunters and anglers through the Land and Water Conservation Fund. Our amendment will simply refocus a very small portion of the Land and Water Conservation Fund to enhance access to existing public lands, specifically for easements or right-of-ways that open access to Federal land which is currently inaccessible or significantly restricted.

Specifically, the amendment directs the Secretary to dedicate no less than 1.5 percent of the funds to increase recreational public access to existing lands for hunting, fishing, or other recreational purposes. Our amendment stays very true to the very intent of the fund, which is stated in the statute, to assist in preserving, developing, and

assuring accessibility to outdoor recreation resources.

I urge my colleagues to support the amendment on behalf of the sportsmen and -women throughout the country and communities that rely on these activities to generate and create jobs.

Mr. KIND. Mr. Chairman, at this time I would like to yield 1 minute to a real champion of recreational sportsmen and -women throughout the country, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Chairman, as an avid hunter and sportsman, I am very proud to cosponsor this recreational access funding amendment. Too many families, sportsmen, outdoor enthusiasts across our Nation continue to be locked out of public lands because of lack of legal access. New Mexico's Sabinoso Wilderness is an example. I've personally spent hours on horseback riding through Sabinoso's high mesas and deep canyons.

But without permission from adjacent private landowners, which usually requires an escort from the Bureau of Land Management, legal access to the Sabinoso is not available.

This amendment would dedicate a small percentage of the Land and Water Conservation Fund to acquire those rights-of-way for the public from willing sellers. Public lands like the Sabinoso belong to every American, and this amendment will help ensure that future generations of Americans can hunt and fish, hike and camp on these lands.

I urge my colleagues to support this amendment and to support the underlying legislation.

Mr. KIND. Mr. Chairman, I yield 1 minute to a champion of outdoor recreationists throughout the country and in the State of Nevada, the gentlelady from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Chairman, I rise in strong support of this amendment to enhance access to public lands by acquiring right-of-ways from willing sellers.

The Federal Government owns more than 85 percent of the land in my State of Nevada, which includes some of the most spectacular landscapes in the Nation. Outdoor recreation supports nearly 20,000 jobs in Nevada, and it generates $116 million in annual State taxes. By increasing public access to these Federal lands for hunting, fishing, camping, hiking, and other recreational purposes, we would be doing something that would not only help our economy but would be welcomed by enthusiasts throughout the State.

Mr. KIND. At this time, I would like to yield 1 minute to the gentleman from Virginia, a champion for hunting and fishermen in Virginia and throughout the country, Mr. PERRIELLO.

□ 1520

Mr. PERRIELLO. I rise in strong support of this amendment to give 1.5 percent in the Land and Water Conservation Fund for recreational public access, including hunting and fishing. Thirteen million hunters in the United States generate $67 billion in economic activity every year and account for 1 million jobs. But beyond the dollars and cents, this is about a way of life, about heritage, and about time with families spent together.

So for our sportsmen, it's not enough just to ensure their rights, but to ensure there's a place to exercise those rights; and this is a huge step forward to make sure that those recreational activities have a place for us across the United States.

Mr. KIND. Mr. Chairman, I yield 15 seconds to the chairman of the Natural Resources Committee, Mr. RAHALL.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Wisconsin for yielding and certainly support his amendment. I commend him for his leadership and for his efforts and discussions that have been held long and on many occasions in regard to his amendment and support his bill.

Mr. KIND. I yield myself the remainder of the time.

Mr. Chairman, I also want to thank, who wrote a letter in support of this amendment, the American Wildlife Conservation Partners. It's a group of 45 outdoor recreational organizations from hunting to fishing to shooting sports to conservation groups throughout the country. They see the value of increased access to our public lands.

But, Mr. Chairman, this is also an amendment about jobs because outdoor recreation, hunting, fishing, shooting sports, they contribute over $730 billion to the national economy every year. They support 6.5 million jobs. Almost one of every 20 jobs is associated with some outdoor recreational activity. And they stimulate close to 8 to 9 percent of all consumer spending in this country. So increasing access so more people have the opportunity to get to the public lands to do this is going to create jobs and strengthen our economy.

I encourage my colleagues to support the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KIND. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. SHEA-PORTER

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–582.

Ms. SHEA-PORTER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, line 16, insert at the end the following new sentence: ''The Secretary shall update the supplementary ethics guidance not less than once every three years thereafter.''.

Page 78, strike line 16, and insert the following:

''(D) oil spill response and mitigation, including reviews of the best available technology for oil spill response and mitigation and the availability and accessibility of such technology in each region where leasing is taking place;' ''.

Page 82, line 18, strike ''and''.

Page 82, line 23, strike the period and insert ''; and''.

Page 82, after line 23, add the following:

''(F) updated the operator's response plan required under section 25(c)(7) and exploration plans required under section 11(c)(3) to reflect the best available technology, including the availability of such technology.

The CHAIR. Pursuant to House Resolution 1574, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

Ms. SHEA-PORTER. First, I would like to thank Chairman RAHALL and his staff for this very good piece of legislation before us today. It is a product of months of hard work. I believe it is a transformative bill that will go a long way to ensuring responsible energy development and better environmental protection.

The tragedy in the Gulf of Mexico has reminded us of what can happen if we are not vigilant and constantly improving our safety and environmental protection. It has also reminded us that when we put our lands and oceans at risk for energy development in one area, we should be putting land aside and protecting it in another area.

The underlying bill makes good on a promise to fully fund the Land and Water Conservation Fund. That program has protected more than 5 million acres of land across this country. Fully funding LWCF is long overdue, and I thank the chairman for his leadership on this issue.

Mr. Chair, among other things, the bill before us makes needed improvements to the way that our offshore energy leasing is carried out. During my time on the Natural Resources Committee, I have been particularly troubled by the reports of unethical behavior at the government agency that was previously overseeing energy leasing. That outrageous conduct must never be allowed to happen again in any agency. This bill puts in place strong ethics requirements and training. My amendment take this a step further by requiring that the ethics guidelines developed by the Interior Secretary be updated every 3 years.

Mr. Chair, another lesson we've learned over the past 3 years is that oil companies do not necessarily use the best available technology and that they are not fully prepared for a spill. Immediately after the spill, BP turned to solutions that had been around for 20 years, solutions from the Exxon Valdez disaster. It was painfully clear that they had not spent time or money

to develop new technologies to clean up a spill. The bill before us creates an offshore technology research and risk assessment program to conduct research and development of new drilling and spill response technologies. My amendment adds language to ensure that we study the best available spill response technology and its availability in regions where drilling is taking place. This is to make certain that we have in place the best technology and equipment needed to respond when there is an accident.

Finally, Mr. Chair, it's also critical that this new technology we're developing be integrated into exploration and response plans. My amendment requires companies to certify as part of their annual certification for offshore drilling that those plans include the best available technology. When the BP executives testified before the Natural Resources Committee, it was clear to me they were more concerned with cutting corners and shaving costs than making sure they had the safest operation with the best technology. Requiring these companies to take into account the best available technology and its availability just makes sense.

Again, Mr. Chair, this is a very strong bill we are considering today, and I thank Chairman RAHALL for all his hard work. I urge my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I ask unanimous consent to claim time in opposition to the amendment, although I do not intend to oppose it.

The Acting CHAIR (Mr. OBEY). Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Chairman, updating the supplemental guidelines on ethics every 3 years will help the Department of the Interior keep current with new issues as they arise and will focus the government employees' attention on appropriate ethical behavior as they deal with the private sector.

The Horizon disaster has focused everyone's attention on the lack of any contingency plan that could be implemented expeditiously to address a blowout in deepwater conditions. We basically watched a 3-month ongoing experiment with various devices being fabricated to cap the well or capture the oil as it's spewing out. We also found out that we didn't have enough boom in place to protect the shoreline and that new boom had to be manufactured to meet the requirements in the State oil spill response plans. And we discovered that some of the plans underestimated how much boom might be required to protect the shoreline from a major spill.

Using the best available technology is crucial in keeping the public's trust going forward with offshore oil and gas development. Both Republicans and Democrats have broad agreement on the need to protect and improve offshore production safety and environmental protection. This amendment is an example of our agreement, and I urge my colleagues to support it.

What I don't agree with is going beyond the gulf to encompass all energy production in the entire United States in order to raise energy taxes by $22 billion. Raising energy taxes in a recession will kill jobs.

Mr. Chairman, I reserve the balance of my time.

Ms. SHEA-PORTER. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HALL), a leading environmentalist.

Mr. HALL of New York. Mr. Chairman, I thank the gentlelady and the chairman.

I rise today in support of this amendment, as well as the underlying bill.

The Deepwater Horizon explosion on April 20 cost our Nation tens of billions of dollars in economic damages and caused widespread devastation of our natural resources. It did not have to happen. This was a disaster that was preventable.

Over the last few months, we have learned that BP consistently made choices to sacrifice safety for profit. They testified that they did not use vital safety technology like acoustic sensing devices because U.S. law did not require it. It is time for us to change that.

I recently introduced legislation to require oil companies to use the best available technology, and I'm proud to support this amendment which also requires oil companies to include the best available technology in their exploration and spill response plans.

Mr. Chairman, the cost of using state-of-the-art technology is much less than the cost of cleanup and the tragic loss of life.

I urge my colleagues to support this amendment and the underlying bill.

Mr. LAMBORN. I continue to reserve the balance of my time.

Ms. SHEA-PORTER. I yield 1 minute to the chairman, Mr. RAHALL.

□ 1530

Mr. RAHALL. I thank the gentlelady for yielding, and I certainly do support her amendment. I commend her for her leadership on our Committee on Natural Resources in helping to develop this legislation. It is a commonsense amendment that deserves the support of every Member of this body, and it certainly makes the bill better. I appreciate her effort.

Mr. LAMBORN. Mr. Chairman, I yield back the balance of my time.

Ms. SHEA-PORTER. Mr. Chair, again I urge my colleagues to support this amendment and the bill, and I yield back the balance of my time.

The Acting CHAIR (Mr. OBEY). The question is on the amendment offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–582.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 167, line 2, strike ''and''.

Page 167, after line 2, insert the following:

(2) in subsection (e) by striking ''self-insurer,'' and inserting ''self-insurer, participation in cooperative arrangements such as pooling or joint insurance,''; and

Page 167, line 3, strike ''(2)'' and insert ''(3)''.

The Acting CHAIR. Pursuant to House Resolution 1574, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, I rise today to offer a simple but important amendment.

My amendment would add another means by which facilities may demonstrate compliance with the financial responsibility provisions of the Oil Pollution Act of 1990.

The amendment enables two or more companies to meet individual financial responsibility requirements by pooling resources or obtaining joint insurance coverage. Such arrangements would avoid redundant coverage, reduce insurance costs, and enhance access to insurance.

In the event of a liability incident, any party to such an arrangement would have access to the full coverage amount. Provisions would be made in a joint insurance plan for automatic reinstatement, by the parties, of the original coverage amount.

This amendment does not substitute or change current provisions for meeting financial responsibility. Rather, it simply adds another method for meeting financial responsibility requirements. There is no reduction in protection of the public interest, and no reduction in protection for the environment.

Mr. Chairman, ever since I arrived in Congress, I made it my mission to fight for the little guys—the companies whose names you don't see in television commercials, but that provide jobs for millions of Americans and produce so much of our Nation's domestic energy. You find a lot of those companies around my hometown of Hobbs, New Mexico, and you find a lot of those hardworking companies operating in the Gulf of Mexico.

Having independent oil and gas producers providing American energy in the Gulf of Mexico is critical to moving away from foreign oil. The big oil companies are generally interested in producing only the biggest plays with the biggest potential payoffs. It's the independent companies that are going in and producing American energy that would not get produced otherwise.

According to a recent report, independent oil and natural gas companies currently account for about half of the nearly 400,000 jobs and $20 billion in Federal, State and local revenues generated by the industry in 2009.

This amendment simply allows smaller independent companies the flexibility they need to meet financial responsibility requirements. I ask for broad, bipartisan support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LAMBORN. Mr. Chairman, I ask unanimous consent to claim time in opposition to this amendment, although I don't intend to oppose it.

The CHAIR. Without objection, the gentleman from Colorado is recognized for 5 minutes.

There was no objection.

Mr. LAMBORN. I yield myself such time as I may consume.

Mr. Chairman, Republicans have no problem with this amendment. The fact that the bill will force small companies to now band together simply to meet threshold requirement activities in the offshore is a sad statement on the rest of the bill.

Although this provision may help small companies meet their certificate of financial responsibility requirements, nothing in this amendment solves the liability problem and nothing in this amendment solves the $22 billion tax increase in this bill. Unlimited liability will cripple domestic production by removing all but the largest companies from offshore drilling. There should be reasonable liability, but unlimited or infinite liability goes too far. It will kill jobs. Republicans support this amendment, but it's simply like putting a Band-Aid on a broken leg. I suppose it doesn't hurt anything, but it doesn't cure the underlying problem; and it might even lull someone into thinking we're doing something.

Anyone who votes for the Teague amendment and the underlying bill together is putting the people they are purporting to help out of business. The Teague amendment does absolutely nothing to cure unlimited liability.

Mr. Chairman, I would now like to yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

I rise in support of the amendment. The underlying amendment in the nature of a substitute would raise from the current $150 million to $300 million the amount of financial responsibility that offshore facilities must demonstrate. This is a significant increase.

I strongly believe that this increased level of financial responsibility is appropriate, given the risks associated with offshore energy production—risks that the Deepwater Horizon spill have made so clear.

Importantly, however, the President can lower the amount of financial responsibility offshore facilities must demonstrate if certain criteria are met, albeit the level for offshore facilities seaward of a State boundary cannot be below $105 million.

I strongly support the amendment.

Mr. TEAGUE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman from New Mexico and I thank him for working together with me on this amendment and for his leadership. I offered a similar amendment and was very pleased to join this amendment as the Teague-Jackson Lee amendment. It is important to note that this is a fair amendment that does something. It really does do something for the small, independent companies. This amendment would allow the financial responsibility required to operate in the gulf to be pooled among companies working together. It means that we give them the opportunity because of the $300 million necessary COFR to be able to do business in the gulf and not go out of business. What it really means is preserving thousands of jobs.

First of all, the U.S. independent operators in the gulf because of their operations, they have a major contribution to energy security and energy supply providing reasonably priced fuels for our families and economy. Eighty-one percent of oil producing in the gulf is in the independent leases and 46 percent of the gulf's producing deepwater leases as well. Independents have drilled 1,298 wells in the deepwater and safely. Independents operate an average of 70 percent of the farmed-out acreage that originally were in the hands of the majors over the past 10 years. Almost 3 billion barrels of oil equivalent in reserves that were originally found by the majors are now operated by independents; small companies that create a lot of jobs. This is an amendment that will allow them to work together, pool their resources, and do the right thing, not put the burden on the taxpayers.

Let me also acknowledge that I am glad my requirement to have redundancies in actions and fuel resources plans was also included in the manager's amendment.

I thank the gentleman from New Mexico for his leadership. It's my pleasure to be able to work with you for an amendment that is doing something, is helping the independents stay in business and create jobs, and it is helping them do the work that will allow for the American people to have quality oil for cheap prices.

I rise to speak in support of the Teague/Jackson Lee Amendment to H.R. 3534, The Consolidated Land, Energy and Aquatic Resources (CLEAR Act). The Jackson Lee Amendment would allow the financial responsibility required to operate in the Gulf of Mexico to be pooled among the companies working together.

With the potential of unlimited liability looming large over the smaller independent companies, this amendment will prevent small, independent oil companies from being driven out of business and out of the Gulf of Mexico. The problem with the current requirements for the Certificate of Oil Field Responsibility (COFR) is that smaller operators will be unable to establish the $300 million necessary COFR to even begin exploration and development. By allowing smaller companies—who frequently work together in joint ventures—to pool their resources for COFR purposes, we will prevent the Gulf from becoming the exclusive province of companies big enough to self-insure, and allow the small businesses of the Gulf Coast Community to continue to provide jobs and drive our economy.

I urge my colleagues to vote for this amendment and vote for small businesses, saving jobs, and the American people.

The CHAIR. The gentleman from New Mexico has 30 seconds remaining. The gentleman from Colorado has 2½ minutes remaining and has the right to close.

Mr. TEAGUE. I have no further requests for time, and I yield back the balance of my time.

Mr. LAMBORN. Mr. Chairman, I would just reiterate that we have no objection to this amendment. I wish it really accomplished something, because the deeper things that are problems in this bill are going to kill offshore production in large part; and we don't need to be killing jobs and raising taxes in the time of a recession.

We have no objection to the amendment because it doesn't do any harm.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

□ 1540

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111–582.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Connecticut (Mr. HIMES), I offer amendment No. 6.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 172, after line 8, insert the following:

(e) CONSIDERATIONS OF TRUSTEES.—Section 1006(d) of such Act (33 U.S.C. 2706(d)) is amended by adding at the end the following:

''(4) CONSIDERATIONS OF TRUSTEES.—

''(A) EQUAL AND FULL CONSIDERATION.—Trustees shall—

''(i) give equal and full consideration to restoration, rehabilitation, replacement, and the acquisition of the equivalent of the natural resources under their trusteeship; and

''(ii) consider restoration, rehabilitation, replacement, and the acquisition of the equivalent of the natural resources under their trusteeship in a holistic ecosystem context and using, where available, eco-regional or natural resource plans.

''(B) SPECIAL RULE ON ACQUISITION.—Acquisition shall only be given full and equal consideration under subparagraph (A) if it provides a substantially greater likelihood of improving the resilience of the lost or damaged resource and supports local ecological processes.''.

Page 172, line 9, strike ''(e)'' and insert ''(f)''.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

The amendment addresses two important issues on restoration of natural resources damaged as a result of release or threatened release of oil under OPA, the Oil Pollution Act.

The first issue is acquisition of additional natural resources as part of a potential remedy for damages in instances where the existing resource cannot be or is unlikely to be successfully restored. In OPA, section 1006, provides that damages to natural resources can be addressed either through restoration, rehabilitation, replacement or acquisition of equivalent resources, where other measures are unlikely or impossible to be implemented.

The Himes amendment, which I offer on his behalf, emphasizes that acquisition of a natural equivalent resource can be an acceptable alternative to restoration or rehabilitation. Consistent with current law, the acquisition of an equivalent natural resource should be used only when restoration is likely to be unsuccessful or the acquisition provides a substantially greater likelihood of improving resilience of the lost or damaged resource and supports local ecological processes.

The second part of the amendment will ensure that natural resource damage assessments and implementation emphasize restoring the entire damaged ecosystem rather than dealing simply with specific, discrete segments thereof. The gulf coast is such a unique resource with countless species of fish, shellfish, marine life, wildlife, all integrated, and it really needs to be treated as an overall cohesive ecosystem.

This amendment addresses two important issues related to the restoration of any natural resources damaged as a result of the release or threatened of oil under the Oil Pollution Act, OPA.

The first issue deals with the acquisition of additional natural resources as part of a potential remedy for damages, in those instances where the existing resource cannot, or is unlikely to be, successfully restored. Section 1006 of OPA provides that damages to natural resources can be addressed either through restoration, rehabilitation, replacement, or the acquisition of the equivalent resources where other measures are unlikely or impossible to be successfully implemented.

The Himes amendment emphasizes that acquisition of an equivalent natural resource can be an acceptable alternative to restoration or rehabilitation; however, consistent with current law, the acquisition of an equivalent natural resource should be utilized only when restoration or rehabilitation of the existing, damaged resource is likely to be unsuccessful, and the acquisition provides a ''substantially greater likelihood of improving the resilience of the lost or damaged resource and supports local ecological processes.''

The second portion of the Himes amendment will ensure that natural resource damage assessments and implementation emphasize restoring the entire damage ecosystem, rather than dealing with individual, specific locations. The Gulf of Mexico is unique in that it serves as a focal point for countless species of fish, shellfish, marine life, and wildlife.

The Gulf of Mexico coastal area contains more than half of the coastal wetlands within the lower 48 states, as well as numerous recreational opportunities in the States of Texas, Louisiana, Mississippi, Alabama, and Florida. According to the National Oceanic and Atmospheric Administration, NOAA, 97 percent of the commercial fish and shellfish landings come from the Gulf, and depend on the estuaries and their wetlands at some point in their life cycle. The Gulf also serves as vital habitat to many species of breeding, wintering, and migrating waterfowl, songbirds, and other marine mammals and reptiles. According to the U.S. Fish and Wildlife Service, the Gulf supports a ''disproportionately high number of beach-nesting bird species'' that relay on the beaches, barrier islands, and similar habitats as part of their annual breeding cycle.

I applaud the gentleman's amendment because it stresses the importance of addressing damaged natural resources in a holistic ecosystem approach. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let's be pretty specific on what this particular fund is all about, and I will explain why I think it is a very, very bad idea.

The fundamental goal of the Natural Resources Damages Act, that's the fund we are talking about, is to ensure the protection and restoration of all resources on Federal lands, water and land. This includes restoration of damages caused by fires, invasive species, oil spills, ship groundings and vandalism.

What this amendment attempts to do is to shift funds from the restoration of our national parks and national wildlife refuges to the purchase of non-impacted land.

Now, Mr. Chairman, I just find this amendment ironic. Since the legislation, the underlying legislation that we are debating, already mandates—let me emphasize that, Mr. Chairman, mandates—up to $30 billion, with a ''B,'' dollars to spend on land acquisition for the next 30 years, why do we need this amendment?

Why, for goodness sakes, will we take a fund, the Natural Resources Damages Fund, if you will, and say, okay, now you can use that for land acquisition.

Is $30 billion not enough? Is $30 billion not enough?

Let me put it in a different way, Mr. Chairman. One of the issues that we have in our country with public lands is a maintenance backlog. This is analogous to maintenance backlog.

We talk about we haven't got enough money to maintain our natural resources. In fact, that figure, last I heard it, was $9 billion. Here is a fund that is, in part, part of the restoration and one could say maintenance of our Federal lands, and we want to take money away from that and acquire more land.

What is the goal here? Is the goal here to increase the $9 billion to 10, 11? Who knows how high we can't maintain.

Is there not enough? This amendment, in my view, ought to be defeated. It's not well intentioned at all. It has taken another tragedy, using the tragedy of the Gulf of Mexico and simply saying, aha, another opportunity to take a fund and buy more Federal land.

This doesn't make any sense at all to me, Mr. Chairman. I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. OBERSTAR. I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, I rise today in support of the Himes amendment and on behalf of its sponsor, as he has been called away for a short time to attend the funeral of a fallen firefighter. Our hearts are with those who are grieving today with my colleague, Mr. HIMES.

Mr. HIMES' amendment builds upon other lessons learned from the Exxon Valdez spill. The Himes amendment improves an existing environmental restoration provision that authorizes a program to protect wildlife habitats similar to those ruined by a spill and have the responsible party cover the cost of purchasing or preserving such areas.

I would also like to thank the Natural Resources Committee and Transportation Committee for working with me and incorporating provisions that address a number of my priorities in the manager's amendment; namely, including language that will better ensure that the Department of the Interior follows the law as it is supposed to.

Mr. Chairman, I rise in strong support of the Himes amendment and the underlying bill. The CLEAR Act is good and desperately needed policy to help prevent taxpayer bailouts for Big Oil's failures.

The CLEAR Act is a model of transparency, fiscal responsibility and good stewardship. I call upon my colleagues to join me in supporting the Himes amendment and the underlying bill.

Mr. HASTINGS of Washington. I understand I have the right to close, Mr. Chairman?

The CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. OBERSTAR. I yield myself the balance of my time.

The CHAIR. The gentleman from Minnesota is recognized for 2 minutes.

Mr. OBERSTAR. The gentleman from Washington is mistaken in his understanding or his reading of the amendment that I offer.

It's an amendment to OPA. It is not an amendment to the dollar amounts and does not reference dollar amounts. Under OPA, of which I was a coauthor in 1990, quote, the State and local officials designated under this subsection shall develop and implement a plan for the restoration, rehabilitation, replacement or acquisition of the equivalent of the natural resources under their trusteeship.

The language of OPA does not clearly enough refer to the level of replacement resources that may be damaged. What we do with this language is clarify the ability to restore those resources that have been damaged with an equivalent resource. That's all it does. It does not have a dollar amount in it.

I yield to the gentleman if he has a question.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

In due respect, you acknowledged that this could be used to buy additional land with a damage fund, is that correct?

Mr. OBERSTAR. Well, it is to replace what has been destroyed. It's really just clarifying what is already available under OPA, but making it clear that the funds can be used for those resources that have been damaged so badly they can't be restored.

Mr. HASTINGS of Washington. Yes, it clarifies, but it adds a very important part. It allows land acquisition.

□ 1550

Mr. OBERSTAR. Reclaiming my time, it does not add. That is current law. That is available under OPA.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

I yield to the gentleman from Minnesota to finish his remark.

Mr. OBERSTAR. Again, the acquisition of replacement land is available and authorized under OPA 90. What this amendment does is clarify that in that replacement you can replace that part of the ecosystem that has been irresponsibly damaged with better land. It doesn't add new acquisition authority.

Mr. HASTINGS of Washington. Reclaiming my time, I appreciate the gentleman's trying to clarify that.

I have to say, in my reading of this, that this will lend itself to more acquisition, and I will simply say this, reading the language here, ''provides a substantially greater likelihood of improving the resilience of whatever is lost.'' Now, having said that, let me put this analogous to at least my part of the country as it relates to refuges. If a refuge burns in my area and it might damage something, the way I envision the interpretation of this is the refuge manager can say, boy, this is irreparably lost and there might be some private land right next door, I think I will buy that private land.

Now, in due respect, that is the way I interpret it. Listen, I hope I'm wrong and I hope you're right, but I have a very strong wariness of any attempt—especially in a bill, I say to my friend, the Transportation chairman, especially when we are authorizing $30 billion of land acquisition. Surely, surely there must be a way to massage that to satisfy at least what the gentleman's amendment purports to do. But I have to say, for this Member, I am always weary when I see we are taking another fund and using that to acquire even an extension of Federal lands.

Mr. OBERSTAR. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I appreciate the gentleman yielding.

I, too, have natural resources—national forests, national parks, wildlife refuges. When fire, as it does regularly, strikes the national forest, that land regenerates. The oil destroys. It likely cannot be restored by itself or by human intervention, but replacing it with other land—and the language is tailored very narrowly limited to that purpose of replacing what cannot be replaced.

Mr. HASTINGS of Washington. Reclaiming my time, which I don't have, I appreciate the gentleman's trying to help me through this. I still urge my colleagues to vote ''no.''

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111–582.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VII add the following new section:

SEC. ___. EXTENSION OF LIABILITY TO PERSONS HAVING OWNERSHIP INTERESTS IN RESPONSIBLE PARTIES.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)) is amended by adding at the end the following:

''(G) PERSON HAVING OWNERSHIP INTEREST.—Any person, other than an individual, having an ownership interest (directly or indirectly) in any entity described in any of subparagraphs (A) through (F) of more than 25 percent, in the aggregate, of the total ownership interests in such entity, if the assets of such entity are insufficient to pay the claims owed by such entity as a responsible party under this Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to an incident occurring on or after January 1, 2010.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. I want to thank Chairman RAHALL and Chairman OBERSTAR, in particular, for their hard work on this bill and for their collaboration on this amendment.

I am joined by Congressman HOLT and Congressman WELCH, who co-introduced this amendment to ensure that oil companies cannot shift oil cleanup costs onto taxpayers by allowing subsidiary companies to go bankrupt.

Under current law, if an oil subsidiary is responsible for a spill, it can declare bankruptcy and not sell its assets, in which case the parent company would not inherit cleanup liabilities. A profit-maximizing parent company would allow a subsidiary to go bankrupt and not sell liabilities if the value of cleanup and liability costs exceed the value of the subsidiary's assets. This is a realistic scenario given the high cost of the cleanup of oil spills. Even a well capitalized company worth several billions could be responsible for an oil spill costing tens of billions. The Exxon Valdez spill cost more than $2 billion to clean up, and that was just 10.9 million gallons of oil. The Deepwater Horizon spill already has cost $3 billion, with total cleanup cost in the tens of billions at the very least. Through this act, oil companies could be responsible for much greater costs.

The fishing industry in the gulf is worth $5.5 billion annually. Losing 50 percent of western Florida's tourism would cost that State $10 billion. If Congress eliminates the private liability cap under OPA, then an oil company responsible for a spill could be liable for tens of billions to reimburse property owners and workers for lost property and wages.

Given the extraordinarily high cleanup and private liability costs of oil spills, we must close this loophole. Our amendment would ensure that BP and other oil companies are not able to escape their cleanup responsibilities. Without passage of this amendment, BP and other oil companies could avoid paying for cleanup costs entirely.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no problem with this amendment. From the beginning we have said that the first priority is stopping the leak, cleaning up the gulf, and making the communities and the people of the gulf States whole, and BP needs to be held accountable for this disaster. Having said that, we need to be cognizant that our actions taken here or the actions of the administration do not in and of themselves jeopardize American jobs and domestic energy production.

Part of holding BP accountable in this case, should BP America file for bankruptcy, is to ensure that the parent company that shares in the profits cover whatever debts that may not be covered by BP America. That is what this amendment does, and I am pleased to join my support for this.

Mr. Chairman, I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 1 minute to my colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Virginia and join with him in our concern for the workers, the restaurateurs, the small business owners, all those who depend on the Gulf of Mexico for their livelihoods. This gives us ample motivation to close this loophole which allows oil companies to shift the cost for cleanup from the oil company to the taxpayers. Current law would allow an oil company subsidiary that is responsible for an oil spill to declare bankruptcy.

We must not depend just on the good word of the oil companies. We have been given ample reason to question that good word. Even today, the new CEO of BP says he's entertaining the idea of scaling back the cleanup in the gulf. We must close every loophole. This amendment of Mr. CONNOLLY, Mr. WELCH and I, and others, would ensure that companies like BP pay every last cent that they are liable for, that the spill not spill over to the taxpayer.

Mr. CONNOLLY of Virginia. I yield 1 minute to my colleague from the great State of Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

This amendment states that any entity—other than an individual person—with an ownership interest in a vessel, offshore or onshore facility, deepwater port, or pipeline of more than 25 percent is a responsible party under the Oil Pollution Act if the assets of the vessel or facility are insufficient to pay claims arising from oil spilled by the vessel or facility. I applaud Mr. CONNOLLY, Mr. HOLT, and Mr. WELCH, and I support this amendment, which will ensure that parent companies with ownership stakes in subsidiaries to offshore facility ventures bear the costs owed by these subsidiaries for spills from the facilities if the facilities lack adequate assets to pay the claims. This will prevent such costs from being shifted to the Oil Spill Liability Trust Fund. I urge my colleagues to support the amendment.

□ 1600

Mr. CONNOLLY of Virginia. Mr. Chairman, I want to thank my colleagues.

I also want to thank the following staff for their assistance on this amendment: Dave Heymsfeld, Stacie Soumbeniotis, Ryan Seiger, Navis Bermudez, Susan Jensen, George Slover, and David Lachman.

We want to ensure that this amendment only affects the relationship of parent and subsidiary companies.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. MELANCON

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111–582.

Mr. MELANCON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title II add the following:

Subtitle C—Limitation on Moratorium

SEC. 231. LIMITATION OF MORATORIUM ON CERTAIN PERMITTING AND DRILLING ACTIVITIES.

(a) IN GENERAL.—The moratorium set forth in the decision memorandum of the Secretary of the Interior entitled ''Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf'' and dated July 12, 2010, and any suspension of operations issued in connection with the moratorium, shall not apply to an application for a permit to drill submitted on or after the effective date of this Act if the Secretary determines that the applicant—

(1) has complied with the notice entitled ''National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)'' dated June 8, 2010 (NTL No. 2010–N05) and the notice entitled ''National Notice to Lessees and Operators of Federal Oil and Gas Leases, Outer Continental Shelf (OCS)'' dated June 18, 2010 (NTL No. 2010–N06);

(2) has complied with additional safety measures recommended by the Secretary as of the date of the enactment of this Act; and

(3) has completed all required safety inspections.

(b) DETERMINATION ON PERMIT.—Not later than 30 days after the date on which the Secretary makes a determination that an applicant has complied with paragraphs (1), (2), and (3) of subsection (a), the Secretary shall make a determination on whether to issue the permit.

(c) NO SUSPENSION OF CONSIDERATION.—No Federal entity shall suspend the active consideration of, or preparatory work for, permits required to resume or advance activities suspended in connection with the moratorium.

(e) REPORT TO CONGRESS.—Not later than October 31, 2010, the Secretary shall report to the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources on the status of (1) the collection and analysis of evidence regarding the potential causes of the April 20, 2010 explosion and sinking of the Deepwater Horizon offshore drilling rig, including information collected by the Presidential Commission and other investigations (2) implementation of safety reforms described in the May 27, 2010, Departmental report entitled ''Increased Safety Measures for Energy Development on the Outer Continental Shelf,'' (3) the ability of operators in the Gulf of Mexico to respond effectively to an oil spill in light of the Deepwater Horizon incident; and (4) industry and government efforts to engineer, design, construct and assemble wild well intervention and blowout containment resources necessary to contain an uncontrolled release of hydrocarbons in deep water should another blowout occur.

(f) SAVINGS CLAUSE.—Nothing herein affects the Secretary's authority to suspend offshore drilling permitting and drilling operations based on the threat of significant, irreparable or immediate harm or damage to life, property, or the marine, coastal or human environment pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 133 et. seq.).

UNANIMOUS-CONSENT REQUEST

Mr. BOUSTANY. Mr. Chairman, I have a unanimous consent request.

The CHAIR. The gentleman will state his request.

Mr. BOUSTANY. I ask unanimous consent that we extend the time of debate equally between the two sides for a total of 30 minutes on this very important issue affecting our State and other States on the gulf coast. We are really talking about jobs, and I think having this extra time of debate will be very important.

The CHAIR. Is there an objection to the request?

Mr. RAHALL. I reserve the right to object.

Mr. Chairman, I know a lot of Members are under time pressures because of airline schedules, et cetera. I feel compelled to object.

The CHAIR. Objection is heard.

Mr. RAHALL. Plus, if the gentleman would yield further, I am prepared to accept the amendment.

The CHAIR. Objection is heard.

Mr. BOUSTANY. We would like to extend the debate. We ask unanimous consent to extend it for 20 minutes, equally divided.

The CHAIR. Is there objection?

Mr. MELANCON. In light of the concern of the chairman of the committee and the whole of the bill, which is his jurisdiction, I respectfully yield to his opinion on how he wants that handled.

The CHAIR. Is there an objection to the request of the gentleman to extend the time of the debate?

Mr. MELANCON. I would accept the time.

The CHAIR. Is the gentleman objecting to the extension of the debate?

Mr. RAHALL. It is 20 minutes; is that correct?

Mr. BOUSTANY. Ten minutes on each side.

Mr. RAHALL. I still have to object.

The CHAIR. The gentleman's objection is heard.

Pursuant to House Resolution 1574, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. I would like to thank my colleague from West Virginia for his help on this amendment.

Mr. Chairman, I urge my colleagues to support this amendment to lift the deepwater moratorium for companies that meet the new safety requirements and guidelines recently set in place by Secretary Salazar.

Make no mistake, BP was a bad player. As we have discovered through numerous congressional hearings, this company took dangerous shortcuts to save money. They ignored warning signs and the advice of their own workers who were concerned about the stability of the well, and they continued to drill even when they knew that the safety mechanisms in place to prevent a blowout were not working properly. Eleven good men died because of their greed.

The tragedy on Deepwater opened our eyes to the need for tougher safety regulations for offshore drilling, to the need to strengthen the enforcement of both new and existing laws, and to the need to protect workers who report their companies' dangerous and even illegal practices to regulators so that we can stop another accident before it happens.

Yet an indiscriminate blanket moratorium punishes the innocent along with the guilty for the actions and the poor judgment of one reckless company. If a rig meets all of the tough new safety requirements issued by the Department of the Interior, if it has been fully inspected and deemed safe, why should it sit idle? The workers of that rig, why should they go jobless until the arbitrary 6-month period is over?

People in Louisiana understand that it doesn't make any sense. Louisianans, more than any other people, want to prevent another disaster from happening in our waters, but the irresponsible decisions and the dangerous actions of one company shouldn't shut down an entire sector of our economy, sending thousands of workers to the unemployment line. We need to fix the problems that led to this disaster in the gulf without paralyzing America's domestic energy industry in the process.

That is what my amendment does. Instead of a blanket moratorium, my amendment would allow drilling permits to be approved for those rigs that meet the new tougher safety requirements issued by the Department of the Interior in the wake of the explosion. Those 31 stalled drilling rigs directly employ some 1,400 workers. Hundreds of small businesses in Louisiana service those rigs or are, in some way, supported by the offshore oil and gas industry.

According to research by Dr. Joseph Mason of Louisiana State University, under the current 6-month moratorium, the gulf coast region will lose more than 8,000 jobs, nearly $500 million in wages and over $2.1 billion in economic activity, as well as nearly $100 million in State and local tax revenue—and that's only if the drilling will start back immediately in 6 months.

You don't need to be an economist to see the impact of the moratorium on south Louisiana. You just need to drive through coastal parishes like Lafourche, Terrebonne, or Grand Isle, Louisiana. Talk to people like Shelly Landry, who owns and operates a family grocery store there on Grand Isle. She told me, with tears in her eyes, that the moratorium was shutting down the coast and that it was hurting her business more than the actual oil spill. People like Ms. Landry are still learning to cope with the impact of the oil disaster, and now they feel they are being dealt a second blow—this time by their own government.

Louisiana has a working coast where people make good paychecks producing domestic energy that drives our Nation. They want to get back to work doing the jobs they love, the jobs that provide good lives for their families.

The Childers-Melancon amendment will lift the moratorium in a responsible way and allow our workers to continue producing energy. It will still hold companies accountable for higher safety standards so that we never again experience a disaster such as that like Deepwater.

On behalf of the workers of the gulf coast, on behalf of the small businesses, and on behalf of all of the people of my State who thought they had made it through the worst part of this disaster, I urge my colleagues to vote for this amendment to lift this administration's offshore drilling moratorium to make life better and as normal as possible for an area that has been devastated several times over the last several years.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 4 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I appreciate the gentleman from Washington for yielding time.

Mr. Chairman, I share in many of the comments that were expressed by my colleague from Louisiana, Mr. MELANCON.

In fact, when you talk to people on the ground in Louisiana, most will tell you that this moratorium that was arbitrarily issued by the President has actually got the potential to do more long-term damage to our State than the oil spill, itself. Unfortunately, we are already seeing the consequences in terms of lost jobs.

If you look at what would happen, not if this would go 6 months—as Secretary Salazar wants to go—but if this just goes another few weeks, we will lose up to 40,000 high-paying jobs that will go overseas. If anybody is wondering whether or not that is just talk, you can look at what is already happening.

Just 2 days ago, Baker Hughes, a big oilfield service company, sent 300 jobs overseas. It laid off 300 Louisiana workers. These are jobs that have gone overseas because of this moratorium. It is already having a devastating impact. That is why it is so important that we pass an amendment that actually ends this current moratorium.

If you look at the language in the amendment, there are a number of components that I do agree with, and I think the intent was there to actually address those problems; but if you go to page 2, there are a few sections that got added in. In fact, I am a cosponsor with my colleague from Louisiana on an amendment that would actually end the moratorium in its current form. Unfortunately, there was some language added in that allows the Secretary to have statutory authority that he does not have today that actually extends his ability to issue more moratoriums even if this current one is stopped.

So what the industry is dealing with today is this kind of uncertainty. That is why you are already seeing rigs leave. In fact, three rigs have already left. One is going to Egypt. These are all going to foreign countries. So we have got to get this right.

□ 1610

In fact, later today we're going to have a motion to recommit that will actually encompass those things that are necessary to be done to end the moratorium without the damaging language that's in this bill that gives the Secretary even more authority, in fact, even if a company complies with all of the safety requirements, as they should, and they should comply with all the safety recommendations. But even if they do, under this language, the Secretary is given power to decide whether or not to issue that permit. That shouldn't be arbitrary once a company meets all the safety recommendations. BP didn't meet them all. But if a company does, the Secretary can't continue to keep this job-killing moratorium going on. So we have to fix that language. And, in fact, our motion to recommit does that.

If you look, our Louisiana Oil and Gas Association, which is not a representative of the Big Oil companies—in fact, it's a lot of the mom and pop of the independent oil and gas companies throughout Louisiana. They have

strong concerns. In fact, they say, We have concerns that this may codify—they're talking about this extra language and power that's given to the Secretary to deny permits—they say, We have concerns that this may codify the Secretary's authority to suspend offshore drilling permitting and drilling operations.

It is our position that the Secretary does not have the right to do so; and, in fact, a Federal judge has agreed with that by trying to stop this moratorium. Unfortunately, the administration ignored that. And they further go on to say, It is our position that applicants who apply for a permit and meet the proper safety requirements should be issued the permit. The Secretary shouldn't be able to decide arbitrarily if he wants to continue to shut down domestic oil production in this country, as we're seeing today. And we're seeing the consequences of it.

As I said earlier this week, we already lost 300 jobs. And this wasn't the first time; and, unfortunately, it won't be the last. Many companies you talk to are already having conversations about moving jobs overseas, if they haven't already. And as I mentioned, three of the rigs have already decided they have got to leave the country because of this moratorium. That is why it is so important that we get it right. We can't just pass something that sounds good but ultimately ends up giving the Secretary more authority to keep the moratorium going and run more jobs out of our country. So hopefully we will pass the motion to recommit later but not give the Secretary more authority. This does.

Mr. MELANCON. I yield 30 seconds to the gentleman from West Virginia, Chairman RAHALL.

Mr. RAHALL. I appreciate the gentleman from Louisiana's yielding, and I commend him for his commonsense amendment here.

This, of course, would end the moratorium on drilling in the gulf on rigs that have met the safety requirements prescribed in two notices to lessees issued by the DOI as well as other safety standards described by enactment of this legislation. This legislation is about safety on these rigs, and we do put in some new language that does certify and verify that there is necessary safety in place. I urge support.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Chairman, I am very, very pleased to yield the balance of my time to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Chair, I appreciate the efforts on the part of my colleague from Louisiana (Mr. MELANCON). But what we have seen is, we have a current moratorium on deepwater drilling and a de facto moratorium on shallow water drilling. And I'm afraid that this amendment doesn't fully address the issue. It doesn't address the current moratorium, whereby we are hemorrhaging jobs. The 300 jobs my colleague over here, Mr. SCALISE, just referenced were from Baker Hughes in my district, and those don't count the shallow water jobs that we are losing daily from companies I have been hearing about each day.

So the problem we have is with the section on page 2, which continues to allow the Secretary this wide latitude beyond the normal permitting process. So we have a real problem with this. We think our motion to recommit that we are going to offer later will actually give a clean break on getting rid of this moratorium, which is killing American energy production jobs, making us more dependent on foreign oil. It's not the kind of policy that we need. I know my colleague from Louisiana (Mr. MELANCON) wants to solve this problem, but we have concerns about this specific language.

Mr. CHILDERS. Mr. Chair, I rise today in support of the amendment I introduced with my friend and colleague from Louisiana, Mr. MELANCON. The amendment would lift the moratorium on deepwater drilling for the responsible actors who meet strict safety requirements for their drilling operations. The Deepwater Horizon oil spill has been a tragedy for the Gulf Coast, one we can ill afford as our nation works toward economic recovery. However, in the state of Mississippi, thousands of workers are employed by the deepwater drilling industry. Because of the moratorium these hard-working Americans will struggle to make ends meet in an already difficult economic environment. The Gulf Coast, from Florida to Texas, is suffering from this disaster and in Mississippi we cannot afford to lose even more jobs due to this tragedy. The path to recovery from the Deepwater Horizon disaster will be long; we should not stand in the way of safe and responsible employers and the families they support.

I applaud the reorganization of the ethics plagued Minerals Management Service by the Department of the Interior in the underlying bill. It is my hope that the new regulatory structure will be an effective tool for ensuring safe drilling practices so that lives are not lost and moratoriums are not needed. Deepwater drilling is not only a source of American jobs but also an important source of domestic energy production in our fight for energy independence.

I ask my colleagues to join me today in supporting this amendment to save jobs and help the entire Gulf Coast region to recover.

The CHAIR. All time has expired.

PARLIAMENTARY INQUIRY

Mr. MELANCON. Parliamentary inquiry.

The CHAIR. The gentleman from Louisiana is recognized for a parliamentary inquiry.

Mr. MELANCON. I would like to thank my colleagues and ask for unanimous consent to consider a revised amendment which addresses the issues they are concerned about.

Mr. HASTINGS of Washington. Mr. Chairman, I object.

The CHAIR. Object is heard.

The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MELANCON

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111–582.

Mr. MELANCON. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title V, add the following new section (and conform the table of contents accordingly):

SEC. 504. GULF OF MEXICO RESTORATION ACCOUNT.

(a) ESTABLISHMENT OF SPECIAL ACCOUNT.—There is established in the Treasury of the United States a separate account to be known as the ''Gulf of Mexico Restoration Account''.

(b) FUNDING.—The Gulf of Mexico Restoration Account shall consist of such amounts as may be appropriated or credited to such Account by section 311A of the Federal Water Pollution Control Act.

(c) EXPENDITURES.—Amounts in the Gulf of Mexico Restoration Account shall be available, as provided in appropriations Acts, to carry out projects, programs, and activities as recommended by the Gulf of Mexico Restoration Task Force established in this title.

(d) AMENDMENT TO THE FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Title III of the Federal Water Pollution Control Act is amended by inserting after section 311 the following:

''SEC. 311A. ADDITIONAL PENALTIES FOR LARGE SPILLS IN THE GULF OF MEXICO.

''(a) IN GENERAL.—In the case of an offshore facility from which more than 1,000,000 barrels of oil or a hazardous substance is discharged into the Gulf of Mexico in violation of section 311(b)(3), any person who is the owner or operator of the facility shall be subject to a civil penalty of $200,000,000 for each 1,000,000 barrels discharged.

''(b) RELATIONSHIP TO OTHER PENALTIES.—The civil penalty under subsection (a) shall be in addition to any other penalties to which the owner or operator of the facility is subject, including those under section 311.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on April 1, 2010.

The CHAIR. Pursuant to House Resolution 1574, the gentleman from Louisiana (Mr. MELANCON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. MELANCON. Mr. Chair, I urge my colleagues to support the Gulf Coast Restoration Amendment for one simple reason: responsible oil-spill response legislation must include funding to address the rapid deterioration of our crumbling coast.

Coastal erosion has chipped away at our barrier islands, beaches and marshes for decades. Louisiana alone loses a football field of coast every 38 minutes and is set to lose another 500 square miles by 2050. But the BP oil

spill will accelerate land loss as our marshes die from exposure to oil and chemicals from the cleanup. This disaster has effectively hit the fast forward button on an already terrible problem.

BP will foot the bill for the cleanup effort. We will hold them to their responsibility and their word, but they are not legally bound to address the accelerated land loss as a result of the spill. My amendment will make certain they don't simply clean the water and walk away from the long-term damage to our coast and marshes.

My amendment would create a new civil penalty on gulf coast spills of more than 1 million barrels. The owner or operator of the rig would be responsible for paying $200 million per 1 million barrels spilled to fund environmental restoration projects to save the gulf coast. Restoration projects would be spread across the Gulf Coast States and would be overseen by the Gulf Coast Coordination Council, a task force of Federal, State and local stakeholders, created by this bill. My amendment is deficit-neutral and comes at no cost to taxpayers or to the Federal Government.

Survival of the gulf coast's fragile ecosystem and the fishing and tourism industries that rely on them hinges upon successful restoration of our wetlands. Without them, many gulf communities will vanish, and the rest of the country will lose access to the seafood and recreation they have enjoyed for decades.

The gulf coast is America's working coast. We contribute $3 trillion annually to the economy. Seven of our country's top 10 ports are located in the gulf, and 40 percent of our Nation's seafood is harvested from its waters. President Obama has charged the oil spill response team with finding long-term solutions for repairing our coast. Our families back home are depending on Congress to restore their livelihoods, and we have that opportunity today.

Earlier this month, just after news broke that BP had finally capped their well, Bob Marshall of The Times-Picayune wrote a lengthy column about the long road ahead for south Louisiana and this cleanup. He wrote: ''We need to remember this is a temporary problem on top of a permanent disaster. Long after BP's oil is gone, we'll still be fighting for survival against a much more serious enemy—our sinking, crumbling delta. Our coast is like a cancer patient who has come down with pneumonia. That's serious, but curable. After the fever breaks, he'll still have cancer. Our officials' focus should remain on stopping the activities that continue to destroy our marshes and getting national support for projects that can protect what we have left.'' He's right. And make no mistake, this is that time.

Five years after Hurricanes Katrina and Rita, our country is again focused on a tragedy in south Louisiana. For the past 102 days, every time you opened your paper or turned on the evening news, you saw the well, our oiled marshes and wildlife, and our people, struggling to get through the day and unable to imagine a better tomorrow.

We are staring at a cleanup that will take a decade or more to complete. We will only get there if we address our disappearing coasts. Mr. Chair, I urge my colleagues to support my Gulf Coast Restoration Amendment. This is that time, and we can't wait another day.

I reserve the balance of my time.

□ 1620

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I don't intend to oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would establish a new fine on spills larger than 1 million barrels, and has a retroactive date of April 1, 2010. Now, I won't debate the fact that making this fine retroactive means that it will likely face a constitutional challenge.

But I will debate the fact that once fines are paid by violators to the Federal Government, that money becomes taxpayer money. If we then spend that money on gulf restoration to clean up the mess caused by BP, we would be spending taxpayer dollars to clean up the BP spill.

Mr. Chairman, the taxpayers should not be on the hook for the cleanup of the BP disaster. If there are projects in the gulf that demand restoration because of damage from the spill, then BP must be held accountable. If the gentleman has projects that demand greater attention, then I offer to work with him, just as I am working with other members of our committee from Louisiana, to ensure that the Federal oversight gets the gulf cleaned up and the gulf made whole. But I reject the premise that we must use taxpayer dollars to clean up the mess made by BP.

I reserve the balance of my time.

Mr. MELANCON. I yield 1 minute to Mr. OBERSTAR.

Mr. OBERSTAR. I thank the gentleman for yielding.

I have worked with the gentleman and our committee staff to craft this language. It's important to note that these are not taxpayer dollars paying for restoration, but rather proceeds from a penalty provided in this provision that is very clearly spelled out, and which revenue goes into the Gulf of Mexico restoration account, and then is further subject to appropriations. So that keeps the Congress in control of the outlay of funds. Rather than just imposing a civil penalty and allowing those funds to go into an agency, there will be very clear control.

So the proceeds are used from the penalty for a legitimate public purpose to pay for the projects, programs, and activities out of the restoration fund to clean up the destruction from oil spilled.

To paraphrase previous speakers on the other side of the aisle, the explosion and blowout of the BP drilling operation in the Gulf is a "textbook case" on killing jobs and wildlife and destruction of the marine environment; putting 300,000 jobs at risk in travel, tourism, fishing, commercial and recreational fishing, catching, harvesting, processing fish and shellfish, jobs destroyed by the uncontrolled oil spill.

The safety provisions of our bill will protect those jobs in the future. The liability provisions will assure that there will be compensation for those who lose jobs and livelihood because of an oil spill. The penalties imposed in this Melancon amendment will assure that damage to the natural resources of the Gulf will have the money needed to restore more resources.

A penalty whose proceeds will be used for a legitimate public purpose—to pay for projects, programs, and activities out of the GM Restoration Fund.

Mr. HASTINGS of Washington. Could I inquire how much time I have?

The CHAIR. The gentleman has 4 minutes remaining.

Mr. HASTINGS of Washington. I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Washington for yielding.

I rise in support of this amendment by my colleague from Louisiana (Mr. MELANCON). As we all know, this is an unprecedented disaster. It's already extracted a human toll, it's extracting an environmental toll, and of course now with the moratorium it's extracting an economic toll.

So when you look at what this amendment does, it says if somebody breaks the law, if they actually have a spill that's at this level, a million barrels or more, then they actually get hit with heavier penalties. And those penalties would be dedicated to restoring our coast. Because as we can all see, people all across the country who have expressed so much appreciation and support for what we're doing to try to battle this disaster, they also understand just how fragile this ecosystem is. And they've seen the destruction to our ecosystem.

And of course it hasn't just started. Our coast has been eroding for years. In fact, we lose a football field of land along the gulf coast of Louisiana every 37 minutes. So just in the time we have been debating this legislation, the Gulf Coast of Louisiana has lost a football field of land. And this goes on every single day.

So by dedicating these funds that are only generated if somebody spills a million barrels or more into our gulf to this fund to restore our coast, I think it's the right thing to do. It helps us battle this environmental disaster, and then hopefully we can continue to move forward so that we can stop the economic disaster that's also occurring. I appreciate the gentleman from

Louisiana for bringing this amendment.

Mr. MELANCON. I yield 30 seconds to the chairman.

Mr. RAHALL. Just to clarify for my colleague from Washington, my ranking member, if his concern was about the taxpayer ending up paying for something that BP should be liable for under the gentleman from Louisiana's amendment, we do have a catch-all provision in the legislation that applies to not only the entire legislation, but would apply to the gentleman from Louisiana's amendment as well that says none of the funds that are authorized or made available by this act may be used to carry out any activity or pay any cost for removal or damages for which a responsible party, BP, is liable under the OPA.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I simply make the point that, yes, I understand these dollars come from the affected party. But if it gets into the Federal Government Treasury, then the Federal Government is the government of the people, it becomes taxpayer dollars. That's the only point I am making.

I support the amendment. I think it makes perfectly good sense. It has broad support of those Members that are affected by this spill. But I just wanted to simply make that point, probably more to emphasize than anything else that BP is truly responsible for this, and we all recognize that.

I urge support of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. MELANCON).

The amendment was agreed to.

Mr. RAHALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OBEY) having assumed the chair, Mr. JACKSON of Illinois, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS INSPECTOR GENERAL FOR THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to section 2(b) of rule VI, and the order of the House of January 6, 2009, the Chair announces that the Speaker, majority leader and minority leader jointly appoint Ms. Theresa M. Grafenstine, Manassas, Virginia, to the position of Inspector General for the U.S. House of Representatives effective July 30, 2010.

OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will resume on the bill (H.R. 5851) to provide whistleblower protections to certain workers in the offshore oil and gas industry.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. KLINE of Minnesota. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KLINE of Minnesota. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kline of Minnesota moves to recommit the bill, H.R. 5851, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Whistleblower Parity Act''.

SEC. 2. WHISTLEBLOWER PROTECTION FOR CERTAIN OFFSHORE WORKERS.

(a) PROHIBITION ON RETALIATION.—No person shall discharge or in any manner discriminate against any covered employee because such covered employee has filed any complaint or instituted or caused to be instituted any proceeding related to any workplace safety and health regulation issued pursuant to section 21 of the Outer Continental Shelf Lands Act (43 U.S.C. 1347) or has testified or is about to testify in any such proceeding or because of the exercise by such covered employee on behalf of himself or herself or others of any right afforded by such Act.

(b) COMPLAINT PROCEDURE.—Any covered employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as the Secretary determines appropriate. If upon such investigation, the Secretary determines that the provisions of this section have been violated, the Secretary shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of subsection (a) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his or her former position with back pay.

(c) NOTIFICATION.—Within 90 days of the receipt of a complaint filed under this section the Secretary shall notify the complainant of the Secretary's determination under subsection (b) of this section.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''covered employee'' means an individual engaged in activities on or in waters above the Outer Continental Shelf related to supporting or carrying out exploration, development, production, processing, or transportation of oil on behalf of an employer;

(2) the term ''employer'' has the meaning given such term in section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652);

(3) the term ''Outer Continental Shelf'' has the meaning that the term ''outer Continental Shelf'' has in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331); and

(4) the term ''Secretary'' means the Secretary of Labor.

SEC. 4. CONSTRUCTION.

Nothing in this Act shall be construed to affect any rights, protections, or remedies available to covered employees under section 2114 of title 46, United States Code.

Mr. KLINE of Minnesota (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. KLINE of Minnesota. Mr. Speaker, like every Member of Congress, I am deeply concerned for the safety of offshore oil rig workers. No worker who sees a hazard to health and safety in violation of the law should fear reporting the violation to the proper authorities. Effective workplace safety starts with compliance, and is enhanced by alert workers who help ensure appropriate safety rules are being followed. That is why I am asking all my colleagues to support this motion to recommit.

This proposal extends the whistleblower protections in the Occupational Safety and Health Act to workers on offshore oil rigs. As I noted earlier, there are a number of concerns with the Democrats' proposal. It creates an entirely new whistleblower protection framework for workers directly or indirectly involved with offshore oil drilling, departing from the long-standing protections in existing health and safety laws.

The majority also fails to focus on oil rig workers, extending their untested form of whistleblower protections to various workers on land who are already protected by existing, and possibly conflicting, statutes.

□ 1630

Legal confusion and uncertainty are never good when it comes to workplace safety. Last month, the Education and Labor Committee heard from Federal officials who could not answer whether offshore oil rig workers have access to basic whistleblower protections. To date, the committee has not received a response to a request for clarification. Virtually every American worker enjoys these important protections, yet Federal officials did not know whether maritime law, Federal safety and health law, or some other law was fully protecting oil rig workers.

Despite this confusion, not a single followup hearing was heard in the Education and Labor Committee. Certainly there was no committee vote on this legislation. Just last night, the House Rules Committee held the first and only hearing this legislation has ever received. In fact, Members of Congress and the public have had less than a week to examine the bill and determine what effect it may have on the safety of oil rig workers or to what extent it may even be necessary.

If the majority is determined to rush this bill through Congress without examining the full consequences and context of the issue, I would, instead, suggest a straightforward approach that more fully relies on current law.

We believe offshore oil rig workers deserve whistleblower protections and the OSH Act offers us an opportunity to extend those protections immediately. The OSH Act has been the law of the land since 1978, more than 30 years. It has improved over time through congressional and administrative action. And by incorporating oil rig workers into existing protections, they will automatically be included into any future changes of the law.

In short, the Republican motion to recommit provides parity in whistleblower protections. The Democrats' bill creates confusion. Our approach gives certainty. The Democrats' bill creates legal conflict. Our approach has established case law. The Democrats' bill will take time to implement and understand. Our approach will provide immediate protections in a manner Federal authorities and workers already know and understand.

I strongly urge my colleagues to support this motion.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I would strongly urge you to reject the Republican motion to recommit. What we have before us today in the legislation that I am offering along with Mr. MARKEY, is an effort to provide the level of protection that these offshore oil workers on the rigs on the Outer Continental Shelf of the United States of America are entitled to. What the Republicans are suggesting is that a law that was written in 1970 is good enough for these workers.

Let's understand the environment in which these workers are working. They're working on the most expensive oil rigs in the history of the world. They're making the most complex drills in the history of the world. They're using the most complex technology in the history of the world, and they're doing it in constant motion on top of the seas as they drill for these resources.

Now, why shouldn't they have the same protection that railroad workers have? that transport workers have? that nuclear workers have? that pipeline workers have? Because they all have a modern whistleblower statute. But those men and women who go out on those rigs today do not have any protection, much less a modern protection, but the Republicans are telling you they should take second-class protection.

Now, as we saw the case of a whistleblower, Mr. Abbott, who called BP, an engineer, and said the designs are wrong, the drawings are flawed, he would not be covered under this statute. The court found his claim to be valid that he passed on serious information to BP that they rejected. Now, let's understand this is about one worker with knowledge and understanding of the drilling processes and procedures making a decision that something's about to go very wrong. So that worker has the courage to say, ''I think we better stop and check it out'' in a very complex process, in this case, of withdrawing from the well and capping that well.

They're telling that worker, ''This rig is a half a million dollars a day. We're going to get it off our books. We're going to get it out of here. Just keep going,'' and then the tragedy happens.

Let's talk about who that worker's talking to. They're talking to a company that's drilling on the Outer Continental Shelf, British Petroleum, on American soil, under American laws, who violates willfully and egregiously those laws 807 times; who, in 2005, violated those laws hundreds of times and blew up a refinery in Texas, killed 15 workers and injured another 180; promised to fix those violations, and 4 years later, they hadn't fixed 700 of those violations and were fined $87 million. Apparently, they think it's cheaper to pay fines than it is to protect the workers of this country.

I don't know if you've been around oil rigs. I don't know if you've watched people in this business, but this is a choreography that takes place among those workers on those rigs that is unbelievable, and it can be lethal. I've seen it because I know what you have to do on those rigs. This is how workers put themselves in jeopardy every day. It's whether a pipe falls on you, whether a chain snaps, whether a pipe breaks, whether the fluids blow out, whether you get hit from the overhead. This is a very dangerous profession.

Companies work hard, some companies, but are we going to really tell a worker that they're going to go up against BP when BP is so fully prepared to violate the laws, the health and safety laws of this Nation?

I think we ought to understand we owe American workers a much better deal on the American Outer Continental Shelf, and that's why this motion to recommit should be rejected. It should be rejected because that's our obligation. They're entitled to a modern whistleblower law just like the other workers that I named to you.

We can do no less for these workers. We can do no less for those workers who tried to come forward and stop the dangers on this rig and lost their lives because they weren't listened to. The workers who told their wives, ''Get my papers and my wills and my business in order.'' Imagine a worker going to work and saying, ''Get my affairs in order. Let's check my will.'' That's what people do when they go to war. They shouldn't have to do it when they go to work on an American rig in the American Outer Continental Shelf.

Give these workers what they're entitled to. Give them a decent, honest, modern whistleblower law with real protections.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 171, nays 234, not voting 27, as follows:

[Roll No. 505]

YEAS—171

Aderholt
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher

Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Sestak
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NAYS—234

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOT VOTING—27

Akin
Bachmann
Baird
Berry
Brown (SC)
Buyer
Carney
Delahunt
Foxx
Griffith
Himes
Hoekstra
Johnson (GA)
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes
Radanovich
Rogers (MI)
Shadegg
Slaughter
Tiahrt
Wamp
Watson
Wu
Young (FL)

□ 1704

Messrs. BRADY of Pennsylvania, CLYBURN, CARNAHAN, CARDOZA, CUELLAR, Ms. WASSERMAN SCHULTZ and Mr. CLEAVER changed their vote from ''yea'' to ''nay.''

Mr. SULLIVAN changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SLAUGHTER. Mr. Chairman, on rollcall No. 505, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 315, nays 93, not voting 25, as follows:

[Roll No. 506]

YEAS—315

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—93

Aderholt
Alexander
Barrett (SC)
Bartlett
Barton (TX)
Bishop (UT)
Boehner
Bonner
Brady (TX)
Bright
Broun (GA)
Burton (IN)
Calvert
Campbell
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Duncan
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
Latta
Lewis (CA)
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (TX)
Sullivan
Thompson (PA)
Thornberry
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—25

Akin
Bachmann
Berry
Brown (SC)
Buyer
Carney
Davis (KY)
Delahunt
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Linder
Marchant
McCarthy (CA)
Moran (KS)
Nunes
Radanovich
Rogers (MI)

Shadegg
Tiahrt
Wamp
Watson
Watt
Young (FL)

□ 1712

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3534.

□ 1712

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, amendment No. 9 printed in part B of House Report 111–578 offered by the gentleman from Louisiana (Mr. MELANCON) had been disposed of.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–578 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part B by Mr. RAHALL of West Virginia.

Amendment No. 3 printed in part B by Mr. KIND of Wisconsin.

Amendment No. 5 printed in part B by Mr. TEAGUE of New Mexico.

Amendment No. 6 printed in part B by Mr. OBERSTAR of Minnesota.

Amendment No. 8 printed in part B by Mr. MELANCON of Louisiana.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. RAHALL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 161, answered ''present'' 1, not voting 26, as follows:

[Roll No. 507]

AYES—250

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—161

Aderholt
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Critz
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Edwards (TX)
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hinojosa
Holden
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Peterson
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

ANSWERED ''PRESENT''—1

Miller, Gary

NOT VOTING—26

Akin
Bachmann
Berry
Brown (SC)
Buyer
Carney
Christensen
Davis (KY)
Delahunt
Faleomavaega
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes
Perlmutter
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1729

Messrs. CHILDERS, ROHRABACHER and POSEY changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. KIND

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. KIND) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 1, not voting 33, as follows:

[Roll No. 508]

AYES—404

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Lummis

NOT VOTING—33

Akin
Bachmann
Berry
Boehner
Brown (SC)
Buyer
Campbell
Carney
Christensen
Davis (KY)
Delahunt
Faleomavaega
Griffith
Himes
Hoekstra
Issa
Kilpatrick (MI)
Latham
Linder
McCarthy (CA)
Moran (KS)
Nunes
Perlmutter
Radanovich
Rogers (MI)
Ruppersberger
Ryan (WI)
Shadegg
Sutton
Tiahrt
Wamp
Watson
Young (FL)

□ 1733

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. TEAGUE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 399, noes 8, not voting 31, as follows:

[Roll No. 509]

AYES—399

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen

Payne
Pence
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—8

Castor (FL)
Franks (AZ)
Garamendi
Hall (TX)
Johnson, Sam
Nye
Ryan (WI)
Sensenbrenner

NOT VOTING—31

Akin
Bachmann
Berry
Boehner
Brown (SC)
Buyer
Campbell
Cardoza
Carney
Christensen
Davis (KY)
Delahunt
Faleomavaega
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Lamborn
Linder
McCarthy (CA)
Moran (KS)
Nunes
Perlmutter
Radanovich
Rogers (MI)
Sessions
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

□ 1737

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. OBERSTAR

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 258, noes 149, not voting 31, as follows:

[Roll No. 510]

AYES—258

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—149

Aderholt
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—31

Akin
Bachmann
Berry
Brown (SC)
Buyer
Campbell
Carney
Christensen
Davis (KY)
Delahunt
Faleomavaega
Griffith
Hastings (FL)
Himes
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes
Perlmutter
Radanovich
Rogers (MI)
Sessions
Sestak
Shadegg
Tiahrt
Wamp
Watson
Wu
Young (FL)

□ 1740

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. MELANCON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. MELANCON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 195, answered ''present'' 1, not voting 27, as follows:

[Roll No. 511]

AYES—216

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Chandler
Childers
Clarke
Cleaver
Clyburn
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Payne
Pelosi
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Rush
Ryan (OH)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—195

Aderholt
Alexander
Austria
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chu
Clay
Coble
Coffman (CO)
Cohen
Cole
Conaway
Crenshaw
Culberson
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Holt
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Lamborn
Lance
Langevin
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lipinski
LoBiondo
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meek (FL)
Mica
Miller (FL)
Miller (MI)
Minnick
Moore (WI)
Murphy, Tim
Myrick
Napolitano
Neugebauer
Olson
Pallone
Pastor (AZ)
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Quigley
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Scalise
Schakowsky
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Velázquez
Walden
Wasserman Schultz
Waters
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Miller, Gary

NOT VOTING—27

Akin
Bachmann
Berry
Brown (SC)
Buyer
Campbell
Carney
Christensen
Davis (KY)
Delahunt
Faleomavaega
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes
Perlmutter
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

□ 1745

Ms. WATERS, Messrs. DEUTCH and PASTOR of Arizona, Ms. WASSERMAN SCHULTZ, Messrs. HALL of New York and KUCINICH changed their vote from ''aye'' to ''no.''

Messrs. JACKSON of Illinois and MILLER of North Carolina changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. JACKSON of Illinois, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, and, pursuant to House Resolution H. Res. 1574, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CASSIDY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CASSIDY. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CASSIDY moves to recommit the bill H.R. 3534 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Strike section 231 and insert the following:

SEC. 231.—TERMINATION OF MORATORIA ON OFFSHORE DRILLING.

Notwithstanding, any other provision of this Act, the mortorium set forth in the Minerals Managment Service Notice to Lessees No. 2010–N04, dated May 30, 2010, the decision memorandum from the Secretary of the Interior to the Director of the Bureau of Ocean Energy Management, Regulation, and Enforcement regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf, dated July 12, 2010, and any suspension of operations issued in connection with the moratorium or the decision memorandum, shall have no force or effect.

Mr. RAHALL (during the reading). Mr. Speaker, I ask unanimous consent the reading of the motion be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 5 minutes in support of his motion.

Mr. CASSIDY. I yield to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, with millions of American families out of work, Republicans will fight for American energy workers and their jobs. The question is will Democrats fight alongside us?

The drilling moratorium is killing American energy jobs now. It needs to end now. The rigs are already leaving overseas. So are the jobs, equipment, and the capital. Workers are being laid off, small businesses are struggling to survive, and they won't. The Melancon amendment doesn't save these jobs, these families, these small businesses whose livelihoods are at risk. It does not end the current moratorium that's devastating us now. The Republican motion to recommit will.

It is the only vote on this floor where each lawmaker can stand up and fight for these American energy workers right now.

Mr. CASSIDY. Mr. Speaker, the gulf oil spill has been terrible for the gulf

coast. But as bad as it has been, the Federal Government's moratorium on deepwater drilling can be worse. And the tragedy of it is that it actually is not going to measurably improve safety.

Now, it's not me saying that, it's the entity, the National Academy of Engineering, eight of them, the President appointed them and asked them to approve and to look at his plan. They issued a statement after the blanket moratorium. These are the petroleum engineers. ''A blanket moratorium is not the answer. It will not measurably reduce risk. The tragedy has very specific causes. The blanket moratorium will have the indirect effect of harming thousands of workers and further impact State and local economies. We would in effect be punishing a large swath of people who were and are acting responsibly in providing a product the Nation needs. Overcome emotion with fact.''

□ 1750

What does that mean? Overcome emotion with fact. We're all angry. Everybody in here is angry at BP. Everybody in here in some way wants to punish those responsible.

On the other hand, it's not Big Oil being punished. It's not BP. It is the workers. It is the blue collar welders, roustabouts. It is the service industry. It is the caterers. They are the ones who are going to be punished.

And, by the way, the BP fund to recompense them is only $100 million. Estimated wages lost are $700 million. It is not going to come close to covering it. These people don't want an unemployment check. They want a paycheck.

In case you think I overestimate, these are the most conservative estimates of the economic impact. Over 8,000 jobs lost in the gulf coast, 12,000 nationwide, $700 million in lost wages, $2.1 billion in lost economic activity in the gulf coast, and nearly $2.7 billion lost nationwide.

Now, it's not just the President's engineers; it's also the President's cochairs of his Presidential commission. Bob Graham said—former Senator from Florida—There is a disconnect between Washington and the gulf coast in the sense of urgency needed in winding down the moratorium.

Bill Reilly said, Questions were raised by witnesses. Unanimously, they opposed the moratorium, even among the fishermen.

Now, the other Reilly quote was, It is not clear to me why it should take so long to reassure oneself about safety considerations in those rigs.

So we have the engineers. We have the cochairmen of the Presidential commission. We also have a Federal judge. When the Federal judge threw out the first moratorium, he said, The administration simply cannot justify the immeasurable effect on the plaintiffs, the local economy, the gulf region.

So we've heard from engineers. We've heard from the cochair. We've heard from a Federal judge. Most importantly, let's hear from the families.

CHARLIE MELANCON earlier spoke movingly of families in his district who fear they will lose it all because of this moratorium. There are people who have walked up to me and said, Hey, I would be with you but my concern is my district won't understand. These people don't fear a district. They fear dissolution of their financial health. Think about it. These are blue-collar people who made decisions about buying a house, about buying a car. They're going to have a 6-month interruption in income. Can any one of those families tolerate 6 months of lost wages?

I ask you to overcome emotion with fact. Agree with the engineers, agree with the cochair, agree with the Federal judge, but, most importantly, agree with the families. End this moratorium now.

I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. As the gentleman from Louisiana knows from our debate and work in committee on this, this gentleman from West Virginia is not against lifting moratoria when it comes to the production of domestic energy resources. What I care about is safety; the safety of our most valuable resource, which is the worker him- or herself. That's what I care about, whether it's oil and gas or whether it's coal mining.

Mr. CASSIDY. Will the gentleman yield?

Mr. RAHALL. I will yield to the gentleman from Louisiana whose amendment just passed that does lift the moratorium when it comes to the protection and safety of our workers. His amendment passed with votes from votes from your side of the aisle. Mr. MELANCON cares about the fishermen, the jobs of everyone along his coast, and I yield to him at this point.

Mr. MELANCON. Thank you, Mr. RAHALL.

I thank the 216 people that stood by me to try and protect what is best and loved by the people of south Louisiana and the entire State. Yes, 80 percent of the people in Louisiana believe that they are directly or indirectly affected by this moratorium, directly and indirectly affected by the spill. So what do we do?

If we have it the way of the other side, we will send rigs back out, not inspect them, the hell with it. Next thing we know, we're back where we started.

My amendment provides for safety inspection in accordance with a rolling stock, to get people back to work, to make sure that America has energy, to make sure the people of my district and the State of Louisiana have jobs, good jobs, and we can continue the prosperity that we have had in the past.

Mr. RAHALL. I yield to the chairman of the Education and Labor Committee, Mr. MILLER of California.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, if we accept this moratorium, it's to suggest that we as a Congress of the United States of America have learned nothing since the Deepwater Horizon blew up in a tragic accident. We have learned nothing in the last hundred days to simply say we're going to go back to business as usual. Mr. MELANCON has given us a way to lift the moratorium, but to do it because the things that we have learned in our congressional investigations, that the Coast Guard has learned and others.

This is to suggest that we would not redesign the levees around Louisiana; we would just give them the money. Because we did that for 30 years, we have to take lessons learned. In every tragedy, the lessons are learned. And you have businesspeople all along the gulf who are losing millions of dollars in business. You have fishers who are losing their livelihood, and the question is will they ever get to come back. And if we do it right in lifting the moratorium, yes, they will get to come back. We will have energy development, and we will have a cleaner gulf than we have today because we learned something.

You take this vote home to your constituents and you're telling them you have learned nothing in the last hundred days about the operation.

We're talking about an oil company that blew up a rig that killed 15 people in Texas City, refused to fix it afterwards, and paid $87 million in fines. We're talking about a company that disregarded their workers. We have got to change those laws so this doesn't happen again. And we're on our way, thanks to Mr. MELANCON and others.

Mr. RAHALL. Mr. Speaker, what we have seen in the gulf is just plain wrong. We don't know what was the final cause of this explosion and this tragedy, but we know that something went wrong and we know that there are other scenarios that exist today where something may yet go wrong again. We hope not. We pray to God it does not.

But the fact is we need new safety requirements, and we cannot lift any moratoria in any domestic production of energy without ensuring that the new safety requirements are met. In this pending legislation, we do that. We don't just trust what the industry gives the oil rig safety inspectors. We say you have to verify. The safety inspectors have to verify what previously had just been given to them by the industry to submit as a final safety report.

So what we're doing in this legislation is not only providing ethics requirements for safety inspectors, proper training for safety inspectors, but we're also saying let's do a better job than we have in the past. And that's what this whole effort is about in the CLEAR Act.

I would urge my colleagues to reject this moratoria MTR because of what we have already adopted again in a bipartisan fashion. We've adopted the gentleman from Louisiana's amendment to lift the moratorium as long as safety requirements are met.

So if you support lifting the moratoria to protect oil workers' jobs, which everybody says they do, I hope that we'll do it and ensure that jobs are safe, and we do that by rejecting this MTR and passing this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CASSIDY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3534, if ordered, and the motion to suspend the rules and pass H.R. 5892.

The vote was taken by electronic device, and there were—ayes 166, noes 239, answered ''present'' 1, not voting 26, as follows:

[Roll No. 512]

AYES—166

Aderholt
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cuellar
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Green, Gene
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Murphy, Tim
Myrick
Neugebauer
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—239

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Critz
Crowley
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Djou
Doggett
Doyle
Driehaus
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Edwards (MD)

NOT VOTING—26

Akin
Bachmann
Berry
Brown (SC)
Buyer
Campbell
Carney
Davis (KY)
Delahunt
Foster
Griffith
Himes
Hoekstra
Kilpatrick (MI)
Linder
McCarthy (CA)
Moran (KS)
Nunes
Perlmutter
Radanovich
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining on this vote.

□ 1816

Messrs. PASTOR, BILIRAKIS and ALTMIRE changed their vote from ''aye'' to ''no.''

Mr. SALAZAR changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOSTER. Mr. Speaker, during rollcall vote No. 512 on H.R. 3534 (motion to recommit), I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 209, nays 193, answered ''present'' 1, not voting 30, as follows:

[Roll No. 513]

YEAS—209

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gordon (TN)
Grayson
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)

Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NAYS—193

Aderholt
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Green, Gene
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Holden
Hunter
Inglis
Issa
Jackson Lee (TX)
Jenkins
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul
McClintock
McCotter
McHenry
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Ortiz
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tanner
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Miller, Gary

NOT VOTING—30

Akin
Barrett (SC)
Berry
Blunt
Brown (SC)
Buyer
Campbell
Carney
Davis (KY)
Delahunt
Griffith
Himes
Hoekstra
Johnson, Sam
Kilpatrick (MI)
Linder
McCarthy (CA)
McKeon
Moran (KS)
Nunes
Obey
Perlmutter
Radanovich
Reyes
Rogers (MI)
Shadegg
Tiahrt
Wamp
Watson
Young (FL)

□ 1823

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS TAX RELIEF ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5982) to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 154, not voting 37, as follows:

[Roll No. 514]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—154

Aderholt
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Cassidy
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—37

Akin	Farr	Obey
Barrett (SC)	Griffith	Perlmutter
Berry	Harman	Radanovich
Blunt	Himes	Rogers (MI)
Brown (SC)	Hoekstra	Shadegg
Buyer	Johnson, Sam	Spratt
Campbell	Kilpatrick (MI)	Tanner
Carney	Linder	Tiahrt
Chaffetz	Luetkemeyer	Wamp
Chandler	McCarthy (CA)	Watson
Childers	McKeon	Young (FL)
Davis (KY)	Moran (KS)	
Delahunt	Nunes	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1830

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend several votes today, July 30, 2010. Had I been present, I would have voted ''aye'' on H. Res. 1574; ''aye'' on H. Res. 1558; ''aye'' on H.R. 5901; ''aye'' on H. Res. 1566; ''aye'' on H.R. 5414; ''nay'' on H.R. 5851, the motion to recommit; ''aye'' on final passage of H.R. 5851; on the Rahall Manager's Amendment; ''aye'' on the Kind Amendment; ''aye'' on the Teague Amendment; ''aye'' on the Oberstar Amendment; ''aye'' on the Melancon Amendment; ''nay'' on the motion to recommit H.R. 3534; ''aye'' on final passage of H.R. 3534; and ''aye'' on final passage of H.R. 5982.

PERSONAL EXPLANATION

Mr. HIMES. Mr. Speaker, the tragic death of two brave firemen from Bridgeport, CT, did not permit me to vote today on the House floor, but I wish to share my position on the votes taken Friday, July 30, 2010.

On H. Res. 1574, the rule providing for consideration of H.R. 3534, Consolidated Land, Energy and Aquatic Resources Act and H.R. 5851, Offshore Oil and Gas Worker Whistleblower Protection Act, I would have voted ''yes.''

On H. Res. 1558, the resolution expressing the sense of the House of Representatives that fruit and vegetable and commodity producers are encouraged to display the American flag on labels of products grown in the United States, reminding us all to take pride in the healthy bounty produced by American farmers and workers, I would have voted ''yes.''

On H.R. 5901, the Real Estate Jobs and Investment Act, I would have voted ''yes.''

On H. Res. 1566, the resolution recognizing the commemorating The Fiftieth Anniversary of the Student Nonviolent Coordinating Committee (SNCC) and the National Sit-In Movement, I would have voted ''yes.''

On the motion to recommit to H.R. 5851, I would have voted ''yes.''

On the final passage of H.R. 585, Offshore Oil and Gas Worker Whistleblower Protection Act, I would have voted ''yes.''

On the amendments to H.R. 3534:

On The Rahall manager's amendment, I would have voted ''yes.''

On the Kind Kratovil/Heinrich/Perriello/Titus/Kissel/Arcuri amendment, I would have voted ''yes.''

On the Teague Jackson Lee (TX) amendment, I would have voted ''yes.''

On the Oberstar/Himes amendment, I would have voted ''yes.''

On the Melancon/Childers amendment, I would have voted ''no.''

On the motion to recommit on H.R. 3534, I would have voted ''no.''

On the final passage of H.R. 3534, Consolidated Land, Energy and Aquatic Resources Act, I would have voted ''yes.''

On H.R. 5982, Small Business Tax Relief Act (Representatives Levin/Murphy (NY)/Owens), I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 30, 2010, I was absent from the House and missed rollcall votes 505, 506, 507, 508, 509, 510, 511, 512, 513, and 514.

Had I been present, I would have voted ''yes'' on rollcall 505, ''no'' on rollcall 506, ''no'' on rollcall 507, ''yes'' on rollcall 508, ''yes'' on rollcall 509, ''no'' on rollcall 510, ''no'' on rollcall 511, ''yes'' on rollcall 512, ''no'' on rollcall 513, and ''no'' on rollcall 514.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, July 30, 2010, I was unable to participate in all of the day's votes due to a family emergency. Had I been present I would have voted:

On rollcall No. 506—''no''—H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Act.

On rollcall No. 507—''no''—Rahall Amendment.

On rollcall No. 508—''yes''—Kind Amendment.

On rollcall No. 509—''yes''—Teague Amendment.

On rollcall No. 510—''no''—Oberstar/Himes Amendment.

On rollcall No. 511—''no''—Melancon Amendment No. 8.

On rollcall No. 512—''yes''—Republican Motion to Recommit on H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act.

On rollcall No. 513—''no''—H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act.

On rollcall No. 515—''no''—H.R. 5982, the Small Business Tax Relief Act.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5851, OFFSHORE OIL AND GAS WORKER WHISTLEBLOWER PROTECTION ACT OF 2010

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5851, to include corrections in spelling, punctuation, page and line numbering, section numbering and cross-referencing, and insertion of the appropriate headings.

The SPEAKER pro tempore (Ms. TITUS). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3534, CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3534, to include corrections in spelling, punctuation, section numbering, cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT AS MEMBERS TO CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members to the Congressional Award Board:

Mr. Nicholas Scott Cannon, Los Angeles, California, for the remainder of the term ending September 25, 2011 and in addition,

Mr. Jimmie Lee Solomon, Washington, D.C.

RECOGNIZING CECELIA STEINBERG

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today with a heavy heart to remember Cecelia Steinberg, a woman who spent her extraordinary life as a dedicated mother and grandmother, loving wife and life partner, and selfless activist for her community.

Cecelia—or Ceil to her friends—was born in Philadelphia and later joined the south Florida community in 1951. For many years, Ceil and her late husband, Irving, offered their hearts and their time in service to the Jewish and veteran communities in south Florida.

As the President of the Ladies National Auxiliary of the Jewish War Veterans of the United States, Ceil worked tirelessly to combat the powers of bigotry and hatred. She honored the service and sacrifice of so many Jewish men and women who pledged their allegiance and their lives to the United States.

Ceil is survived by her two daughters, Debra and Anita, four grandchildren and four great-grandchildren. Our

thoughts and prayers go out to Bill Kling, Ceil's life partner for the past 11 years, as well as all of Ceil's family and loved ones during this trying time. I will personally miss her very much.

THE NEW YORK FUND

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, the last 2 days we have seen some extraordinary things on this floor. There was a bill, well intentioned, to help those not only first responders, but anybody who may have suffered from inhaling what happened on 9/11.

September 12 was an amazing day when people came together all over the country, and we were Americans together. Our hearts went out to the New Yorkers, and in fact people stood in line in my hometown for hours to give blood. We gave generously, we continue to give. And never mind that there's no concern about first responders around the country, we'll continue to want to help New Yorkers.

But when the pay-for is going to cost thousands and thousands of jobs around this country to pay for that fund, have a little sympathy. People shouldn't have to lose their jobs to pay for the New York fund. We will continue to be generous. Don't ask for us to continue to give up jobs to do so.

HONORING BISHOP WALLACE EDWARD LOCKETT

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, June 30, 2010 will mark a significant date in the history of our country. On that date, in Mobile, Alabama, the Honorable W. Edward Lockett became the 57th Bishop of the CME Church.

Bishop Lockett has been a longtime stalwart in the Houston area. He has demonstrated what being one's keeper is all about. He has been his brother's keeper. And I am honored to say that I have had a flag flown over the Capitol of the United States of America to celebrate this great historic occasion for the CME Church for many of my constituents.

I will close with this: Bishop Lockett, we thank you for what you have done not only for the Houston community, but for what you have done in the United States of America. I hope and pray that you will continue to do God's work.

It is my honor to recognize and pay tribute to Bishop Wallace Edward Lockett of Houston, Texas on his election as the 57th Bishop of the Christian Methodist Episcopal (CME) Church at their 36th Quadrennial Session and the 37th General Conference of the Christian Methodist Episcopal Church on June 30, 2010 in Mobile, Alabama.

The CME is a 139-year old historically African American Christian denomination with more than 1.2 million members across the United States. CME also has missions and sister churches in Haiti, Jamaica, Ghana, Liberia, Nigeria and the Democratic Republic of the Congo, Sudan/Egypt, Kenya, Tanzania, Uganda, Rwanda and Burundi.

The quintessential public servant, Bishop Lockett has been a strong advocate for those without a voice, strengthening the family and working to better the condition of those in need, both here at home and abroad.

A pioneer in Houston's economic development community-based corporation, Bishop Lockett previously presided over the Board of Directors of a successful community-based development corporation, Sunnyside-Up, Incorporated, specializing in substantial rehabilitation of both single and multi-family housing.

Under his leadership the organization managed an inventory of more than one hundred homes in the organization's signature ''lease-purchase program.'' Additionally, over 600 units of multi-family housing were purchased, rehabilitated and joint managed.

For the past four years, Bishop Lockett and his business partner, Dr. Gideon Adjei (a native Ghanaian), have been involved in developing Crystal Horizon Investment (Ghana) Ltd. This project supports the development and security of 35,000 acres of land for farming, affordable housing, health care facilities, and schools in the Volta River area known as Ocosenbou of West Africa.

Prior to his recent election, Bishop Lockett served as the pastor of the 1,500-member CME Metropolitan Church in Houston for over 25 years.

During his tenure, more than 45 ministries have been developed, including a charter school middle for males. Bishop Lockett was also instrumental in leading Metropolitan CME Church in directing the construction of a new 49,000 square foot building which houses many of its ministries.

While actively involved in church, community, and for profit enterprises, Bishop Lockett also finds time for civic and political involvement. He serves on the Texas College Board of Trustees, (Tyler, Texas). He has served as a member of the Ministers Advisory Council to each mayor of Houston since 1985. Past positions held include President of the Texas State Legal Services Support Center (Austin, Texas), Board Member of the Deep East Texas Council of Government (DETCOG), and President of the Lufkin Branch of the NAACP, Lufkin, Texas.

Bishop Lockett also served his country honorably as a member of the United States Air Force working as a team member with the Intercontinental Ballistic Missile System.

Bishop Lockett attended Florida A&M University, Ohio University State University, and holds a Masters Degree in Business Management and International Marketing from the University of Phoenix. He is a candidate for Master of Theological Studies at Trinity Theological Seminary.

Lockett is married to Lillie B. and is the father of three children, Dwayne Demetrius, Vernon Dale and Nicole Tonita. He is the proud grandfather of five grandchildren.

A faithful shepherd and servant, Houston and Texas will miss Bishop Lockett. It is truly an honor to pay tribute to Rev. Lockett's distinguished life and a privilege to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

I ask that my colleagues join me in congratulating Bishop Wallace Edward Lockett as the 57th C.M.E Bishop and Presiding Prelate for the Fifth Episcopal District overseeing Alabama and Florida in the 140-year history of the Christian Methodist Episcopal (CME) Church.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. AL GREEN) is recognized for 5 minutes.

(Mr. AL GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WIKILEAKS DOCUMENTS ADD TO MOUNTING EVIDENCE AGAINST AFGHAN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the documents released to the news media this past weekend by WikiLeaks add to the mounting evidence that the war in Afghanistan remains fiscally unsustainable and morally unjustifiable. The New York Times puts it bluntly. They say, ''The documents illustrate why, after the United States has spent almost $300 billion on the war in Afghanistan, the Taliban are stronger than at any time since 2001.''

Madam Speaker, I don't know how we can possibly reach any other conclusion: This war is not worth the huge investment in blood and treasure which the American people have been asked to make for nearly a decade.

WikiLeaks uncovers much that has been missing from the official accounts of the situation on the ground in Afghanistan. To give just one important example, they reveal that the Taliban gained access to sophisticated heat-seeking missiles, which they used to kill U.S. and NATO troops.

Afghan security forces do not enjoy any trust or legitimacy in the eyes of Afghan citizens. They are not just incapable, according to specific WikiLeaks reports, they are often brutally cruel and corrupt. Petty bribery; a police chief selling ammunition on the black market; commanders stealing their underlings' salaries—this is just the least of it, Madam Speaker. In one account, a police commander takes advantage of a teenage girl and then shoots his own bodyguard when the bodyguard refuses to open fire on a civilian complaining about the rape. Most shockingly of all, perhaps, is the revelation that the Government of

Pakistan, our purported ally, is actively assisting the very militants we are fighting in Afghanistan.

Pakistan is a country that we lavish with foreign aid, one that U.S. officials repeatedly praise as an important partner in the struggle against terrorism, and it appears they're using our money to support our enemy.

We are not just talking about the passive enabling of terrorism. There are reports of Pakistani intelligence officials recruiting and training suicide bombers and helping to plan major Taliban offensives.

Perhaps most galling of all is the collective shrug from many in the foreign policy community about the WikiLeaks reports. We have known about this stuff all along, they say. This is nothing new.

Well, first of all, Madam Speaker, I am willing to bet a good percentage of the American people didn't know that their tax dollars are helping Pakistan fight against our interests.

Second, I think it is important to ask everyone who has responsibility for prosecuting this war: If you knew about these things, what are you doing about them?

As if I needed any more persuasion, the WikiLeaks revelations left me with no other choice earlier this week than to vote against the supplemental, Madam Speaker. How could I, in good conscience, endorse continued financial support for an unwinnable war, one that does violence to our values and is undermining our national security objectives?

There is only one option, Madam Speaker: End this war and bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2010 AND 2011

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 422(a) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, as revised by H. Res. 1493, providing for budget enforcement for fiscal year 2011, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the Committee on Appropriations for fiscal years 2010 and 2011 and revised budget aggregates for 2010.

Section (a)(1)(A) of H. Res. 1493 provides for adjustments to discretionary spending limits for certain Program Integrity Initiatives when these initiatives are included in an appropriations bill. The House amendments to the Senate amendments to H.R. 4899 (Making supplemental appropriations for fiscal year 2010), as passed the House on July 1, 2010, included an appropriation for such initiatives in accordance with S. Con. Res. 13. At that time, I submitted an adjustment accordingly. However, the House receded from its amendments and concurred in the Senate amendments to H.R. 4899 on July 27, 2010. The Senate amendments did not include an appropriation for such initiatives. Therefore I am adjusting the allocations and aggregates accordingly to reflect the absence of these initiatives in the enacted measure. Corresponding tables are attached.

These adjustments are filed for the purposes of sections 311 and 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(a) ALLOCATIONS

[In millions of dollars]

	BA	OT
Allocation for 2010		
Current allocation under S. Con. Res. 13	1,221,430	1,377,314
Change to remove program integrity provided on July 1, 2010, to reflect removal of funding in cleared Supplemental Appropriations (H.R. 4899)	−538	−35
Revised allocation	1,220,892	1,377,279
Allocation for 2011		
Allocation included in H. Res. 1493 [1]	1,121,000	1,314,469
Change to remove program integrity provided on July 1, 2010, to reflect removal of funding in cleared Supplemental Appropriations (H.R. 4899)	0	−469
Revised allocation	1,121,000	1,314,000

[1] Includes emergency funding incorporated in CBO's March baseline.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal year 2010	Fiscal years 2010–2014
Current Aggregates: [1]		
Budget Authority	2,892,317	n.a.
Outlays	3,004,412	n.a.
Revenues	1,651,218	10,588,269
Change for final Supplemental Appropriations (H.R. 4899):		
Budget Authority	−538	n.a.
Outlays	−35	n.a.
Revenues	0	0
Further Revised Aggregates:		
Budget Authority	2,891,779	n.a.

BUDGET AGGREGATES—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2010	Fiscal years 2010–2014
Outlays	3,004,377	n.a.
Revenues	1,651,218	10,588,269

n.a. = Not applicable because FY10 budget resolution, following precedent, did not provide an allocation for Appropriations beyond 2010.

[1] Current aggregates do not include the disaster allowance assumed in the budget resolution. The budgetary impact of items with emergency designations is excluded from current level (section 423(b)).

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

March 26, 2010:

H.R. 4938. An Act to permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program, and for other purposes.

March 30, 2010:

H.R. 4872. An Act to provide for reconciliation pursuant to Title II of the concurrent resolution on the budget for fiscal year 2010 (S. Con. Res. 13).

March 31, 2010:

H.R. 4957. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

April 7, 2010:

H.J. Res. 80. A joint resolution recognizing and honoring the Blinded Veterans Association on its 65th anniversary of representing blinded veterans and their families.

H.R. 4621. An Act to protect the integrity of the constitutionally mandated United States census and prohibit deceptive mail practices that attempt to exploit the decennial census.

April 15, 2010:

H.R. 4851. An Act to provide a temporary extension of certain programs, and for other purposes.

April 26, 2010:

H.R. 4573. An Act to urge the Secretary of the Treasury to instruct the United States Executive Directors at the International Monetary Fund, the World Bank, the Inter-American Development Bank, and other multilateral development institutions to use the voice, vote, and influence of the United States to cancel immediately and completely Haiti's debts to such institutions, and for other purposes.

H.R. 4887. An Act to amend the Internal Revenue Code of 1986 to ensure that health coverage provided by the Department of Defense is treated as minimal essential coverage.

April 30, 2010:

H.R. 5147. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

May 7, 2010:

H.R. 4360. An Act to designate the Department of Veterans Affairs blind rehabilitation center in Long Beach, California, as the ''Major Charles Robert Soltes, Jr., O.D. Department of Veterans Affairs Blind Rehabilitation Center''.

May 14, 2010:

H.R. 5146. An Act to provide that Members of Congress shall not receive a cost of living adjustment in pay during fiscal year 2011.

May 17, 2010:

H.R. 3714. An Act to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, and for other purposes.

May 24, 2010:

H.R. 1121. An Act to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes.

H.R. 1442. An Act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

H.R. 2802. An Act to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes.

H.R. 5148. An Act to amend title 39, United States Code, to clarify the instances in which the term ''census'' may appear on mailable matter.

H.R. 5160. An Act to extend the Caribbean Basin Economic Recovery Act, to provide customs support services to Haiti, and for other purposes.

May 27, 2010:

H.R. 5014. An Act to clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage.

June 8, 2010:

H.R. 5128. An Act to designate the United States Department of the Interior Building in Washington, District of Columbia, as the ''Stewart Lee Udall Department of the Interior Building''.

H.R. 5139. An Act to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo.

June 9, 2010:

H.R. 2711. An Act to amend title 5, United States Code, to provide for the transportation and moving expenses for the immediate family of certain Federal employees who die in the performance of their duties.

H.R. 3250. An Act to designate the facility of the United States Postal Service located at 1210 West MainStreet in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3634. An Act to designate the facility of the United States Postal Service located at 109 Main Street in Swifton, Arkansas, as the ''George Kell Post Office''.

H.R. 3892. An Act to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the ''E.V. Wilkins Post Office''.

H.R. 4017. An Act to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

H.R. 4095. An Act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the ''Congresswoman Jan Meyers Post Office Building''.

H.R. 4139. An Act to designate the facility of the United States Postal Service located at 7464 Highway 503 in Hickory, Mississippi, as the ''Sergeant Matthew L. Ingram Post Office''.

H.R. 4214. An Act to designate the facility of the United States Postal Service located at 45300 Portola Avenue in Palm Desert, California, as the ''Roy Wilson Post Office''.

H.R. 4238. An Act to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the ''W.D. Farr Post Office Building''.

H.R. 4425. An Act to designate the facility of the United States Postal Service located at 2–116th Street in North Troy, New York, as the ''Martin G. 'Marty' Mahar Post Office''.

H.R. 4547. An Act to designate the facility of the United States Postal Service located at 119 Station Road in Cheyney, Pennsylvania, as the ''Captain Luther H. Smith, U.S. Army Air Forces Post Office''.

H.R. 4628. An Act to designate the facility of the United States Postal Service located at 216 Westwood Avenue in Westwood, New Jersey, as the ''Sergeant Christopher R. Hrbek Post Office Building''.

H.R. 5330. An Act to amend the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such Act, and for other purposes.

June 25, 2010:

H.R. 3962. An Act to provide a physician payment update, to provide pension funding relief, and for other purposes.

June 28, 2010:

H.R. 3951. An Act to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

July 1, 2010:

H.R. 2194. An Act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

July 2, 2010:

H.R. 5569. An Act to extend the National Flood Insurance Program until September 30, 2010.

H.R. 5611. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 5623. An Act to amend the Internal Revenue Code of 1986 to extend the homebuyer tax credit for the purchase of a principal residence before October 1, 2010, in the case of a written binding contract entered into with respect to such principal residence before May 1, 2010, and for other purposes.

July 21, 2010:

H.R. 4173. An Act to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

July 22, 2010:

H.R. 4213. An Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

July 27, 2010:

H.J. Res. 83. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

H.R. 689. An Act to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes.

H.R. 3360. An Act to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

H.R. 4840. An Act to designate the facility of the United States Postal Service located at 1981 Cleveland Avenue in Columbus, Ohio, as the ''Clarence D. Lumpkin Post Office''.

H.R. 5502. An Act to amend the effective date of the gift card provisions of the Credit Card Accountability Responsibility and Disclosure Act of 2009.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions (of the Senate) of the following titles:

March 26, 2010:

S. 3186. An Act to reauthorize the Satellite Home Viewer Extension and Reauthorization Act of 2004 through April 30, 2010, and for other purposes.

April 26, 2010:

S.J. Res. 25. A joint resolution granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

April 30, 2010:

S. 3253. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

May 5, 2010:

S. 1963. An Act to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

May 24, 2010:

S. 1067. An Act to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

May 27, 2010:

S. 1782. An Act to provide improvements for the operations of the Federal courts, and for other purposes.

S. 3333. An Act to extend the statutory license for secondary transmissions under title 17, United States Code, and for other purposes.

June 15, 2010:

S. 3473. An Act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

June 30, 2010:

S.J. Res. 33. A joint resolution to provide for the reconsideration and revision of the proposed constitution of the United States Virgin Islands to correct provisions inconsistent with the Constitution and Federal law.

July 7, 2010:

S. 1660. An Act to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 2865. An Act to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), and for other purposes.

S.J. Res. 32. A joint resolution recognizing the 60th anniversary of the outbreak of the Korean War and reaffirming the United States-Korea alliance.

July 13, 2010:

S. 3104. An Act to permanently authorize Radio Free Asia, and for other purposes.

July 22, 2010:

S. 1508. An Act to amend the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) in order to prevent the loss of billions in taxpayer dollars.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of South Carolina (at the request of Mr. BOEHNER) for today after 2:30 p.m. on account of family reasons.

Mr. ROGERS of Michigan (at the request of Mr. BOEHNER) for today on account of attending his father's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 258. An act to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors; to the Committee on the Judiciary; in addition, to the Committee on Energy and Commerce 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.

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''; to the Committee on Oversight and Government Reform.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 3372. An act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

ADJOURNMENT

Ms. WOOLSEY. Madam Speaker, pursuant to House Concurrent Resolution 308, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p.m.), the House adjourned until Tuesday, September 14, 2010, at 2 p.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5982, the Small Business Tax Relief Act of 2010, for printing in the CONGRESSIONAL RECORD:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR THE SMALL BUSINESS TAX RELIEF ACT OF 2010 AS TRANSMITTED TO CBO ON JULY 30, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	−1,230	−1,305	1,427	236	38	70	125	121	146	222	−833	−149

Note: Components may not sum to totals because of rounding.

Source: Congressional Budget Office and the Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8652. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Publication of Notification of Bundling of Contracts of the Department of Defense (DFARS Case 2009-D033) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8653. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2010-0003; Internal Agency Docket No. FEMA-B-1081] received June 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8654. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Disclosures for Non-Federally Insured Depository Institutions Under the Federal Deposit Insurance Corporation Improvement Act (FDICIA) (RIN: 3084-AA99) July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8655. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule — Amendment to Prohibited Transaction Exemption (PTE) 84-14 for Plan Asset Transactions Determined by Independent Qualified Professional Asset Managers [Application Number D-11270] (ZRIN: 1210-ZA07) received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8656. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Process Under the Patient Protection and Affordable Care Act (RIN: 1210-AB45) received July 27, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8657. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Bismuth Citrate; Confirmation of Effective Date [Docket No.: FDA-2008-C-0098] received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District and South Coast Air Quality Management District [EPA-R09-OAR-2010-0514; FRL-9172-3] received July 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8659. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CG Docket No.: 03-123] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8660. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Structure and Practices of the Video Relay Service Program [CG Docket No.: 10-51] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8661. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Quality Assurance Program Requirements for Research and Test Reactors, Regulatory Guide 2.5, Revision 1, received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8662. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-44; Small Entity Compliance Guide [Docket: FAR 2010-0077, Sequence 6] received July 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8663. A letter from the Rules Administrator, Department of Justice, transmitting the Department's final rule — Administrative Remedy Program: Exception to Initial Filing Procedures [BOP-1159I] (RIN: 1120-AB59) received July 16, 2010, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8664. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Martinez 4th of July Fireworks, Martinez, CA [Docket No.: USCG-2010-0371] (RIN: 1625-AA00) received July 19, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8665. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pierce County, Washington, Department of Emergency Management, Regional Water Exercise [Docket No.: USCG-2010-0475] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8666. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Alligator River, NC [Docket No.: USCG-2010-0091] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8667. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wilson Bay, Jacksonville, NC [Docket No.: USCG-2010-0158] (RIN: 1625-AA00) received July 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8668. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30727; Amdt. No. 3376] received July 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8669. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for FY 2011 [CMS-1338-NC] (RIN: 0938-AP87) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8670. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for Federal Fiscal Year 2011 [CMS-1344-N] (RIN: 0938-AP89) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8671. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2011 [CMS-1523-NC] (RIN: 0938-AP84) received July 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. Supplemental report on H.R. 3534. A bill to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes (Rept. 111–575, Pt. 2). Committed to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5711. A bill to provide for the furnishing of statues by the territories of the United States for display in Statuary Hall in the United States Capitol (Rept. 111–583). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK of Massachusetts:

H.R. 5981. A bill to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes; to the Committee on Financial Services. considered and passed. considered and passed.

By Mr. LEVIN (for himself, Mr. OWENS, Mr. MURPHY of New York, Mr. STARK, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. ARCURI, Mr. BARROW, Mr. GARAMENDI, Ms. GIFFORDS, Mr. HILL, Mr. KRATOVIL, Mr. PERRIELLO, Mr. KIND, Mr. ISRAEL, Ms. CHU, and Ms. KOSMAS):

H.R. 5982. A bill to amend the Internal Revenue Code of 1986 to repeal the expansion of certain information reporting requirements to corporations and to payments for property, to eliminate loopholes which encourage companies to move operations offshore, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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.

By Mr. TOWNS (for himself and Mr. BILBRAY):

H.R. 5983. A bill to revise the Javits-Wagner-O'Day Act; to the Committee on Oversight and Government Reform.

By Ms. RICHARDSON (for herself and Mr. DAVIS of Illinois):

H.R. 5984. A bill to establish a pilot program to provide training and certification in the culinary arts for Federal inmates to be utilized during the normal inmate meals process and to be accredited for future employment and educational opportunities, and for other purposes; to the Committee on the Judiciary.

By Mrs. KIRKPATRICK of Arizona:

H.R. 5985. A bill to authorize the conveyance of two small parcels of land within the boundaries of the Coconino National Forest containing private improvements that were developed based upon the reliance of the landowners in an erroneous survey conducted in May 1960; to the Committee on Natural Resources.

By Mr. JOHNSON of Georgia (for himself, Mr. GENE GREEN of Texas, Mrs. CHRISTENSEN, Mr. WAXMAN, Mr. CONYERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. BUTTERFIELD, Mr. GRIJALVA, Mr. GINGREY of Georgia, Mr. PAYNE, Ms. RICHARDSON, and Ms. LEE of California):

H.R. 5986. A bill to require the submission of a report to the Congress on parasitic disease among poor Americans; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Ms. TITUS, Mr. KLEIN of Florida, Ms. GIFFORDS, Ms. SHEA-PORTER, Mr. BRIGHT, Ms. SUTTON, Ms. KOSMAS, Mr. CRITZ, Mr. DEUTCH, Mr. ARCURI, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BOREN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Ms. CASTOR of Florida, Ms. CLARKE, Mr. CLAY, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DELAURO, Mr. DRIEHAUS, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GARAMENDI, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GRIJALVA, Mr. HALL of New York, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. ISRAEL, Mr. KAGEN, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. KIRKPATRICK of Arizona, Mr. KISSELL, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Ms. MATSUI, Mr. MCINTYRE, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERRIELLO, Mr. PETERS, Mr. RAHALL, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. ROTHMAN of New Jersey, Mr. SABLAN, Ms. SCHAKOWSKY, Mr. SCHAUER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. STARK, Mr. TOWNS, Ms. TSONGAS, Mr. WALZ, Mr. WILSON of Ohio, Mr. YARMUTH, and Mr. MEEK of Florida):

H.R. 5987. A bill to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time $250 payment in the event that no cost-of-living adjustment is payable in 2011; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Veterans' Affairs, 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.

By Ms. RICHARDSON:

H.R. 5988. A bill to amend title 31, United States Code, to require each agency Chief Financial Officer to submit to the Office of Management and Budget a report on and recommendations concerning the adjustment or reduction of fees imposed by the agency for services and things of value it provides; to the Committee on Oversight and Government Reform.

By Mr. POLIS:

H.R. 5989. A bill to amend the Elementary and Secondary Education Act to enhance the credit program for charter schools through green initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. KIND (for himself and Mr. HERGER):

H.R. 5990. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for investments in rural microbusinesses; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut (for himself and Mr. RYAN of Ohio):

H.R. 5991. A bill to establish small metalworking business financial assistance programs, and for other purposes; to the Committee on Small Business, and in addition to

the Committee on Ways and Means, 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.

By Mr. YOUNG of Alaska (for himself, Mr. BISHOP of Utah, Mr. CHAFFETZ, and Mr. JONES):

H.R. 5992. A bill to amend the Federal Water Pollution Control Act to eliminate the authority of the Administrator of the Environmental Protection Agency to deny or restrict the use of a defined area as a dredged or fill material disposal site, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. HALVORSON (for herself, Mr. FILNER, Mr. HALL of New York, and Ms. PINGREE of Maine):

H.R. 5993. A bill to amend title 38, United States Code, to ensure that beneficiaries of Servicemembers' Group Life Insurance receive financial counseling and disclosure information regarding life insurance payments, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WELCH (for himself, Mr. CONNOLLY of Virginia, and Ms. LEE of California):

H.R. 5994. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for the payment of punitive damages, and for other purposes; to the Committee on Ways and Means.

By Mr. GRIJALVA:

H.R. 5995. A bill to amend the Internal Revenue Code of 1986 to deny the trade or business expense deduction for damages paid pursuant to the Oil Pollution Act of 1990; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. LEWIS of Georgia):

H.R. 5996. A bill to direct the Secretary of Veterans Affairs to improve the prevention, diagnosis, and treatment of veterans with chronic obstructive pulmonary disease; to the Committee on Veterans' Affairs.

By Mr. TURNER (for himself and Mr. REICHERT):

H.R. 5997. A bill to amend the Rules of the House of Representatives and the Congressional Budget and Impoundment Control Act of 1974 to require that public hearings be held on all earmark requests in the district of the Member, Delegate, or Resident Commissioner making the request, and to further increase earmark transparency and accountability; to the Committee on Standards of Official Conduct, and in addition to the Committee on Rules, 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.

By Mr. HENSARLING:

H.R. 5998. A bill to repeal the enhanced compensation structure reporting requirement of the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Financial Services.

By Mr. HENSARLING:

H.R. 5999. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to repeal the Office of Financial Research; to the Committee on Financial Services.

By Mr. GRAYSON:

H.R. 6000. A bill to provide for criminal liability for the denial of health care coverage of a treatment or an individual, and for other purposes; to the Committee on Energy and Commerce, 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.

By Mr. PITTS:

H.R. 6001. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of tax-free COBRA premium payment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. COSTELLO:

H.R. 6002. A bill to amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

By Mr. FOSTER:

H.R. 6003. A bill to provide for the establishment of the National Fab Lab Network to build out a network of community based, networked Fabrication Laboratories across the United States to foster a new generation with scientific and engineering skills and to provide a work force capable of producing world class individualized and traditional manufactured goods; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, 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.

By Ms. SHEA-PORTER:

H.R. 6004. A bill to amend the Elementary and Secondary Education Act of 1965 to modify certain provisions concerning charter schools; to the Committee on Education and Labor.

By Mr. BURGESS (for himself, Mr. STEARNS, and Mrs. BLACKBURN):

H.R. 6005. A bill to amend titles XVIII and XIX of the Social Security Act to provide for the temporary treatment of certain electronic health records as certified EHR technology for purposes of health information technology payment incentives under the Medicare and Medicaid Programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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.

By Mr. KUCINICH:

H.R. 6006. A bill to affirm that waters of the Great Lakes Basin are impressed with a public trust and managed consistent with public trust principles and other standards to protect the navigational, conservation, and public interests in such waters, to provide for enforcement, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CRITZ (for himself, Ms. LINDA T. SÁNCHEZ of California, and Mr. BOCCIERI):

H.R. 6007. A bill to amend section 310 of the Trade Act of 1974 to strengthen provisions relating to the identification of United States trade expansion priorities; to the Committee on Ways and Means.

By Mr. SCHAUER (for himself, Ms. CORRINE BROWN of Florida, Mr. EHLERS, Mr. WALZ, Mr. UPTON, Mr. PETERS, Mrs. MILLER of Michigan, Mr. SMITH of Washington, Mr. KILDEE, Mr. CONYERS, Ms. KAPTUR, Mrs. HALVORSON, and Mr. LIPINSKI):

H.R. 6008. A bill to amend title 49, United States Code, to ensure telephonic notice of certain incidents, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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.

By Mr. MCCARTHY of California (for himself, Mr. HARPER, Mrs. BACHMANN, Mr. DANIEL E. LUNGREN of California, and Mr. MCKEON):

H.R. 6009. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to require the Secretary of Defense to provide expedited delivery of marked absentee ballots of absent overseas uniformed services voters to the appropriate election officials when such ballots are collected on or before the last Friday before the election, and for other purposes; to the Committee on House Administration.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. FILNER, Mr. GRIJALVA, Mr. STARK, Mr. ELLISON, and Mr. JACKSON of Illinois):

H.R. 6010. A bill to prohibit the extrajudicial killing of United States citizens, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on the Judiciary, and Armed Services, 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.

By Mr. SCHIFF:

H.R. 6011. A bill to direct the Attorney General to design and implement a procedure to permit enhanced searches of the National DNA Index System; to the Committee on the Judiciary.

By Mr. SPACE (for himself, Mr. TERRY, Ms. DEGETTE, and Mr. CASTLE):

H.R. 6012. A bill to direct the Secretary of Health and Human Services to review uptake and utilization of diabetes screening benefits and establish an outreach program with respect to such benefits, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ADLER of New Jersey (for himself, Mr. ANDREWS, and Mr. ROTHMAN of New Jersey):

H.R. 6013. A bill to amend title 38, United States Code, to increase plot allowances for certain veterans buried in Department of Veterans Affairs cemeteries or State cemeteries and to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself, Mr. BERRY, Mr. ROSS, and Mr. SNYDER):

H.R. 6014. A bill to designate the facility of the United States Postal Service located at 212 Main Street in Hartman, Arkansas, as the ''M.R. 'Bucky' Walters Post Office''; to the Committee on Oversight and Government Reform.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, Mr. SERRANO, Mr. AL GREEN of Texas, Ms. HIRONO, and Mr. HONDA):

H.R. 6015. A bill to require the Director of the Bureau of Economic Analysis of the Department of Commerce to publish certain economic data regarding territories and Freely Associated States, and for other purposes; 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.

By Mr. BRADY of Texas:

H.R. 6016. A bill to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS:

H.R. 6017. A bill to amend the Public Health Service Act to ensure that the Federal Government has independent, peer-reviewed scientific data and information to assess short-term and long-term direct and indirect impacts on the health of oil spill clean-up workers and vulnerable residents resulting from the Deepwater Horizon oil spill, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. DENT):

H.R. 6018. A bill to amend the Immigration and Nationality Act with respect to a country that denies or unreasonably delays accepting the country's nationals upon the request of the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. CASTLE (for himself and Mr. PLATTS):

H.R. 6019. A bill to amend title 18, United States Code, to extend the post-employment restrictions on certain executive and legislative branch officers and employees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on House Administration, and Rules, 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.

By Mr. CLAY (for himself, Mr. RANGEL, and Ms. LEE of California):

H.R. 6020. A bill to amend title 11 of the United States Code with respect the sale by the trustee of property that is subject to a lease; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. BERMAN, Ms. LEE of California, Ms. WATSON, Ms. WATERS, Mr. LEWIS of Georgia, Ms. NORTON, Ms. RICHARDSON, Mr. RUSH, Ms. SCHAKOWSKY, Ms. JACKSON LEE of Texas, Mrs. CHRISTENSEN, Mr. STARK, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. CLARKE, and Mr. JACKSON of Illinois):

H.R. 6021. A bill to authorize appropriations for fiscal years 2010 through 2014 to promote long-term, sustainable rebuilding and development in Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. COURTNEY:

H.R. 6022. A bill to improve the Federal contracting process with respect to veterans, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, 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.

By Mr. DAVIS of Illinois (for himself and Mr. LIPINSKI):

H.R. 6023. A bill to deauthorize a portion of the project for navigation, Chicago Harbor, Illinois, under the jurisdiction of the Corps of Engineers; to the Committee on Transportation and Infrastructure.

By Ms. DELAURO (for herself, Ms. SCHAKOWSKY, Mr. MCDERMOTT, Mrs. LOWEY, Mr. GRIJALVA, Ms. LEE of California, Mr. MEEKS of New York, and Ms. RICHARDSON):

H.R. 6024. A bill to amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes; to the Committee on Agriculture.

By Ms. DELAURO (for herself, Mr. RYAN of Ohio, Mr. MANZULLO, Mr. PERRIELLO, Ms. SUTTON, and Mr. CARNAHAN):

H.R. 6025. A bill to amend the Internal Revenue Code of 1986 to allow manufacturing businesses to establish tax-free manufacturing reinvestment accounts to assist them in providing for new equipment and facilities and workforce training; to the Committee on Ways and Means.

By Mr. DRIEHAUS (for himself, Mr. TOWNS, and Mr. CLAY):

H.R. 6026. A bill to require the Director of the Office of Management and Budget to establish and maintain a single website accessible to the public that allows the public to obtain electronic copies of congressionally mandated reports; to the Committee on Oversight and Government Reform.

By Mr. EDWARDS of Texas (for himself, Mr. SMITH of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. RODRIGUEZ):

H.R. 6027. A bill to amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Texas:

H.R. 6028. A bill to amend the Endangered Species Act of 1973 to prohibit treatment of the Gray wolf as an endangered species or threatened species; to the Committee on Natural Resources.

By Mr. ELLISON (for himself and Mr. SCOTT of Virginia):

H.R. 6029. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and Labor, 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.

By Mr. ENGEL (for himself, Mr. SHERMAN, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. SIRES, and Mr. GUTIERREZ):

H.R. 6030. A bill to protect the Nation's law enforcement officers by banning the FiveseveN Pistol and 5.7 x 28mm SS190, SS192, SS195LF, SS196, and SS197 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

By Mr. ENGEL:

H.R. 6031. A bill to amend the Internal Revenue Code of 1986 to deny certain tax benefits to persons responsible for an oil spill if such person commits certain additional violations; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself and Mr. TERRY):

H.R. 6032. A bill to amend the Public Health Service Act to authorize appointment of Doctors of Chiropractic to regular and reserve corps of the Public Health Service Commissioned Corps, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HALL of New York:

H.R. 6033. A bill to amend the Internal Revenue Code of 1986 to consolidate education tax benefits into one credit against income tax for higher education expenses; to the Committee on Ways and Means.

By Mr. HALL of New York (for himself, Mr. SMITH of New Jersey, Mr. OWENS, Ms. BORDALLO, and Ms. RICHARDSON):

H.R. 6034. A bill to amend title 36, United States Code, to designate the musical piece commonly known as ''Taps'' as the National Song of Remembrance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Veterans' Affairs, 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.

By Mr. HOLDEN:

H.R. 6035. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the conversion of United States coal and domestic carbonaceous feedstocks into synthetic fuels and synthetic gas; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mr. TONKO):

H.R. 6036. A bill to improve foreign language instruction; to the Committee on Education and Labor.

By Mr. HUNTER (for himself, Mr. WHITFIELD, Mr. LAMBORN, Mr. MILLER of Florida, and Mr. ROONEY):

H.R. 6037. A bill to amend title 18, United States Code, to provide for an exception to the prohibition against mailing tobacco products for products mailed to members of the Armed Forces serving in a combat zone; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. TOWNS, and Mr. BACHUS):

H.R. 6038. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to increase financial industry transparency, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on 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.

By Mr. KAGEN (for himself, Mr. PETRI, Mr. KIND, and Ms. BALDWIN):

H.R. 6039. A bill to establish the Fox-Wisconsin Heritage Parkway National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Ms. KAPTUR:

H.R. 6040. A bill to establish the Maumee Valley National Heritage Area in Ohio and Indiana, and for other purposes; to the Committee on Natural Resources.

By Mr. KIRK:

H.R. 6041. A bill to amend the Internal Revenue Code of 1986 to exclude income attributable to certain empowerment zone real property from gross income; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself and Ms. BERKLEY):

H.R. 6042. A bill to amend title 38, United States Code, to expand burial benefits for certain homeless veterans; to the Committee on Veterans' Affairs.

By Mr. KLEIN of Florida (for himself, Mr. KIRK, Mr. ROTHMAN of New Jersey, Mr. DEUTCH, Mr. MCMAHON, Ms. BERKLEY, Ms. WASSERMAN SCHULTZ, and Mr. ENGEL):

H.R. 6043. A bill to restrict participation in offshore oil and gas leasing by a person who engages in any activity for which sanctions may be imposed under section 5 of the Iran Sanctions Act of 1996, to require the lessee under an offshore oil and gas lease to discloses any participation by the lessee in certain energy-related joint ventures, investments, or partnerships located outside Iran, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, 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.

By Mr. LATTA (for himself, Mr. FORTENBERRY, Mr. BURTON of Indiana, and Mr. MANZULLO):

H.R. 6044. A bill to amend the Foreign Assistance Act of 1961 to prohibit the United States Agency for International Development from procuring manufactured articles to provide disaster relief assistance or emergency relief assistance in a foreign country unless the articles are manufactured in such foreign country or in certain circumstances

in the United States or third countries; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. PINGREE of Maine, Mr. FILNER, Ms. SPEIER, Ms. WOOLSEY, Ms. WATERS, Mr. GEORGE MILLER of California, Ms. EDWARDS of Maryland, Mr. CONYERS, Ms. JACKSON LEE of Texas, Mr. PAUL, Mrs. MALONEY, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. HONDA, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. WELCH, Mr. FRANK of Massachusetts, Mr. PAYNE, and Mr. JONES):

H.R. 6045. A bill to provide that funds for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, 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.

By Mr. LEE of New York:

H.R. 6046. A bill to require the GAO to evaluate the propriety of assistance provided to General Motors Corporation under the Troubled Asset Relief Program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Financial Services, the Judiciary, and Oversight and Government Reform, 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.

By Mrs. LOWEY:

H.R. 6047. A bill to improve airport screening and security; to the Committee on Homeland Security.

By Mrs. LOWEY:

H.R. 6048. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that certain tenants are able to return to affordable housing after a major disaster; to the Committee on Transportation and Infrastructure.

By Ms. MARKEY of Colorado:

H.R. 6049. A bill to authorize the Secretary of the Interior, in cooperation with Kiowa County, Colorado, to restore the Murdock Building in Eads, Colorado, for use as the visitor center for the Sand Creek Massacre National Historic Site; to the Committee on Natural Resources.

By Ms. MARKEY of Colorado:

H.R. 6050. A bill to authorize the Secretary of the Interior, to authorize the Secretary of the Interior, in cooperation with the Koshare Indian Museum, to assist in the expansion of the Museum's storage facility in La Junta, Colorado, to house the collection of Bent's Old Fort National Historic Site and collections from other National Park Service units; to the Committee on Natural Resources.

By Mr. MARKEY of Massachusetts (for himself, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, and Mr. WELCH):

H.R. 6051. A bill to prohibit the Secretary of the Interior from issuing any new lease that authorizes the production of oil or natural gas under the Outer Continental Shelf Lands Act to a person that does not renegotiate existing leases held by the person to incorporate limitations on royalty relief based on market price that are equal to or less than price thresholds that apply to other leases under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. MCHENRY:

H.R. 6052. A bill to require the Director of the Office of Management and Budget to establish and maintain a website to track the expenditure of Government funds; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida:

H.R. 6053. A bill to amend the Oil Pollution Act of 1990 to provide for timely consideration of claims submitted by States and political subdivisions for reimbursement of removal costs; to the Committee on Transportation and Infrastructure.

By Mr. MELANCON:

H.R. 6054. A bill to amend title 38, United States Code, to increase and to provide for an annual adjustment of the amounts of assistance payable by the Secretary of Veterans Affairs for veterans' funeral and burial expenses; to the Committee on Veterans' Affairs.

By Mr. MURPHY of Connecticut (for himself and Mr. RYAN of Ohio):

H.R. 6055. A bill to support and strengthen small businesses manufacturing in America, and for other purposes; to the Committee on Financial Services.

By Mr. NEAL of Massachusetts:

H.R. 6056. A bill to amend the Internal Revenue Code of 1986 to treat certain employee-funded pensions created before June 25, 1959, in the same manner as qualified trusts for purposes of unrelated debt-financed income derived from real property, and to increase the limitation on elective deferrals to such employee-funded pensions; to the Committee on Ways and Means.

By Mr. OWENS (for himself and Mr. COURTNEY):

H.R. 6057. A bill to amend the Consolidated Farm and Rural Development Act to expand eligibility for Farm Service Agency loans; to the Committee on Agriculture.

By Mr. PAULSEN (for himself and Mr. MINNICK):

H.R. 6058. A bill to ensure that the housing assistance programs of the Department of Housing and Urban Development and the Department of Veterans Affairs are available to veterans and members of the Armed Forces who have service-connected injuries and to survivors and dependents of veterans and members of the Armed Forces; to the Committee on Financial Services, and in addition to the Committee on Veterans' Affairs, 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.

By Mr. PIERLUISI (for himself, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. COHEN, Ms. WOOLSEY, Ms. DEGETTE, Mr. MCGOVERN, Mr. POLIS, Mr. BACA, Mr. GRIJALVA, Mr. GRAYSON, Mr. NADLER of New York, and Mr. FARR):

H.R. 6059. A bill to amend title 18, United States Code, to provide for deferred sentencing and the possibility of dismissal for drug offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of North Carolina:

H.R. 6060. A bill to support innovation and research in the United States textile and fiber products industry; to the Committee on Science and Technology.

By Mr. PRICE of North Carolina (for himself, Mr. CASTLE, Mr. VAN HOLLEN, and Mr. PLATTS):

H.R. 6061. A bill to amend the Internal Revenue Code of 1986 to reform the system of public financing for Presidential elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Ways and Means, 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.

By Mr. ROONEY:

H.R. 6062. A bill to identify and remove criminal aliens incarcerated in correctional facilities in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTHMAN of New Jersey:

H.R. 6063. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the safety of elementary schools and secondary schools; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER:

H.R. 6064. A bill to provide certain rights to commuters who ride public transportation; to the Committee on Transportation and Infrastructure.

By Mr. RUPPERSBERGER:

H.R. 6065. A bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, 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.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 6066. A bill to amend title II of the Social Security Act to provide appropriate safeguards for applicants for disability insurance benefits and other benefits based on disability under such title against inappropriate offsets of such benefits against benefits otherwise provided under private disability insurance coverage; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 6067. A bill to increase by $25 million the funding available for individual development accounts for each of fiscal years 2011 and 2012, and to amend the Internal Revenue Code of 1986 to eliminate the domestic production deduction for coal and other hard mineral fossil fuels; to the Committee on Ways and Means.

By Ms. LORETTA SANCHEZ of California (for herself and Mr. HALL of Texas):

H.R. 6068. A bill to amend title 44, United States Code, to require each agency to include contact information for the agency in its collection of information; to the Committee on Oversight and Government Reform.

By Mr. SARBANES:

H.R. 6069. A bill to ensure adequate funding for foreclosure mitigation counseling activities of the Neighborhood Reinvestment Corporation in connection with the Home Affordable Modification Program of the Secretary of the Treasury; to the Committee on Financial Services.

By Mr. SCHRADER:

H.R. 6070. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; to the Committee on Natural Resources.

By Mr. SHERMAN (for himself, Ms. ROS-LEHTINEN, Mr. KAGEN, Mr. JONES, Ms. SHEA-PORTER, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. DEFAZIO):

H.R. 6071. A bill to withdraw normal trade relations treatment from the products of the People's Republic of China, to provide for a balanced trade relationship between that country and the United States, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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.

By Mr. SPACE (for himself, Mr. STARK, Mr. PALLONE, Mr. LEVIN, Mr. WAXMAN, Mr. DINGELL, Mr. BURGESS, and Mr. ENGEL):

H.R. 6072. A bill to amend titles XVIII and XIX of the Social Security Act to clarify the application of EHR payment incentives in cases of multi-campus hospitals; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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.

By Ms. SPEIER (for herself, Mrs. BIGGERT, Mr. BACA, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Mr. LATOURETTE, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. STARK, Mr. KILDEE, Mr. HINCHEY, Ms. HARMAN, Mr. HOLT, Ms. ESHOO, Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Mr. ELLISON, Mrs. HALVORSON, Mr. KUCINICH, Mrs. MALONEY, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. SCHIFF, Ms. SCHWARTZ, Ms. TITUS, Ms. TSONGAS, Ms. SUTTON, Mrs. NAPOLITANO, Ms. JACKSON LEE of Texas, Mr. CARSON of Indiana, Mrs. EMERSON, Ms. WASSERMAN SCHULTZ, Ms. MATSUI, Mrs. CAPPS, Ms. MCCOLLUM, Mr. SHERMAN, Mr. THOMPSON of California, and Mr. MCDERMOTT):

H.R. 6073. A bill to award a congressional gold medal to Dr. Balazs ''Ernie'' Bodai in recognition of his many outstanding contributions to the Nation, including a tireless commitment to breast cancer research; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 6074. A bill to amend titles XVIII and XIX of the Social Security Act to enhance quality under the Medicaid Program through nursing facility survey system improvements; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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.

By Mr. TIERNEY (for himself, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. DELAHUNT, Mr. JONES, and Mr. COURTNEY):

H.R. 6075. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to require payment of costs, fees, and expenses incurred by certain prevailing parties in proceedings under such Act from sums received as fines, penalties, and forfeitures, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER (for himself, Mr. ACKERMAN, Mr. CROWLEY, Mr. BISHOP of New York, Ms. CLARKE, Ms. DEGETTE, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. NADLER of New York, Mr. OWENS, Mr. RANGEL, Mr. SERRANO, Mr. TONKO, Mr. TOWNS, Mr. ARCURI, Ms. VELÁZQUEZ, and Ms. SLAUGHTER):

H.R. 6076. A bill to provide for the award of a gold medal on behalf of Congress posthumously to Father Mychal Judge, O.F.M., beloved Chaplain of the Fire Department of New York who passed away as the first recorded victim of the September 11, 2001, attacks in recognition of his example to the Nation of selfless dedication to duty and compassion for one's fellow citizens; to the Committee on Financial Services.

By Mr. WHITFIELD:

H.R. 6077. A bill to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space; to the Committee on Natural Resources.

By Ms. WOOLSEY (for herself, Ms. RICHARDSON, Ms. HIRONO, Ms. WATSON, Mr. GRIJALVA, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. FUDGE, Mr. HINCHEY, Mr. HOLT, Mr. SCOTT of Virginia, Mr. POLIS, Mr. LOEBSACK, Ms. BORDALLO, Mr. DAVIS of Illinois, Ms. JACKSON LEE of Texas, Ms. WASSERMAN SCHULTZ, Ms. NORTON, and Ms. LEE of California):

H.R. 6078. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to local educational agencies to encourage girls and underrepresented minorities to pursue studies and careers in science, mathematics, engineering, and technology; to the Committee on Education and Labor.

By Mr. MINNICK (for himself, Mr. CULBERSON, Mr. CUELLAR, and Mr. BISHOP of Utah):

H.J. Res. 95. A joint resolution proposing an amendment to the Constitution of the United States allowing the States to call a limited convention solely for the purposes of considering whether to propose a specific amendment to the Constitution; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas (for himself, Mr. UPTON, Mr. BACA, Mr. BARROW, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO MACK, Mr. BOSWELL, Mr. BOREN, Mr. BRIGHT, Mr. BURGESS, Mr. BUTTERFIELD, Mr. BUYER, Mr. CHILDERS, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. GINGREY of Georgia, Mr. GRIFFITH, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATTA, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PITTS, Mr. RADANOVICH, Mr. RAHALL, Mr. ROGERS of Michigan, Ms. LORETTA SANCHEZ of California, Mr. SCALISE, Mr. SHADEGG, Mr. SHIMKUS, Mr. SIRES, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. WALDEN, and Mr. WHITFIELD):

H. Con. Res. 311. Concurrent resolution to express the sense of Congress that it is the responsibility of Congress to determine the regulatory authority of the Federal Communications Commission with respect to broadband Internet services; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia (for himself, Mr. KINGSTON, Mr. WESTMORELAND, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. GINGREY of Georgia, Mr. PRICE of Georgia, Mr. BARROW, Mr. BISHOP of Georgia, and Mr. MARSHALL):

H. Con. Res. 312. Concurrent resolution recognizing Springfield Baptist Church as the first African-American church established in the City of Greensboro, Georgia, following the Emancipation Proclamation and, therefore, the oldest in Greene County, on the occasion of its placement as a permanent marker by the Georgia Historical Society; to the Committee on Oversight and Government Reform.

By Mr. BAIRD (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. DAVIS of Tennessee, and Mr. SCALISE):

H. Con. Res. 313. Concurrent resolution expressing thanks to the people of Qatar for their assistance to the victims of Hurricane Katrina; to the Committee on Foreign Affairs.

By Ms. ESHOO (for herself, Mr. BACA, Mr. BECERRA, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTELLO, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. GRAYSON, Ms. JACKSON LEE of Texas, Mr. KENNEDY, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mr. MCNERNEY, Mr. NADLER of New York, Mr. OBEY, Mr. PALLONE, Mr. PERLMUTTER, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. SPEIER, Mr. THOMPSON of California, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY):

H. Con. Res. 314. Concurrent resolution expressing the sense of Congress on the closure of the main entrance to the Supreme Court; to the Committee on the Judiciary.

By Mr. BOUSTANY (for himself, Mr. SCALISE, Mr. CAO, Mr. MELANCON, Mr. ALEXANDER, Mr. CASSIDY, and Mr. FLEMING):

H. Res. 1583. A resolution observing the fifth anniversary of the date on which Hurricane Rita devastated the coasts of Louisiana and Texas, remembering those lost in the storm and in the process of evacuation, recovery, and rebuilding; saluting the dedication of the volunteers who offered assistance in support of those affected by the storm, recognizing the progress of efforts to rebuild the affected Gulf Coast region, commending the persistence of the people of the States of Louisiana and Texas following the second major hurricane to hit Louisiana that season, and reaffirming Congress' commitment to restore and renew the Gulf Coast region; to the Committee on Transportation and Infrastructure.

By Mr. CHAFFETZ (for himself, Mr. BISHOP of Utah, and Mr. MATHESON):

H. Res. 1584. A resolution honoring the members of the Utah National Guard; to the Committee on Armed Services.

By Mr. GARAMENDI (for himself, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Ms. SHEA-PORTER, Ms. GIFFORDS, Ms. BORDALLO, Mr. RAHALL, Mr. HERGER, Ms. ESHOO, Ms. FALLIN, Mr. BACA, Ms. HARMAN, and Mr. MCNERNEY):

H. Res. 1585. A resolution honoring and recognizing the exemplary service and sacrifice of the 60th Air Mobility Wing, the 349th Air Mobility Wing, the 15th Expeditionary Mobility Task Force, and the 615th Contingency Response Wing civilians and families serving at Travis Air Force Base, California; to the Committee on Armed Services.

By Mr. ALTMIRE:

H. Res. 1586. A resolution expressing support for designation of the first week of August as ''National Family Business Week''; to the Committee on Oversight and Government Reform.

By Mr. BISHOP of Utah (for himself, Mrs. BLACKBURN, Mr. CULBERSON, Mr. LAMBORN, Mr. GARRETT of New Jersey, Mr. CHAFFETZ, Mr. MCCLINTOCK, Mrs. LUMMIS, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. PENCE, Mr. PRICE of Georgia, Mr. HENSARLING, Mr. PITTS, Mr. LATTA, Mr. BARTLETT, Mr. COFFMAN of Colorado, Mr. TIAHRT, Mr. CASSIDY, Mr. GRAVES of Georgia, Mr. GINGREY of Georgia, and Mrs. MCMORRIS RODGERS):

H. Res. 1587. A resolution recognizing that the cause of liberty demands that government should be made accountable again to the consent of the governed, and calling for

the real decentralization of power through the restoration of American federalism; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. MCCAUL, Mr. PAYNE, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 1588. A resolution expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Ms. PINGREE of Maine, Ms. BALDWIN, Mr. HINCHEY, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. CONYERS, Mrs. CAPPS, Ms. NORTON, Ms. LEE of California, Mrs. CHRISTENSEN, Mr. COHEN, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, and Ms. WOOLSEY):

H. Res. 1589. A resolution commending the Women's Bureau of the U.S. Department of Labor on its 90th anniversary; to the Committee on Education and Labor.

By Ms. GIFFORDS (for herself, Mr. LAMBORN, Mr. BISHOP of Georgia, Mr. BONNER, Ms. WASSERMAN SCHULTZ, Mr. BARROW, Mrs. DAVIS of California, Mr. JONES, Mr. SABLAN, Mr. THORNBERRY, Mr. OWENS, Mrs. MYRICK, Mr. KISSELL, Mr. MICHAUD, Mr. GARAMENDI, Mr. ADERHOLT, Ms. KILPATRICK of Michigan, Mr. SPRATT, Mr. DUNCAN, Mr. WITTMAN, Mr. TURNER, Ms. SHEA-PORTER, and Mr. HEINRICH):

H. Res. 1590. A resolution recognizing the 150th anniversary of the Army Signal Corps; to the Committee on Armed Services.

By Mr. HASTINGS of Florida (for himself, Ms. CORRINE BROWN of Florida, Ms. MOORE of Wisconsin, Mr. PAYNE, Ms. RICHARDSON, Mrs. CHRISTENSEN, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. EDWARDS of Maryland, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. TOWNS, Mr. MEEK of Florida, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Ms. NORTON, and Mr. CLAY):

H. Res. 1591. A resolution recognizing the Black Barbershop Health Outreach Program's contribution to the national fight against health disparities through education, community involvement, research, and culturally relevant strategies that seek to improve health outcomes in Black communities across the country; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida:

H. Res. 1592. A resolution recognizing persons of African descent in Europe; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ORTIZ, Mr. HINOJOSA, Mr. REYES, and Mr. GENE GREEN of Texas):

H. Res. 1593. A resolution supporting academically-based social studies curriculum standards for the Nation's elementary and secondary education public school textbooks; to the Committee on Education and Labor.

By Mr. KINGSTON:

H. Res. 1594. A resolution celebrating the 69th anniversary of the first combat action of the American Volunteer Group and recognizing the contribution of the American Volunteer Group and the 23rd Fighter Group known as the ''Flying Tigers'' to the victory of the United States in World War II; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. CAMP, Mr. STARK, Mr. HERGER, Mr. LEWIS of Georgia, Mr. SAM JOHNSON of Texas, Mr. NEAL of Massachusetts, Mr. BRADY of Texas, Mr. TANNER, Mr. CANTOR, Mr. POMEROY, Mr. LINDER, Mr. BLUMENAUER, Mr. TIBERI, Mr. KIND, Mr. DAVIS of Kentucky, Mr. PASCRELL, Mr. REICHERT, Ms. BERKLEY, Mr. BOUSTANY, Mr. CROWLEY, Mr. HELLER, Mr. VAN HOLLEN, Mr. ROSKAM, Ms. SCHWARTZ, Mr. DAVIS of Illinois, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 1595. A resolution recognizing the 50th anniversary of the passage of legislation that created real estate investment trusts (REITs) and gave millions of Americans new investment opportunities that helped them build a solid foundation for retirement security and has contributed to the overall strength of our economy; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. ROHRABACHER, Mr. WOLF, and Mr. SMITH of New Jersey):

H. Res. 1596. A resolution condemning al Shabaab for its practice of child conscription in the Horn of Africa; to the Committee on Foreign Affairs.

By Mr. MAFFEI (for himself, Mr. LEE of New York, and Mr. MCMAHON):

H. Res. 1597. A resolution encouraging the United Kingdom to investigate British Petroleum (BP) for foreign corrupt practices; to the Committee on Foreign Affairs.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H. Res. 1598. A resolution expressing support for the designation of the month of October as National Work and Family Month; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York:

H. Res. 1599. A resolution reaffirming support for Israel as a longtime friend, ally, and strategic partner of the United States and Israel's right to defend itself; to the Committee on Foreign Affairs.

By Ms. MCCOLLUM (for herself and Mr. TERRY):

H. Res. 1600. A resolution supporting the critical role of the physician assistant profession and supporting the goals and ideals of National Physician Assistant Week; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H. Res. 1601. A resolution recognizing that the religious freedom and human rights violations of Kashmiri Pandits has been ongoing since 1989; to the Committee on Foreign Affairs.

By Mr. POMEROY:

H. Res. 1602. A resolution honoring North Dakota's colleges and universities for their efforts in serving members of the United States Armed Forces, veterans, and their families; to the Committee on Education and Labor.

By Mr. ROSS:

H. Res. 1603. A resolution expressing support for designation of September 2010 as National Craniofacial Acceptance Month; to the Committee on Oversight and Government Reform.

By Ms. ROYBAL-ALLARD (for herself, Mr. SERRANO, Mr. HINOJOSA, Mr. SABLAN, Mr. ORTIZ, Ms. RICHARDSON, Mrs. NAPOLITANO, Mr. GUTIERREZ, Mr. PASTOR of Arizona, Mr. CUELLAR, and Mr. BERMAN):

H. Res. 1604. A resolution honoring the bicentennial anniversary of Mexican independence and the centennial anniversary of the beginning of the Mexican Revolution; to the Committee on Foreign Affairs.

By Mr. THOMPSON of California (for himself, Mr. SKELTON, Mr. MCKEON, Mr. SPRATT, Mr. BARTLETT, Mr. ORTIZ, Mr. TAYLOR, Mr. REYES, Mr. SNYDER, Mr. SMITH of Washington, Mr. ANDREWS, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. ELLSWORTH, Mr. COURTNEY, Ms. GIFFORDS, Mr. KISSELL, Mr. HEINRICH, Mrs. NAPOLITANO, Mr. THORNBERRY, Mr. JONES, Mr. FORBES, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. LOBIONDO, Mr. KLINE of Minnesota, Ms. FALLIN, Mr. ROONEY, Mr. DJOU, Mr. CARTER, Ms. GRANGER, Mr. HARE, Mr. GINGREY of Georgia, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. ROYBAL-ALLARD, Ms. MATSUI, Ms. SPEIER, Mr. BILIRAKIS, Mrs. MYRICK, Mr. BLUMENAUER, Mr. HUNTER, and Mr. BACA):

H. Res. 1605. A resolution recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States and commending the personnel of the Air Force for their commitment to the well-being of all our service men and women; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. SCHAKOWSKY.

H.R. 197: Mr. MCINTYRE, Mr. POMEROY, Mr. COSTELLO, and Mr. NYE.

H.R. 208: Mrs. MILLER of Michigan and Mr. EDWARDS of Texas.

H.R. 223: Mr. STUPAK and Mr. CLAY.

H.R. 227: Mr. GARY G. MILLER of California.

H.R. 231: Mrs. LOWEY.

H.R. 333: Mr. REICHERT and Mr. AUSTRIA.

H.R. 442: Ms. ROS-LEHTINEN, Mr. MATHESON, and Mr. PETERS.

H.R. 483: Mr. REICHERT.

H.R. 507: Mr. NUNES.

H.R. 557: Mr. ROSKAM.

H.R. 678: Mr. GARAMENDI.

H.R. 775: Mr. AUSTRIA.

H.R. 963: Ms. WOOLSEY.

H.R. 982: Mr. GARY G. MILLER of California.

H.R. 1020: Mr. MOLLOHAN.

H.R. 1074: Ms. ROS-LEHTINEN, Mr. MATHESON, and Mr. COSTELLO.

H.R. 1086: Mr. CASTLE.

H.R. 1124: Mr. POLIS, Mr. CONYERS, Ms. CHU, Mrs. LOWEY, Mr. WU, and Ms. FUDGE.

H.R. 1126: Mr. MICHAUD and Mr. KENNEDY.

H.R. 1159: Mr. KLEIN of Florida.

H.R. 1193: Mr. LARSON of Connecticut.

H.R. 1205: Ms. PINGREE of Maine, Mr. LOEBSACK, Mr. GONZALEZ, Mr. WALZ, and Mr. JONES.

H.R. 1206: Mr. CALVERT.

H.R. 1351: Mrs. CAPPS and Ms. BALDWIN.

H.R. 1507: Mr. ROTHMAN of New Jersey.

H.R. 1545: Mr. KIND.

H.R. 1546: Mr. HASTINGS of Florida.

H.R. 1549: Mr. TONKO and Ms. BALDWIN.

H.R. 1569: Mr. GUTIERREZ and Ms. ROYBAL-ALLARD.

H.R. 1597: Mr. PETERS.

H.R. 1646: Mr. CALVERT.

H.R. 1826: Ms. GIFFORDS and Mr. KRATOVIL.

H.R. 1829: Mr. HEINRICH.

H.R. 1923: Mr. GENE GREEN of Texas.

H.R. 1929: Mr. STUPAK, Mr. DEFAZIO, and Mr. CONYERS.

H.R. 1961: Mr. DAVIS of Illinois.

H.R. 1995: Mr. MCGOVERN.

H.R. 2000: Mr. RANGEL, Mr. BACHUS, Mrs. BONO MACK, Mr. CANTOR, Mr. DAVIS of Kentucky, Mr. DJOU, Mr. DUNCAN, Mr. EHLERS, Mr. MACK, Mr. ROGERS of Alabama, Ms. KILROY, Mr. ROSKAM, Mr. JONES, Mr. UPTON, and Mr. Harper.

H.R. 2030: Ms. BALDWIN and Mr. CARNAHAN.

H.R. 2057: Mr. NADLER of New York.

H.R. 2061: Mr. WILSON of South Carolina.

H.R. 2103: Mr. MILLER of North Carolina and Mr. SHERMAN.

H.R. 2107: Ms. ZOE LOFGREN of California.

H.R. 2109: Mr. HEINRICH, and Mr. CRITZ.
H.R. 2110: Mr. HEINRICH.
H.R. 2145: Ms. NORTON.
H.R. 2149: Mr. WALDEN.
H.R. 2177: Ms. WOOLSEY and Mr. ROTHMAN of New Jersey.
H.R. 2222: Mr. PRICE of North Carolina.
H.R. 2243: Mr. MCNERNEY.
H.R. 2262: Mr. GARAMENDI and Mr. CLAY.
H.R. 2275: Mr. WAMP, Mr. CLAY, Mr. HARE, Ms. ESHOO, Mr. AL GREEN of Texas, Mr. NEAL of Massachusetts, Mr. FILNER, and Mr. ENGEL.
H.R. 2277: Mr. DAVIS of Illinois.
H.R. 2287: Mr. GARRETT of New Jersey and Mr. BOREN.
H.R. 2293: Ms. LEE of California.
H.R. 2296: Mr. MCINTYRE, Mr. RODRIGUEZ, Mr. POMEROY, and Mr. NYE.
H.R. 2308: Ms. CASTOR of Florida.
H.R. 2358: Mr. MILLER of North Carolina.
H.R. 2381: Mr. MILLER of North Carolina.
H.R. 2408: Mr. WALDEN.
H.R. 2429: Ms. CHU.
H.R. 2521: Mr. BOSWELL.
H.R. 2568: Ms. KAPTUR.
H.R. 2575: Ms. ZOE LOFGREN of California and Mr. MILLER of North Carolina.
H.R. 2648: Ms. SPEIER.
H.R. 2746: Mr. AL GREEN of Texas, Mr. LANCE, Mr. SMITH of New Jersey, Mrs. BIGGERT, and Mr. KING of New York.
H.R. 2853: Mr. FOSTER.
H.R. 2866: Mr. TIERNEY.
H.R. 2906: Mr. SCOTT of Virginia and Mr. GUTIERREZ.
H.R. 2987: Mr. HINCHEY and Mr. KILDEE.
H.R. 3006: Mr. GUTIERREZ and Ms. ROYBAL-ALLARD.
H.R. 3043: Mr. WU and Mr. LOEBSACK.
H.R. 3077: Mr. MILLER of North Carolina.
H.R. 3108: Mr. MILLER of North Carolina and Mr. ROTHMAN of New Jersey.
H.R. 3202: Ms. BALDWIN.
H.R. 3249: Mr. GUTIERREZ.
H.R. 3251: Mr. KLINE of Minnesota.
H.R. 3299: Mr. KUCINICH.
H.R. 3301: Mr. KING of Iowa and Mr. SPACE.
H.R. 3328: Mr. SHERMAN.
H.R. 3402: Mr. REICHERT.
H.R. 3408: Mr. PALLONE, Mr. DELAHUNT, Mr. VISCLOSKY, Mr. ANDREWS, Mr. OLVER, Mr. MICHAUD, Mr. JACKSON of Illinois, and Mr. FRANK of Massachusetts.
H.R. 3421: Mr. KILDEE and Mr. BURGESS.
H.R. 3452: Mr. STUPAK.
H.R. 3463: Mr. GARY G. MILLER of California.
H.R. 3464: Ms. DELAURO, Mr. MURPHY of Connecticut, Mr. HODES, Mr. OWENS, and Mr. HEINRICH.
H.R. 3525: Mr. WU.
H.R. 3536: Ms. TSONGAS and Ms. KAPTUR.
H.R. 3564: Mr. ROTHMAN of New Jersey.
H.R. 3586: Mr. ROSKAM.
H.R. 3641: Mr. OWENS.
H.R. 3668: Mr. LOEBSACK.
H.R. 3716: Mr. CRITZ.
H.R. 3720: Mr. POMEROY.
H.R. 3721: Ms. SCHAKOWSKY.
H.R. 3742: Mr. BLUMENAUER.
H.R. 3745: Mr. LEWIS of Georgia.
H.R. 3765: Mr. ROYCE.
H.R. 3786: Ms. DELAURO.
H.R. 3858: Mr. DEFAZIO.
H.R. 3943: Mr. HODES.
H.R. 3974: Mr. BACA and Mr. BISHOP of New York.
H.R. 4116: Mr. REICHERT, Mr. GONZALEZ, Ms. MARKEY of Colorado, Mr. SIRES, and Mr. TONKO.
H.R. 4181: Mr. GUTIERREZ and Mr. SIRES.
H.R. 4195: Mr. DEFAZIO.
H.R. 4202: Mr. GARAMENDI, Ms. HIRONO, and Mr. MCGOVERN.
H.R. 4229: Mr. LEE of New York.
H.R. 4278: Mr. KILDEE, Mr. KRATOVIL, Mr. RUPPERSBERGER, and Mr. LEE of New York.
H.R. 4306: Mr. MILLER of Florida and Mr. HELLER.
H.R. 4316: Mr. LARSEN of Washington.
H.R. 4364: Mr. DOYLE.
H.R. 4403: Mr. DEFAZIO.
H.R. 4427: Mr. REICHERT and Mr. COFFMAN of Colorado.
H.R. 4429: Mr. CRITZ.
H.R. 4436: Mr. CALVERT.
H.R. 4443: Mr. HODES.
H.R. 4455: Mrs. BIGGERT.
H.R. 4544: Mr. SCOTT of Virginia and Mr. TIM MURPHY of Pennsylvania.
H.R. 4555: Mr. MEEK of Florida.
H.R. 4557: Mr. CARNAHAN.
H.R. 4662: Mr. SMITH of New Jersey, Mr. WALZ, and Mr. LEE of New York.
H.R. 4689: Mr. HINCHEY, Mr. COURTNEY, Mr. FORTENBERRY, and Ms. GIFFORDS.
H.R. 4693: Ms. SCHAKOWSKY, Mr. EDWARDS of Texas, and Mr. KAGEN.
H.R. 4709: Mr. WU.
H.R. 4722: Mr. ROTHMAN of New Jersey and Mr. MILLER of North Carolina.
H.R. 4746: Mr. LANCE, Mr. BROUN of Georgia, Mr. ROE of Tennessee, Mr. SULLIVAN, Mr. BILBRAY, and Mr. SENSENBRENNER.
H.R. 4764: Mrs. MILLER of Michigan.
H.R. 4771: Mr. PERRIELLO.
H.R. 4772: Mr. DRIEHAUS.
H.R. 4806: Mr. POLIS.
H.R. 4808: Ms. SCHAKOWSKY, Mr. ARCURI, Mr. MAFFEI, Ms. MATSUI, Mr. JACKSON of Illinois, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4830: Mr. KILDEE, Mr. SIRES, and Mr. CLAY.
H.R. 4836: Mr. MARKEY of Massachusetts, Ms. ESHOO, Ms. LINDA T. SÁNCHEZ of California, Ms. KILROY, Ms. BORDALLO, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, Ms. DELAURO, Mr. HOLT, Mr. ANDREWS, Mr. KILDEE, Ms. DEGETTE, Ms. CASTOR of Florida, Mr. HASTINGS of Florida, Ms. SLAUGHTER, and Mr. GARAMENDI.
H.R. 4844: Mr. WALDEN.
H.R. 4871: Mrs. HALVORSON.
H.R. 4879: Mr. PRICE of North Carolina.
H.R. 4914: Ms. WASSERMAN SCHULTZ, Mr. PRICE of North Carolina, Mr. KLEIN of Florida, Ms. SUTTON, and Mr. KUCINICH.
H.R. 4925: Ms. ROYBAL-ALLARD.
H.R. 4926: Mr. BISHOP of New York and Mr. CASTLE.
H.R. 4952: Mr. MILLER of Florida and Mrs. MCMORRIS RODGERS.
H.R. 4954: Ms. BALDWIN.
H.R. 4958: Mrs. LOWEY.
H.R. 4959: Mr. HOLT.
H.R. 4971: Mr. BERMAN, Mr. LARSON of Connecticut, Ms. LORETTA SANCHEZ of California, Mr. DINGELL, Ms. BERKLEY, Mr. CONNOLLY of Virginia, Mr. HIGGINS, Mr. CROWLEY, Mr. DAVIS of Tennessee, Mr. COHEN, Ms. MATSUI, Mr. BERRY, Mr. PALLONE, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. SHEA-PORTER, and Mr. SIRES.
H.R. 4972: Ms. ROS-LEHTINEN.
H.R. 4985: Mr. PRICE of Georgia and Mr. GARY G. MILLER of California.
H.R. 4986: Ms. LORETTA SANCHEZ of California and Mr. LAMBORN.
H.R. 4993: Mr. HEINRICH, Mr. THOMPSON of California, Mr. ROTHMAN of New Jersey, Mr. MILLER of North Carolina, Mr. PETERSON, Mr. MCMAHON, and Mr. CRITZ.
H.R. 5008: Mr. WALZ.
H.R. 5015: Mr. KILDEE.
H.R. 5016: Mr. ROGERS of Michigan.
H.R. 5033: Ms. WATERS.
H.R. 5034: Mr. HOLDEN.
H.R. 5037: Mr. KUCINICH.
H.R. 5040: Mr. LATHAM and Ms. SUTTON.
H.R. 5042: Ms. NORTON.
H.R. 5043: Mr. WATT, Mr. DELAHUNT, and Mr. STARK.
H.R. 5044: Mr. BLUMENAUER.
H.R. 5058: Mr. SCALISE, Ms. GRANGER, and Mr. KLEIN of Florida.
H.R. 5064: Ms. HERSETH SANDLIN.
H.R. 5065: Mr. TIAHRT, Mr. GOHMERT, and Mr. ALEXANDER.
H.R. 5081: Mr. HINOJOSA, Mr. MOLLOHAN, Mr. TIM MURPHY of Pennsylvania, and Mr. DENT.
H.R. 5107: Mr. LIPINSKI, Mr. COURTNEY, and Ms. SCHAKOWSKY.
H.R. 5117: Mr. HARE, Mr. MILLER of North Carolina, Mr. FRANK of Massachusetts, and Mr. DAVIS of Illinois.
H.R. 5124: Mr. KUCINICH.
H.R. 5137: Mr. LINCOLN DIAZ-BALART of Florida and Mr. MILLER of North Carolina.
H.R. 5141: Mr. HELLER, Mr. PERRIELLO, Mr. COLE, Mr. CRENSHAW, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. SHUSTER, Mr. RYAN of Wisconsin, Mr. ROHRABACHER, Mr. DREIER, Mr. HARPER, Mr. BRADY of Texas, Mr. KIRK, Mr. SULLIVAN, and Mr. REICHERT.
H.R. 5162: Mr. MCINTYRE, Mr. POMEROY, Mr. SULLIVAN, Mr. BROUN of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. PETERSON, Mr. CRENSHAW, Mr. LEE of New York, Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. MATHESON, Mr. BROWN of South Carolina, and Mr. NYE.
H.R. 5207: Mr. PETERSON.
H.R. 5234: Mr. BISHOP of New York.
H.R. 5235: Mr. BISHOP of New York and Mr. LIPINSKI.
H.R. 5244: Mr. CLEAVER.
H.R. 5257: Mr. DUNCAN.
H.R. 5276: Mr. GARRETT of New Jersey.
H.R. 5285: Mr. DOYLE.
H.R. 5288: Mr. BACA.
H.R. 5291: Mr. WALZ.
H.R. 5328: Ms. SLAUGHTER.
H.R. 5351: Mr. YOUNG of Florida, Mr. KLINE of Minnesota, Mr. PRICE of Georgia, Mr. BLUNT, Mr. CALVERT, Mr. BUYER, and Mr. GARY G. MILLER of California.
H.R. 5355: Ms. NORTON.
H.R. 5393: Mr. THOMPSON of Mississippi.
H.R. 5409: Mr. NYE.
H.R. 5418: Ms. MOORE of Wisconsin.
H.R. 5421: Mr. GARY G. MILLER of California.
H.R. 5422: Mrs. LOWEY.
H.R. 5424: Mr. CASTLE.
H.R. 5426: Mr. DONNELLY of Indiana.
H.R. 5434: Mr. POLIS, Ms. HERSETH SANDLIN, and Mr. CAMPBELL.
H.R. 5440: Mr. CAPUANO.
H.R. 5447: Mr. FRANK of Massachusetts.
H.R. 5457: Mr. BOUCHER and Mr. ARCURI.
H.R. 5475: Ms. WOOLSEY.
H.R. 5476: Mr. MCCOTTER and Ms. SUTTON.
H.R. 5477: Mr. HEINRICH.
H.R. 5504: Ms. MATSUI and Mr. FILNER.
H.R. 5527: Mr. DRIEHAUS.
H.R. 5533: Mr. MILLER of North Carolina.
H.R. 5539: Mr. LEE of New York.
H.R. 5549: Ms. HERSETH SANDLIN.
H.R. 5554: Mr. TIBERI.
H.R. 5567: Mr. SCOTT of Virginia.
H.R. 5568: Mrs. DAHLKEMPER, Mr. WALZ, and Mrs. HALVORSON.
H.R. 5572: Mr. KLEIN of Florida.
H.R. 5575: Mr. MCGOVERN.
H.R. 5577: Ms. NORTON.
H.R. 5578: Ms. NORTON.
H.R. 5588: Mr. KILDEE and Mr. KUCINICH.
H.R. 5597: Mr. COHEN, Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, and Ms. RICHARDSON.
H.R. 5599: Mr. HELLER.
H.R. 5600: Ms. BALDWIN and Mr. BARRETT of South Carolina.
H.R. 5625: Ms. BALDWIN.
H.R. 5627: Mr. MICA.
H.R. 5636: Ms. SUTTON.
H.R. 5643: Ms. LEE of California, Ms. ZOE LOFGREN of California, and Mr. ROTHMAN of New Jersey.
H.R. 5645: Mr. WALDEN.
H.R. 5652: Mr. BLUMENAUER.
H.R. 5671: Mr. RANGEL.
H.R. 5690: Mr. SCHOCK.

H.R. 5696: Mr. KAGEN.
H.R. 5718: Ms. ROYBAL-ALLARD.
H.R. 5726: Mr. TIERNEY and Mr. DRIEHAUS.
H.R. 5729: Mr. SNYDER and Ms. GRANGER.
H.R. 5737: Ms. BALDWIN.
H.R. 5743: Ms. KAPTUR.
H.R. 5746: Mr. MICHAUD, Mrs. DAVIS of California, Mr. RYAN of Ohio, Mr. HINCHEY, Mr. CLEAVER, and Mr. INSLEE.
H.R. 5753: Mr. SCOTT of Virginia.
H.R. 5766: Mrs. LOWEY and Ms. ROYBAL-ALLARD.
H.R. 5769: Mr. PASTOR of Arizona.
H.R. 5773: Mr. BARTLETT, Ms. EDWARDS of Maryland, Mr. SARBANES, Mr. VAN HOLLEN, Mr. KRATOVIL, Mr. LEVIN, and Mr. POMEROY.
H.R. 5778: Mr. LEE of New York, Mr. ROGERS of Michigan, and Mr. PETRI.
H.R. 5783: Mr. KUCINICH.
H.R. 5786: Mr. FRANK of Massachusetts.
H.R. 5787: Ms. SUTTON.
H.R. 5793: Mr. HEINRICH.
H.R. 5797: Mr. KIND, Mr. SMITH of Washington, Mr. INSLEE, Mr. MCDERMOTT, Mr. CROWLEY, and Mr. CARNAHAN.
H.R. 5806: Mr. STARK, Ms. MATSUI, Ms. MOORE of Wisconsin, and Mr. SABLAN.
H.R. 5818: Mr. BROWN of South Carolina, Mr. GRAVES of Georgia, Mr. ISSA, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Mr. LAMBORN, Mr. GOHMERT, Mr. HALL of Texas, Mr. FRANKS of Arizona, Mr. BISHOP of Utah, Mr. PITTS, Mr. PENCE, Mr. HENSARLING, Mr. LATTA, Mr. BRADY of Texas, and Mr. BARTLETT.
H.R. 5840: Mr. COFFMAN of Colorado.
H.R. 5842: Mr. LUCAS.
H.R. 5843: Mr. SCOTT of Virginia.
H.R. 5853: Mr. GINGREY of Georgia, Mr. WESTMORELAND, and Mr. KLINE of Minnesota.
H.R. 5856: Mrs. HALVORSON.
H.R. 5858: Mr. COURTNEY and Mr. SABLAN.
H.R. 5861: Mrs. MALONEY and Mr. CAPUANO.
H.R. 5898: Ms. SUTTON and Mr. LIPINSKI.
H.R. 5899: Mr. SCHOCK and Mr. BROUN of Georgia.
H.R. 5902: Ms. MOORE of Wisconsin and Mr. KILDEE.
H.R. 5905: Mr. TONKO and Mr. KLEIN of Florida.
H.R. 5915: Mr. MARIO DIAZ-BALART of Florida.
H.R. 5917: Mr. PETERSON.
H.R. 5923: Mr. PITTS and Mr. KLINE of Minnesota.
H.R. 5926: Mr. KAGEN.
H.R. 5928: Ms. TITUS.
H.R. 5929: Mr. MARKEY of Massachusetts.
H.R. 5939: Ms. JENKINS, Mr. LEE of New York, Mr. REHBERG, Mr. GRAVES of Georgia, Mr. PAUL, and Mr. WILSON of Ohio.
H.R. 5940: Mr. JONES, Mr. COBLE, Mr. ROGERS of Alabama, and Mr. DAVIS of Alabama.
H.R. 5942: Mr. MEEKS of New York and Mr. RUSH.
H.R. 5954: Mr. DRIEHAUS.
H.R. 5956: Mr. CLAY.
H.R. 5967: Mr. ADLER of New Jersey, Ms. SCHAKOWSKY, Mr. ARCURI, Mr. KUCINICH, Ms. WATERS, Ms. ROYBAL-ALLARD, Mr. RANGEL, and Mr. MEEK of Florida.
H.R. 5971: Mr. LEWIS of Georgia, Mr. FATTAH, Ms. FUDGE, and Ms. NORTON.
H.R. 5972: Mr. LEE of New York, Mrs. MILLER of Michigan, and Mr. JONES.
H.R. 5973: Mr. BOUSTANY and Mr. MELANCON.
H.R. 5974: Ms. DEGETTE.
H.R. 5978: Mr. WITTMAN and Mrs. LOWEY.
H.R. 5980: Mr. FORBES.
H.J. Res. 78: Mrs. KIRKPATRICK of Arizona and Mrs. HALVORSON.
H.J. Res. 79: Mr. KINGSTON.
H. Con. Res. 198: Mr. PLATTS.
H. Con. Res. 259: Mr. GALLEGLY.
H. Con. Res. 274: Mr. BUCHANAN.
H. Con. Res. 281: Mr. HENSARLING.
H. Con. Res. 310: Ms. FALLIN, Mr. THORNBERRY, Mrs. MCMORRIS RODGERS, Mr. SESSIONS, Mr. BUYER, Mr. HOEKSTRA, and Mr. FLEMING.
H. Res. 263: Mr. BISHOP of New York.
H. Res. 709: Mr. LEWIS of Georgia.
H. Res. 762: Mr. ISRAEL, Mr. MEEKS of New York, Mr. CROWLEY, Ms. NORTON, Ms. LINDA T. SÁNCHEZ of California, and Mr. MORAN of Virginia.
H. Res. 849: Mr. GERLACH.
H. Res. 850: Mr. GERLACH.
H. Res. 899: Mr. GARAMENDI, Mr. OWENS, and Ms. BORDALLO.
H. Res. 1016: Mr. STARK and Mr. FILNER.
H. Res. 1019: Ms. SCHAKOWSKY.
H. Res. 1110: Mr. GARAMENDI.
H. Res. 1129: Mr. LUETKEMEYER.
H. Res. 1217: Mr. WITTMAN and Ms. FALLIN.
H. Res. 1264: Mr. BACHUS and Mr. BLUMENAUER.
H. Res. 1309: Mrs. LOWEY.
H. Res. 1314: Mrs. LOWEY.
H. Res. 1355: Mr. SMITH of New Jersey.
H. Res. 1431: Mr. AL GREEN of Texas, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. DICKS, Mr. SIRES, Mr. JOHNSON of Illinois, and Mr. GORDON of Tennessee.
H. Res. 1433: Mr. ROTHMAN of New Jersey, Ms. HARMAN, Mr. UPTON, Mr. DOYLE, Ms. BALDWIN, Mr. MARKEY of Massachusetts, Mr. SHIMKUS, Mrs. BLACKBURN, Mr. PITTS, Mrs. MYRICK, Mr. MACK, Mrs. BONO Mack, Mr. WALDEN, Mr. MATHESON, Mr. BARRETT of South Carolina, Mr. STEARNS, Mr. DUNCAN, Mr. HOLDEN, Mr. STUPAK, and Mr. GINGREY of Georgia.
H. Res. 1442: Mr. LIPINSKI, Mrs. MCMORRIS RODGERS, and Mr. STEARNS.
H. Res. 1444: Mr. ENGEL, Mr. BUTTERFIELD, Mr. INSLEE, Mr. GRIJALVA, Ms. BALDWIN, Ms. LEE of California, Mr. MATHESON, Mr. ROSS, Ms. ESHOO, Mr. WAXMAN, and Mr. GINGREY of Georgia.
H. Res. 1445: Mr. NEUGEBAUER.
H. Res. 1454: Mr. KUCINICH.
H. Res. 1461: Mr. LANCE and Ms. RICHARDSON.
H. Res. 1485: Mr. SHERMAN, Mr. POSEY, and Mr. PRICE of North Carolina.
H. Res. 1488: Mr. BACHUS, Mr. PERLMUTTER, Mr. GONZALEZ, and Mr. WALDEN.
H. Res. 1494: Mr. CARDOZA, Mr. MCGOVERN, Ms. LINDA T. SÁNCHEZ of California, Mr. KUCINICH, Mr. BRALEY of Iowa, Ms. MATSUI, Mr. WEINER, Ms. NORTON, Mrs. MILLER of Michigan, and Mr. DOYLE.
H. Res. 1497: Mr. LANCE, Mr. LATTA, Mr. BURTON of Indiana, and Mrs. BACHMANN.
H. Res. 1501: Mrs. BLACKBURN, Mr. CALVERT, Mr. PENCE, Mrs. CHRISTENSEN, Mr. COLE, Mr. CONAWAY, Mr. BLUNT, Mr. LUETKEMEYER, Mr. ALEXANDER, Mr. GINGREY of Georgia, Mr. PETERSON, Mr. KENNEDY, Mr. INGLIS, Mr. DONNELLY of Indiana, Mr. ROGERS of Kentucky, Mr. LOEBSACK, Mr. GRAVES of Missouri, Mr. TAYLOR, Ms. GIFFORDS, Ms. CORRINE BROWN of Florida, Mr. POSEY, and Mr. LEE of New York.
H. Res. 1503: Mr. CASTLE, Mr. HOLDEN, and Ms. SHEA-PORTER.
H. Res. 1518: Ms. NORTON, Mr. POLIS, Ms. ROYBAL-ALLARD, Mr. SCHOCK, and Mr. KENNEDY.
H. Res. 1522: Mr. CAPUANO, Mr. SKELTON, Mr. OBERSTAR, Mrs. SCHMIDT, Mr. MCCOTTER, Mr. BILIRAKIS, Mrs. LOWEY, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. ARCURI, Ms. SCHAKOWSKY, Mr. ROTHMAN of New Jersey, Mr. ALEXANDER, Mr. BERMAN, Mr. DRIEHAUS, Mr. LIPINSKI, Mrs. NAPOLITANO, Mr. KIRK, Mr. RUPPERSBERGER, Mr. MANZULLO, Mr. EHLERS, Ms. SUTTON, Mr. COURTNEY, and Mr. JONES.
H. Res. 1524: Ms. ROYBAL-ALLARD.
H. Res. 1528: Mr. FILNER, Ms. LEE of California, Mrs. NAPOLITANO, and Ms. HARMAN.
H. Res. 1529: Mr. LEE of New York.
H. Res. 1532: Mr. CROWLEY, Mr. NADLER of New York, and Ms. SCHWARTZ.
H. Res. 1535: Mr. GARAMENDI.
H. Res. 1536: Mr. HARPER, Mr. WILSON of South Carolina, Mr. CAO, Mr. BLUNT, Mr. SHUSTER, Mr. NEUGEBAUER, Mr. PETERSON, Mr. POSEY, Mr. LUETKEMEYER, Mr. SCHOCK, Mr. PLATTS, Mr. TERRY, Mrs. LUMMIS, Mr. KILDEE, Mr. NUNES, Mr. HENSARLING, Mr. ROE of Tennessee, Mr. ROONEY, Mr. DJOU, Mr. GUTHRIE, Mr. GOHMERT, Mr. COFFMAN of Colorado, Mr. AUSTRIA, Mr. BURTON of Indiana, Mr. LANCE, Mr. CASSIDY, Mr. HUNTER, Mr. LEE of New York, Mr. EHLERS, Ms. JENKINS, Mr. DOYLE, Ms. LORETTA SANCHEZ of California, Mr. KANJORSKI, and Mr. COLE.
H. Res. 1540: Mr. WALDEN.
H. Res. 1546: Ms. ESHOO.
H. Res. 1554: Mr. REICHERT and Mr. RUPPERSBERGER.
H. Res. 1570: Mr. WITTMAN.
H. Res. 1572: Mr. ROYCE and Ms. LORETTA SANCHEZ of California.
H. Res. 1578: Mr. WAMP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5081: Mr. CARTER.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 11 by Mr. KING of Iowa on H.R. 4972: Thomas E. Petri, Doc Hastings, Don Young, Ginny Brown-Waite, Patrick J. Tiberi, Mike Rogers of Michigan, Joe Barton, Adam H. Putnam, Dave Camp, Steven C. Latourette, Dean Heller, Peter T. King, Mario Diaz-Balart, Lincoln Diaz-Balart, Ileana Ros-Lehtinen, Tim Murphy, and Charles W. Dent.