

And the analysis of the endangerment finding by the Bush administration was signed off on not by just a career civil servant, but by the head of the EPA, appointed by President Bush.

So when you get these wrong statements in your head, you can dream up a reason to be paranoid about EPA. EPA wants to protect the public health and safety in regulating coal ash, but in doing so, they will not prevent coal ash from being used for other building purposes.

I urge that we defeat this motion to instruct, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Speaker, it's fairly obvious that a lot of the folks that have been speaking on the other side of this issue have not read the bill and don't understand what's included in the provision. But perhaps reading the bill, reading the amendment would have given them greater insight as to the role of the EPA. Because by virtue of this amendment, we are giving them great insight, great involvement in the proper disposal of the amount of fly ash that's not recycled.

So, Mr. Speaker, it really just comes down to an issue being very clear. Our opponents are just opposed to the coal industry. They're opposed to the men and women working in our coal industry. They're opposed to the 700-plus coal-fired electric utilities. They're opposed to keeping utility costs low. There is a war on coal, Mr. Speaker. And it's time that we stand up for the coal workers, the men and women working in the coalfields all across the United States, and for the men and women and the consumers that use electricity at low cost.

Now let's go to what the Departments of Interior and Transportation have said: The Department of Interior said that they concur that if fly ash is designated as hazardous waste, as is being considered, fully or in a hybrid classification, it would no longer be used in concrete. It also said, "Fly ash costs approximately 20 to 50 percent less than the cost of cement." The Department of Transportation: "Fly ash is a valuable byproduct used in highway construction. It is a vital component of concrete and a number of other infrastructure uses."

Mr. Speaker, I ask all of my colleagues to join me today in supporting this motion to instruct conferees to continue discussing this bipartisan negotiation on this part of the highway bill and to ask their Senators to do the same. Let's maximize the use of all the money that we have available to build more roads, rebuild more bridges, do more infrastructure, but most importantly, put America back to work.

So I encourage my colleagues to vote for this motion to instruct, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

Mr. MCKINLEY. 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.

#### GENERAL LEAVE

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on my motion to instruct conferees on H.R. 4348.

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

There was no objection.

□ 1630

#### DOMESTIC ENERGY AND JOBS ACT

#### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 4480.

The SPEAKER pro tempore (Mr. GARDNER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 691 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. 4480.

The Chair appoints the gentleman from Arkansas (Mr. WOMACK) to preside over the Committee of the Whole.

□ 1631

#### 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. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, with Mr. WOMACK 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 be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources.

The gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. WAXMAN), the gentleman from

Washington (Mr. HASTINGS), and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

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

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

Mr. Chairman, the price of gas and the unemployment rate both remain way too high, and American families are struggling as a result. That's why I support H.R. 4480, the Domestic Energy and Jobs Act, and I urge my colleagues to do the same. This bill is truly a win-win for steps that it takes to expand supplies of domestic affordable energy that will create many jobs in the process.

It's no secret that I don't see eye-to-eye with President Obama on energy policy, but perhaps the most inexplicable energy policy move the administration has made was the June 2011 decision to withdraw 30 million barrels of oil from the Strategic Petroleum Reserve with no plan to replace it. It is hard to understand why the President would take oil from the Nation's emergency stockpile while at the same time keeping off limits the far greater amounts beneath federally controlled lands and offshore areas. It's like a couple pawning their wedding rings for cash while ignoring a major gold discovery in their own backyard.

The amount of untapped oil in areas kept out of reach by this administration is estimated to exceed the entire Strategic Petroleum Reserve dozens of times over. And these estimates are not mere speculation. Indeed, the recent increases in oil production on State and privately owned lands demonstrate the tremendous energy development on Federal lands. But that potential will only be realized if the administration's roadblocks are removed.

Title I of this bill does that. It requires that the next time the President withdraws oil from the Strategic Petroleum Reserve, he must also commit to more oil leasing on Federal lands in offshore areas. The result will be greater supplies of domestic oil and lower prices, not to mention thousands of new energy industry jobs.

Gaining access to untapped oil reserves is part of the equation; but before that oil can reach consumers at the pump, it has to be refined into gasoline and diesel fuel. Title II of this bill will help American refiners so they can keep fueling our economy and fueling the country, because what refiners really need is a little common sense, a little regulatory certainty. It would be an understatement to say that this administration's regulators have not been friendly to domestic oil production, and the truth is they have been no better to the refiners who produce the fuels that we use. In fact, EPA is moving ahead with a number of new regs affecting refineries and other facilities—regs that are likely to drive up the price at the pump and jeopardize refining sector jobs.

Title II requires that we learn about the consequences before imposing additional red tape. It sets up an inter-agency committee that will analyze the cumulative effects of several upcoming EPA regs on fuel prices as well as jobs. It also defers the finalization of three measures until after the analysis is completed.

The good news is that a future of chronically high gas prices is not inevitable. These policies that I have discussed and numerous other provisions in the legislation will in fact move us toward more secure, more affordable American energy and the jobs that go with it. The Nation can increase domestic energy supplies, lower future prices at the pump, and create many more jobs. This legislation takes the steps to usher in this brighter future. I urge my colleagues to join with me in supporting it, and I reserve the balance of my time.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, DC, June 8, 2012.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Rayburn House Office Building, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to review the text of H.R. 4480, the Strategic Energy Production Act of 2012, as ordered reported by the Committee on Energy and Commerce for provisions of the bill that fall within the jurisdiction of this Committee.

Knowing of your interest in expending this legislation and in maintaining the continued consultation between our Committees on these matters, I agree to discharge H.R. 4480 from further consideration by the Committee on Agriculture. I do so with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming our mutual understanding with respect to H.R. 4480, and would ask that a copy of our exchange of letters on this matter be inserted into the Congressional Record during consideration on the House floor.

Thank you for your courtesy and I look forward to continued cooperation between our respective committees.

Sincerely,

FRANK D. LUCAS,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
WASHINGTON, DC JUNE 8, 2012.

Hon. FRANK D. LUCAS,  
Chairman, Committee on Agriculture, Long-  
worth House Office Building, Washington,  
DC.

DEAR CHAIRMAN LUCAS: Thank you for your letter regarding H.R. 4480, the "Strategic Energy Production Act of 2012." As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Agriculture.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Agriculture with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, June 19, 2012.  
COMMITTEE ON ARMED SERVICES,

Hon. Fred Upton,  
Chairman, Committee on Energy and Commerce,  
U.S. House of Representatives, 2125 Ray-  
burn House Office Building, Washington,  
DC.

DEAR CHAIRMAN UPTON: I am writing to you concerning the bill H.R. 4480, the Strategic Energy Production Act of 2012, as amended. This legislation includes a provision that deals with military readiness and training activities, which fall within the Rule X jurisdiction of the Committee on Armed Services.

Our committee recognizes the importance of H.R. 4480, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 4480. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider this provision.

Please place this letter and your committee's response into the Congressional Record during consideration of the Measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, June 20, 2012.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services, Ray-  
burn House Office Building, Washington,  
DC.

DEAR CHAIRMAN MCKEON: Thank you for your letter regarding H.R. 4480, the "Strategic Energy Production Act of 2012." As you noted, there are provisions of the bill that fall within the Rule X jurisdiction of the Committee on Armed Services.

I appreciate your willingness to forgo action on H.R. 4480, and I agree that your decision should not prejudice the Committee on Armed Services with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4480 on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

Mr. WAXMAN. Mr. Speaker, I yield myself 4 minutes.

Throughout this Congress, House Republicans have made an all-out assault on our Nation's most basic public health and environmental protections. And they have blocked any effort to address climate change, move towards clean energy, or promote energy efficiency.

On Monday, Congressman MARKEY and I released a report that documents

this all-out assault. It confirms that this is the most anti-environment House in the history of Congress. Over the last 18 months, the House has voted 247 times to undermine protection of the environment. That's almost one out of every five votes taken in the House.

The oil and gas industry has benefited more than any other sector from these anti-environment votes. Since the beginning of 2011, the House has voted 109 times for policies that would advance the interests of the oil and gas industry at the expense of the environment, public health, and the taxpayer. The result is a grave and growing peril to our environment, to public health, and to our economy. The massive wildfires, floods, droughts, and heat waves that have been afflicting our country are a harbinger of what is to come.

Americans know this. As the Washington Post reported this morning, the vast majority of Americans believe our environment is deteriorating, and they know that unchecked pollution from oil refineries and other industrial sources is making the problem worse. Yet what are we doing today? Today's bill is one more massive giveaway, and it is one more assault on the environment.

This bill contains two proposals reported by the Energy and Commerce Committee. One would block standards for oil companies to clean up their pollution. The other seeks to bypass existing leasing programs in order to pry open every possible acre of Federal land for oil drilling.

This legislation has been promoted as a solution to high gasoline prices. But this bill is a Trojan horse. This bill would not lower prices by one penny. This bill doesn't protect consumers. It hurts them. The bill will keep dirty gasoline on the market, allow oil refineries to spew toxic emissions, and forestall action to address climate change.

Tucked inside this legislation is the Latta amendment. The language of this amendment cuts the heart out of the Clean Air Act, radically changing the way air quality standards are set. Rather than basing smog standards on what is healthy for our children to breathe, this bill would require standards to be based on what industry says it will cost to reduce pollution. This radical proposal will undermine decades of progress on cleaning up the air. The bill will also cost jobs. The regulations blocked by this bill would create tens of thousands of jobs installing pollution controls and modernizing oil refineries.

□ 1640

In addition, this bill would make it harder for the President to tap the Strategic Petroleum Reserve during emergencies by layering on new bureaucratic requirements to force drilling across a vast expanse of public land.

This bill may be good for the oil companies, it may be good for the special

interests, but it is a disaster for the American people. The Republican energy policy isn't an all-of-the-above policy; it's oil above all.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise today to support the Domestic Energy and Jobs Act for a number of reasons. First of all, it would encourage more production of energy in the United States. Two, it would lower energy costs. Three, it would create additional jobs for the American people. And, four, just as important, it would keep America more competitive in the global marketplace.

We live in a global economy, and our ability to have cheap, affordable, and abundant energy is absolutely necessary if we are going to compete with countries around the world. So that's what this legislation is designed to do.

All of us have a responsibility to the environment, but we genuinely believe after hearing after hearing after hearing after hearing, people who create jobs come in and talk about the additional costs they're incurring because of this overly aggressive EPA, headed up by Administrator Lisa Jackson.

I would also say that one portion of this bill is a very commonsense approach. While it would not immediately lower gasoline prices, it does ask the President to establish an inter-agency task force to examine the impact on jobs, prices, and competitiveness of three regulations that the EPA has initiated. They haven't finalized it, they haven't decided they are going to finalize it, but they have started the first steps. And so we ask this Agency to look at what is the impact on fuel prices with these regulations if they are adopted and to report back to Congress and to not finalize any of these rules until at least 6 months after they report back to Congress. It seems to me a commonsense approach. We have a responsibility to the American people to have some idea about the impact of these regulations on the economy.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the ranking member of the Energy Subcommittee, the gentleman from Illinois (Mr. RUSH), and I would like to ask unanimous consent that he be permitted to control the rest of the time for our side of the aisle on the general debate.

The CHAIR. The gentleman from Illinois will control the time.

Mr. RUSH. Mr. Chairman, since the beginning of the 112th Congress, we have held over 30 Energy and Power Subcommittee and joint subcommittee hearings. We have held over a dozen subcommittee and full committee markups, and including H.R. 4480, which we will vote on today, we have had 10 bills that originated from the Energy and Power Subcommittee that have been voted on by the full House.

Yet, Mr. Chairman, from all of that time and all that effort, the Energy and Power Subcommittee has produced

exactly one substantive bill. Let me repeat: only one substantive, significant bill, the Pipeline Safety Reauthorization Act, the only one that has actually become law.

Mr. Chairman, instead of focusing our efforts on trying to create the clean energy jobs of the 21st century, the majority party has spent the past 18 months lobbying partisan attacks against the EPA and the Clean Air Act in order to appease Big Oil and some of the more extreme constituencies that the Republican Party represents.

Mr. Chairman, most Americans would like to see us utilizing our time working in a bipartisan manner to address critical issues, such as access to jobs, clean air, and clean water, less dependence on foreign oil, enhanced energy-efficiency measures, and an increased reliance on the cleaner and renewable energy sources of the future.

Instead, here we are again debating yet another bill that would continue the concerted effort by the majority party to weaken the authority of the EPA and to delegitimize the Agency's regulations as job killers.

Mr. Chairman, with just a little over 20 days remaining before the August recess, we should be focusing our limited time on legislation that will create jobs and move America forward toward a smarter energy future that is less vulnerable to the whims of the world oil market. However, nothing in this bill accomplishes that.

The most offensive provision of this bill, the Gasoline Regulations Act, would fundamentally change a cornerstone of public health law, the Clean Air Act, and I ask my colleagues: Why, to what end?

This bill will not create any jobs but, rather, would block EPA rules to make the fuel we put into our cars cleaner. This bill would also block rules that would cut toxic air pollution from refineries.

This bill blocks the EPA from requiring new refineries from cutting carbon pollution that causes climate change, and it even blocks the agency from revising the national air quality standard for ozone to reflect the best-available science and medical evidence about how much ozone is safe to breathe without serious health effects.

Mr. Chairman, one truth remains, and that truth is that H.R. 4480 isn't really about jobs, isn't really about lowering gasoline prices. It is about an excuse to push a profoundly anti-environmental agenda and provide oil companies with more items from their election year wish list.

Oppose this bill because it would strike at the heart of the Clean Air Act and would not provide any tangible benefits to the American people. I urge all of my colleagues to oppose it as well.

I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. POMPEO), and I would ask that at the conclusion of his 2 minutes that

the balance of my time be controlled by the gentleman from Colorado (Mr. GARDNER).

The CHAIR. The gentleman from Colorado will control the time.

The Chair recognizes the gentleman from Kansas.

Mr. POMPEO. Mr. Chairman, H.R. 4480, the Domestic Energy and Jobs Act, the legislation we'll vote on before too long, has three very simple missions. The first is to lower and create affordable energy for folks all across America. The second is to create the jobs that go with it. And, finally, it's to begin to put American energy policy back on a commonsense, simple standard that allows affordable energy to be produced here in America by Americans for Americans.

You know, we've seen in these discussions, these debates, that there are two opposing views on how to do this. The first is the view of the folks on the other side who think if we just had one more rule, one more set of regulations, another subsidy, another handout from the taxpayers, we here in Washington, D.C. could find that next great affordable energy source. We've seen how that's worked. We've got gasoline at \$3.50 a gallon. We've got utilities all across the country asking for rate increases.

There's another view. There's another way to go about it. It's to let the market respond to price signals. It's to get the Federal Government out of the way, to reduce regulations across the board while making sure that we've still got safe drinking water and clean air. Both of these objectives can be accomplished.

This legislation simply streamlines and simplifies the leasing and permitting processes on Federal lands to make sure that consumers have access to affordable American energy. We have tremendous opportunities right here in America. Right in Kansas' Fourth Congressional District, in Harper and Kingman and Stafford and Edwards and Barber and Pratt, all over south central Kansas, an enormous new opportunity, creating real, affordable energy produced by Americans with American jobs.

□ 1650

We also, through this legislation, say if we're going to tap this important American resource, the SPR, the Strategic Petroleum Reserve, we're going to make sure and replenish it—again, with American affordable energy.

This is one of the most consumer-friendly, ratepayer-friendly, taxpayer pieces of energy legislation to reach the House floor in a long time, and I would urge all my colleagues to support this legislation.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to my friend, the gentlewoman from my home State of Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I thank the gentleman for yielding, and I appreciate his leadership on the Energy Subcommittee.

As a member of the full Energy and Commerce Committee, frankly, I'm ashamed that this House is actually considering legislation that puts public health decisions in the hands of the oil industry.

Title II of H.R. 4480 eliminates a core principle of the Clean Air Act with respect to smog. For over 40 years, the Environmental Protection Agency has set health-based air quality standards using scientific and medical evidence to identify the maximum safe levels of air pollution for human beings to breathe. Title II would do away with that precedent by requiring that the cost to industry be the primary consideration in determining healthy emission standards. Yes, if this legislation passes, health-based decisions will play second fiddle to dollar considerations for the first time.

Over the years, our air has become cleaner and safer because industry has had to comply with more stringent standards. Lead is no longer poisoning our children from the pump. There are fewer kids with asthma due to gas pollutants. And oil companies, rather than suffering, are now making record profits. We don't have to pass the hat for the oil companies. The five largest made \$137 billion in profit last year and \$33.5 billion in the first quarter of 2012. Our health decisions should be made by health experts, not our worst polluters.

H.R. 4480 continues the policy of the 112th Congress: if the oil industry asks, the oil industry gets, no matter the impact on American families.

Title II sets up a new interagency bureaucracy to conduct an impossible study of the alleged economic impact of several EPA rules to reduce pollution from refineries and fuels—which haven't even been proposed—using data that doesn't exist. In the meantime, this title blocks the EPA from finalizing several air quality protections that the oil industry would prefer go away.

Title II does nothing to protect the consumer from price spikes at the pump or to reduce our country's dependence on oil. Instead, it is a giveaway to the oil industry under the false pretense of lowering gasoline prices.

The oil industry doesn't want to reduce the amount of toxic air pollution spewing from its refineries. The oil industry doesn't want to produce cleaner burning gasoline. The oil industry would rather not construct new refineries that are more efficient and less damaging to the world's climate. Oil industry executives would prefer to pocket all their billions in annual profits rather than invest any of it in modern, less polluting technology.

I offered an amendment yesterday that would have simply said that the unnecessary and impossible study required under title II would be paid for by the one industry that most stands to gain from its implementation, Big Oil. My amendment was not made in order.

The American people deserve better than this. They deserve clean air and clean water. They deserve more than a few months of a transportation bill. They deserve a jobs package that will put millions to work, including teachers and construction workers and firefighters and police officers. They deserve affordable student loan rates. Instead, the Republicans of this House have elected to carve out additional privileges for Big Oil.

Mr. GARDNER. I yield 1 minute to the gentlelady from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Speaker, as a member of the House Energy Action Committee and a Representative from an energy State, I come to the floor today to support an all-of-the-above energy bill and an all-of-the-above jobs bill.

I know firsthand the tremendous economic growth and job creation that comes from unlocking American-made energy. My State of Kansas is undergoing an energy boom. Farmers are making money, tractor dealerships are selling new tractors, and families are paying off loans. Even church contributions have benefited.

Sadly, this American success story has been attacked by the current administration's repeated rejection of policies that would increase domestic energy production and create thousands of high-paying American jobs.

This important legislation strengthens our energy security, it removes the bureaucratic red tape hindering American energy production, and it creates American jobs.

Simply, we cannot afford to delay action that would create thousands of jobs. I urge passage of this legislation.

Mr. RUSH. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. DOYLE), a fine member of the subcommittee and a distinguished member of the full committee.

Mr. DOYLE. Mr. Speaker, I rise in opposition to this bill before us.

Today we're debating a bill that Republicans tell us will embrace an all-of-the-above energy strategy. The way this bill purports to do this is by opening large swaths of land to oil and gas drilling, halting regulations, and gutting the Clean Air Act. It's clear that this is not a true effort to develop an all-of-the-above strategy, but instead is a narrow-minded approach to oil and gas development at any cost.

Republicans continue to criticize President Obama and congressional Democrats for opposing efforts to increase U.S. domestic oil production, but the facts disprove this notion. The President hasn't agreed with every proposal to expand oil and gas drilling in the United States and its territorial waters, but he has taken action to open up substantial new public lands and coastal waters to oil and gas development.

Today, roughly 75 percent of U.S. oil reserves on public lands and under our

coastal waters have been leased out to oil drillers. In fact, domestic oil production is at an 8-year high, and the production of natural gas plant liquids—liquefied petroleum gases that are used for fuel—is currently at an all-time high of more than 2 million barrels per day. All told, the U.S. Energy Information Agency estimates that U.S. petroleum production in 2012 will average more than 8 million barrels per day.

The number of oil rigs in the United States has quadrupled under President Obama. At the same time, petroleum consumption in the United States has dropped by more than 2 million barrels per day since its all-time peak in 2006. Now, since domestic oil production is up and petroleum consumption is down, U.S. oil imports are at a 17-year low. In fact, the United States is importing 10 percent less oil than it was 8 years ago.

Now, one might reasonably conclude that since the United States is producing more oil and consuming less, oil and gas prices would be going down, but that's not happening. Oil and gas prices are going up. Well, how can that be? Oil prices—and consequently gas prices—are rising because, while oil consumption may be lower in the United States, global demand for oil is, in fact, rising.

Rest assured, this bill does nothing to address the real problem of high gas prices, and it does nothing to develop a real all-of-the-above energy strategy for the United States. This bill is going nowhere in the Senate, and it's a true disappointment as this Congress' effort to address high gas prices and an expanded energy portfolio.

I urge my colleagues to reject this bill.

Mr. GARDNER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Colorado for his leadership and for bringing this legislation to put a good energy policy in place in this country, which we do not have today under President Obama.

If you look at components of the bill, it talks about the Strategic Petroleum Reserve. The President has used the Strategic Petroleum Reserve as his bailout fund, basically, for his failed policies.

□ 1700

He's raided it. Last year he raided 30 million barrels from SPR and still, to this day, hasn't replaced that oil. But on top of that, the President took those dollars, billions of dollars, and spent them on unrelated government spending. So that's what the President's been doing with SPR—using it as his personal piggy bank and bailout fund for his failed policies.

The President and others like to talk about an all-of-the-above strategy. They love to talk about energy production never being higher. One thing they fail to mention is that energy production on Federal lands, where the Federal Government actually has control,

is down. In fact, President Obama's own administration, the Energy Information Agency, confirmed again recently that production this year on Federal lands is down 30 percent just in the Gulf of Mexico from last year. So they talk about production being higher. It's higher on private lands where they have no control.

And by the way, through EPA and Department of the Interior and other Federal agencies they're trying to regulate and shut that down right now, too. So while they're bragging about it, they're trying to shut it down.

Just today, in New Orleans they had a lease sale; first lease sale we've had in more than 2 years. And in fact, it shows that there's tremendous interest in exploring for American energy. The only problem is there is no more plan in place.

Normally, you always have a 5-year plan in this country. By law, the President's supposed to have a 5-year plan. After today, there's nothing on the books for any more future lease sales. And, in fact, the proposal that the President has been sitting on shuts off 85 percent of the areas that were getting ready to be opened up for exploration. And what does that lead to? It leads to a greater dependency on Middle Eastern oil, on these foreign countries that don't like us.

The President has shipped tens of thousands of energy jobs out of this country. We've tracked rigs that have left the states and gone to places like Egypt and Ghana and Brazil. Those jobs ought to be here. We ought to be creating those jobs here and seeking energy independence, and this bill is a great start. I urge its support.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

This bill, sadly, is a missed opportunity. It would have been an opportunity to deal with an all-of-the-above and a jobs bill, but it simply is not.

We're in a situation where domestic oil production is strong. And what we are looking at, currently they're talking about giving out, encouraging more land to be locked up for the future, rather than using the 25 million acres currently authorized for drilling that are not being used by oil companies today. They would allow people to sit on land, paying only \$1.50, \$2 an acre for up to 10 years.

Now, I think it's wise for us to be able to move forward to encourage energy production. There would be an opportunity here to deal more aggressively with incenting sustainable energy, clean energy, energy that will be with us for decades to come, rather than depleting existing resources and tying up leases in the future.

This is an excuse to undermine existing environmental protections. Why, in heaven's name, would we seek to undermine tailpipe emission regulations that are already supported by the auto industry? It makes no sense at all.

It is not wise to have language that orders the EPA to consider the cost of a clean energy rule, rather than the impact on public health, turning on its head longstanding priorities.

I suppose you could diagnose lung cancer, but say, well, it's pretty expensive, so let's not say that it's lung cancer. Let's call it a cough.

Mr. Chairman, it's important for EPA to make the decisions to protect public health rather than company profits, which are exploding in time.

This is a missed opportunity. I suggest its rejection.

Mr. GARDNER. Mr. Chairman, I would like to inquire as to how much time my side has remaining.

The CHAIR. The gentleman from Colorado has 19½ minutes remaining. The gentleman from Illinois has 12 minutes remaining.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CANSECO).

Mr. CANSECO. Mr. Chairman, I thank the gentleman from Colorado for yielding time.

High energy prices are having a negative impact on our economy and on our family budgets. But don't take my word for it. This is what my constituents have told me firsthand.

There's David from Castroville, Texas, who wrote:

As a self-employed carpenter, gas prices for a large truck cut into my profits. It is madness that the USA is not oil and gas independent. Energy independence is essential for our economy to grow and protect our freedom.

Another constituent, Ray, stated:

I'm a retired engineer and planned to travel with my wife this summer but had to curtail these plans because of the high cost of gasoline. This has cut deeply into my retirement pay and I'm spending more time at home because of gasoline prices.

Mr. Chairman, this isn't rhetoric from Washington insiders, but input from working-class Americans who are struggling to make ends meet. I urge my colleagues to support the Domestic Energy and Jobs Act in order to increase energy production, eliminate red tape, and create jobs.

Mr. RUSH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentleman for his courtesy.

Facts are really kind of difficult if you have to deal with them. The gentleman just spoke about a sad case of an individual that wasn't able to go on a trip because of the high price of gasoline. He may want to tell that individual that the oil industry, on average, over the last several months, has exported over 24 million gallons of gasoline a day, 24 million gallons of gasoline a day, exported from the United States. Maybe that has something to do with the high prices.

But a few other facts. As of March of 2011, onshore, the Department of the Interior offered, between 2009 and 2011, 6 million acres of land for leasing. The

oil industry only took 4 million acres. As of that time, March 2011, 38 million acres of land were under lease. 25 million acres of land were inactive. A full 65 percent of the available leased land already in the hands of the oil industry was inactive, not explored, not being produced. 65 percent unused, inactive.

Offshore, 37 million acres were under lease. 2.4 million acres were active. 70 percent not being used.

So why are we here opening more land? There's a reason for it. There is a reason why the oil industry wants to do this. If they are able to acquire a lease, they put it on their books as an asset, thereby giving the appearance that they have a lot of assets available to them, when, in fact, they have no intention to, in the near term, probably the next decade or so, actually explore and produce. It is a financial game. It is not a game of producing oil.

Now, if we really wanted to do something, we would immediately put in place a production tax credit for the wind turbine industry, which is languishing now because we are refusing, Republicans, in this case, refusing to put forth a renewal of the production tax so that the wind industry can actually continue to produce energy for our Nation.

So what does it mean?

There are some 70,000 jobs in the wind industry today. Some 17,000 more would immediately go into place if the production tax credit were in this bill and became law.

What does it mean?

If we were to enact my bill, H.R. 487, those wind turbines would be manufactured in the United States, and thousands more jobs.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield another 30 seconds to the gentleman.

Mr. GARAMENDI. The bottom line of this: this is simply a play by the oil industry to gather more assets on their balance sheet, at the expense of the environment and, just as important, at the expense of a real, all of the above energy policy.

It's a sad day that we're here debating an energy bill that really doesn't do anything at all to help us meet the energy needs of this Nation. There's nothing in this about renewables. It's unfortunate.

□ 1710

Mr. GARDNER. I yield 1½ minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. I appreciate the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 4480, the Domestic Energy and Jobs Act.

This bill comes at a critical time as consumers, farmers, and small businesses are facing high fuel prices and as the President is restricting Federal leases from oil production while at the same time considering releasing oil from the United States' Strategic Petroleum Reserve.

I represent an area of the State of Ohio that has the largest number of agriculture producers, manufacturing jobs, and small businesses. When you look at these numbers, we'd have a very high, disproportionate hit for my constituents because of high oil prices.

As this bill requires, all regulations should be subject to a thorough analysis of cost, benefits, and potential hurdles to implementation. The Gasoline Regulations Act of 2012, which is part of this bill, will delay regulations that could significantly increase fuel prices on consumers, farmers, and small businesses while these regulations are under review. It will also provide some much-needed regulatory relief to refiners, who are struggling to stay in business due to the high cost of fuel.

Reducing the costs of refining fuel is a great first step, but the key to reducing fuel prices is to bring more supply into the market. The only time that oil should be released from the Strategic Petroleum Reserve is to counter a severe supply interruption. I support legislation that will allow the increased access to responsible domestic oil production, and for these reasons, I support the bill.

Mr. RUSH. Mr. Chairman, I reserve the balance of my time.

Mr. GARDNER. I would like to yield 2 minutes to the majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. I want to thank freshman CORY GARDNER for bringing this legislation to the floor.

Mr. Chairman, I want to for one moment imagine. I want to imagine a country, an America that doesn't have 40 months of 8 percent unemployment. I want to imagine an America with 3 percent unemployment. Could you imagine a country that had a trade deficit that was shrunk? Could you imagine a government that, instead of saying it wants to raise taxes, actually cut them? Imagine that, in a housing crisis, you're not sitting with foreclosures, but you actually need more houses to be built and that people are flying into the country because the jobs are there and it is the place to be. I want to imagine, when you go down to even work at McDonald's, you're making \$15 an hour.

A lot of people in this country turn on the news and think that's far-fetched. They think that's impossible to dream or to even imagine. But do you know what? That's taking place in parts of this country. That's exactly what's happening in North Dakota. And why is it happening in North Dakota? It's because they created a State energy policy that is unshackled.

There is a team here, Mr. Chairman, that is called the HEAT Team, the House Energy Action Team. We went across the country and saw all walks of life—from California, to driving an electric car in Colorado, to going into the fields of North Dakota, which is where I went. Do you know what? I

drove past the windmills. I looked at new technology which is able to extract in a much more pinpointed method and environmentally friendly way so that we can get those resources. What has it done? It has transformed the State with regard to job creation. More importantly, it has transformed our Nation because, yes, we are importing less today than in 1994, but that's only on private lands, not on public lands.

The CHAIR. The time of the gentleman has expired.

Mr. GARDNER. I yield the gentleman an additional 30 seconds.

Mr. MCCARTHY of California. So today, on this floor, we are debating something that can change America. No longer will you sit back at home and think, one day, I could only imagine unemployment low, revenues high, and everybody who wants a job can have one.

This bill today is about jobs. It's about jobs that not only create a new America but that change our foreign policy. It creates a new America in which we invest today, and it makes us energy independent.

Mr. Chairman, I ask all to vote "aye," and I thank the gentleman for bringing it to the floor.

Mr. RUSH. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GARDNER. I would like to yield 1 minute to the majority leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman. I rise in support of this legislation before us, which will boost domestic energy production, spur job creation, and grow the economy.

The Domestic Energy and Jobs Act opens up more of our domestic energy resources, brings greater certainty to leasing on public lands, and does take steps to cut red tape that is increasing the cost of fuel and blocking energy development. Increasing energy production on our Nation's public lands and in its waters can create millions of jobs, boost the economy, lower energy costs, and make America more secure.

It wasn't too long ago that an energy-secure America seemed like an unreachable goal. Today, energy security is on the horizon because of innovations that have helped increase our domestic energy supply and that have created thousands of good-paying jobs along the way. I saw these innovative technologies firsthand a few weeks ago when I was out on a deep-sea rig off the coast of Louisiana. With this legislation, we give our Nation's energy producers the certainty they need to invest in the innovations that are essential to American-made energy and American-made jobs.

The oil and gas industry is the lifeblood of so many communities across our Nation, but this President's policies have stifled the development of many of our Nation's energy resources. Red tape and restrictions coming from the Obama administration are keeping America's abundant energy resources

under lock and key, away from our job-creating private sector.

As a result of some of these policies, small businesses are feeling the squeeze of high energy costs; families planning their summer vacations are facing historically high gas prices; and new jobs are being sidelined. People are wondering, when will things get better? They're looking for leadership out of Washington. Frankly, this administration has not delivered.

Since the President took office, production on public lands has decreased. While I welcome the administration's announcement that it is moving forward with a long delayed lease sale in the central Gulf of Mexico, it is simply unacceptable that this is the first lease sale the administration has held in the central gulf since 2010. Our Nation's energy producers have been ready and waiting to put their capital on the line to develop our Nation's resources.

Delaying decisions critical to energy development creates uncertainty and slows job creation. In fact, the Obama administration has canceled more lease sales than it has actually held, so I think the big question is, why aren't we doing more? Why aren't we developing more of our Nation's Outer Continental Shelf, such as that off the coast of Virginia, where there is broad bipartisan consensus in my State supporting such development?

After years of watching the President fail to embrace a pro-growth energy policy, the American people do deserve more. The future of our country depends on a true, all-of-the-above energy strategy that promotes domestic energy production, job creation, and economic growth.

By adding certainty to the regulatory process, we can promote domestic energy development in an environmentally sensitive way. We can promote economic growth and get Americans back to work. These seven bills, as part of the HEAT Team package, will help bring down high energy costs, which are hurting families and crippling small businesses, so that we can then spur the creation of thousands of jobs.

I want to salute and thank the House Energy Action Team: the bill's chief sponsor, Congressman CORY GARDNER; Congressman ED WHITFIELD; Congressmen SCOTT TIPTON and MIKE COFFMAN; and Congressmen DOUG LAMBORN and BILL JOHNSON for putting forward these measures that will harness our domestic energy resources.

Finally, I would like to thank our whip, KEVIN MCCARTHY, for his leadership and for bringing all of us together, as well as thank Chairman FRED UPTON and Chairman DOC HASTINGS for their leadership on these measures that are essential to our Nation's competitiveness and job creation.

□ 1720

Mr. RUSH. Mr. Chairman, I yield 4 minutes to one of the most remarkable leaders that this Congress has ever

seen, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend, and I would have come up here just for that introduction. I thank him so much.

I am pleased to follow my friend, the distinguished majority leader, Mr. CANTOR. I'm going to have some remarks. But before I get to those remarks, I want to give you some statistics that I know you'll find very interesting. I want you to take them to heart.

The Energy Information Administration reports that oil production from Federal lands and waters was higher the first 3 years of the Obama administration than the last 3 years of President Bush's administration.

In addition, oil imports are at the lowest they have been since 1997. In 2011, U.S. crude oil production reached its highest level in 8 years, increasing by an estimated 110,000 barrels per day over 2010 levels to 5.59 million barrels per day. We now produce more than 50 percent of the crude oil we use domestically.

The U.S., by the way, has 1,971 rigs in operation. The rest of the world has 1,471.

The U.S. natural gas production is record breaking. In 2011, 28.5 million cubic feet. In 1973, which was the previous record, it was 24 million cubic feet. But hear this: In 2005, during the Bush administration, it was 5 million less.

Net imports as a share of total consumption has declined from 2005, where it was 60 percent in the Bush administration, to 2011, where it is 47 percent.

The administration has announced that the 2012-2017 5-year leasing plan will open up more than 75 percent of our potential offshore oil and gas resources. The U.S. production for Federal lands on shore is similar to and has surpassed the Bush administration. In 2005, it was 649 million barrels; in 2010, it was 739 million barrels, otherwise known as almost 100 million more barrels.

Ladies and gentlemen, we understand that we need to produce and use energy in America. Mr. Chairman, we should be working, however, together to find real solutions to meet our pressing challenges. We ought to pass a long-term highway bill to create thousands of construction jobs. We ought to address the looming deadline when student loan interest rates are set to go up on July 1. We ought to get to work on taxes so we can keep low rates in place for middle class families. And we ought to get serious about comprehensive deficit reduction before we find ourselves on the edge of a fiscal cliff this year.

Instead, Mr. Chairman, once again, we have a solution looking for a problem. Our Republican friends have called up two bills on the floor this week that make this very clear.

While gas prices have thankfully retreated, the first bill would enact an extreme drill-only energy strategy that won't lower gasoline prices. That bill is

notable for what it doesn't do: invest in diverse energy sources that create jobs, reduce our oil dependence, and enhance energy security; nor does it make our Nation a global leader in energy technology.

The CHAIR. The time of the gentleman has expired.

Mr. RUSH. I yield the gentleman an additional 1 minute.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

The second bill, which we considered yesterday, would impose a radical policy on our border areas that would undermine security coordination and bring polluting industries to some of our most pristine parks and historic sites, even though our border enforcement officials have said such legislation is unnecessary. That's what we worked on yesterday. Not jobs, not student loans, not transportation, but a piece of legislation that they said wasn't necessary.

These are not what Congress ought to be focusing on this week or next week. Let's turn our attention to our most pressing issues—student loans, construction jobs, keeping middle class taxes low, and reducing deficits—instead of wasting the American people's time on partisan bills that won't solve any of our real problems.

Mr. Chairman, I'm hopeful that either in the next 24 hours or in the next 9 days we will, in fact, pass a jobs bill that will create jobs, and everybody knows that that's the highway bill.

The CHAIR. The time of the gentleman has again expired.

Mr. RUSH. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland.

Mr. HOYER. The Senate has passed a highway bill in a bipartisan fashion with half of the Republicans in the United States Senate voting for it, and with a very conservative Republican ranking member, JIM INHOFE, and a very liberal chairwoman, BARBARA BOXER, who came together and had the ability to compromise and come to agreement.

I tell my friends on the Republican side, that's what the American people want us to do. If we do that, it will raise the confidence of our people, of our business community, of our country. That will be the best thing we can do for our country, to come together in a bipartisan fashion, as the United States Senate did, and act.

Mr. GARDNER. Mr. Chairman, I yield 1½ minutes to the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentleman from Colorado.

Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act.

Oil accounts for 37 percent of U.S. energy demand, with 71 percent directed to fuels that are used in transportation. Our energy policy is vitally important to our national and economic security. It's especially as important to the mother who drives her children to school as it is the business owner

who operates a fleet of delivery vehicles. When the price of gasoline increases, Americans hurt.

Last year, the price of gasoline increased 81 cents per gallon. That is why I do support an all-of-the-above approach to energy. This includes opening up new areas for American energy exploration, transitioning to renewable and alternative energy, and using more clean and reliable nuclear.

The President in his last State of the Union stated the same belief, but this administration has done nothing to back up that statement. The executive branch is using the Strategic Petroleum Reserve for political purposes by imposing overburdensome regulations on refineries and placing obstacles to increasing permitting and leasing on Federal lands for gas and oil production.

During this administration, we have seen a drastic decrease of oil production on federally owned lands at a time with high gas prices. From 2010 to 2011, there has been a 14 percent decrease. The Domestic Energy and Jobs Act will enable job creators in the energy industry and increase domestic energy production here at home.

The legislation that is before us today will turn the tide on this administration's actions, or lack thereof, and allow our Nation to move forward on our Nation's energy production, thereby increasing jobs and bringing us closer to energy independence.

I urge all of my colleagues to vote in favor of this bill.

Mr. RUSH. Mr. Chairman, may I inquire as to how much time is remaining on this side?

The CHAIR. The gentleman from Illinois has 3 minutes remaining, and the gentleman from Colorado has 1½ minutes remaining.

Mr. RUSH. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, Mr. RUSH. I appreciate the time.

Mr. Chairman, I rise in opposition to H.R. 4480. This is a bill that is totally a giveaway to Big Oil.

The fact is, if we want to be energy independent, we can't drill our way to energy independence. We can get there by having alternative green energies that will create jobs and make us independent. We can have wind and solar, and we can have higher fuel standards for automobiles. That's the best thing we can do is reduce the demand for oil by having higher fuel standards, which we don't have in this bill. Regarding the price of oil and making ourselves energy independent, it's not going to happen.

My colleagues on the other side—at least some of them—have for quite a while, about 2 or 3 months ago, blamed the rising prices of gasoline on President Obama. Gasoline has come down considerably since that time. Has one person had the veracity, the bipartisanship to say, Mr. President, thank you for bringing the price of oil down?

No, they haven't, because the President didn't bring the price of oil down, just like he didn't take the price of oil up. It's political rhetoric to say he caused the prices to go up, and it would be wrong to say he brought them down.

□ 1730

There are world markets, demand in China, demand in India, demand even in Bangkok; and those demands have put the price of oil up. The situation in Iran with Israel has created concerns about the future of oil shipments through the Strait of Hormuz. Because of that, prices went up. That situation has been rectified.

This bill is only a giveaway to Big Oil. It threatens people's First Amendment rights because it says they have to put up a \$5,000 bond simply to protest. It threatens jobs. In many industries—the outdoors industry—it threatens public health and people's opportunity to be free from air pollution. It threatens hunting, fishing, and recreation and grazing because it violates the multiple-use doctrines established in the Federal Land Policy and Management Act.

This is not a good bill for America. And to be energy independent, we need to find green energy and green jobs.

Mr. GARDNER. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

(Mr. CONAWAY asked and was given permission to revise and extend his remarks.)

Mr. CONAWAY. Mr. Chair, I rise today in strong support for the Domestic Energy and Jobs Act of 2012 because I personally know the importance of the oil and gas industry to the future of America.

I am fortunate to call West Texas home. Growing up in the Permian Basin has given me a better perspective on what it means to produce the raw resources that our Nation needs to power its industry. It is a perspective that has come from working on a drilling rig in Fort Stockton, Texas, drilling miles and miles below the surface of the Earth.

It's this pursuit of oil and gas miles below our feet that is reinvigorating pockets of the American economy from Texas to Pennsylvania to North Dakota. The work is hard, but the rewards can be great. Not just for the producers, but also for the roughnecks, the thousands of small and large firms that support the drilling activity, and the communities that host them.

Our Nation relies and prospers, Mr. Chairman, on affordable, abundant energy like oil and gas. This bill will ensure that not only do we have affordable energy, but that Americans are put back to work producing it.

The oil and gas industry on private lands is thriving in spite of this administration's attempt to slowly suffocate it. Today's legislation would reverse the glacial pace of permitting and the pointless regulations designed solely to slow down production on Federal lands.

Mr. Chairman, this bill will do the things that the President's stimulus act has failed to do. It will drive investment into American businesses and will put Americans back to work, just like the oil and gas industry has been doing in District 11 for over 80 years.

Mr. RUSH. Mr. Chairman, I intend to close, so I will reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, at this time, I would like to yield 1½ minutes to another gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Chairman, I rise today in support of the Domestic Energy and Jobs Act of 2012.

Every developed economy in the world looks to their own resources as assets to fuel their economic growth. Yet many folks in Washington view our domestic energy resources as a liability. Unelected and unaccountable Federal bureaucrats continue to dream up ways to lock up, restrict, tax, or otherwise regulate these assets away from benefiting the American people.

This is an issue of critical importance for our economic security, our national security, our energy security, and most importantly for the opportunities that we hope to leave for future generations.

We desperately need the stability that comes from unlocking access and tapping into our American energy resources. The Domestic Energy and Jobs Act does just that by allowing us to pursue an all-of-the-above energy plan that removes unwarranted government roadblocks to domestic energy production and supply.

This bill will also help reduce our Federal deficits and our trade deficits. In the case of the former, it helps to reduce our Federal deficit in multiple ways: one, by growing the American economy and American jobs; two, by increasing royalties and lease payments to the Federal Treasury; and, three, by reducing the cost of our energy for the American economy. In the case of the latter, increased production of American energy will result in lower oil imports from foreign sources and reduced payments for those imports, thereby keeping more American money at home to rebuild our economy.

I urge my colleagues to support the Domestic Energy and Jobs Act, which would create jobs, grow our economy, reduce our dependence on unstable Middle Eastern oil, improve our national security, and restore the American Dream for future generations.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to the gentleman from Louisiana (Mr. LANDRY), my freshman colleague.

Mr. LANDRY. Mr. Chairman, here are some facts: an estimated 13 million Americans are out of work. The State of Colorado's unemployment rate is 8.1 percent, which correlates with the national unemployment rate. Today, the State of Colorado's estimated reserves are 1 billion barrels of oil.

In 1995, the State of North Dakota's estimated reserves were 151 million barrels. Today, those reserves have been increased to 4.2 billion barrels of oil; yet today, the State of North Dakota's unemployment rate is 3 percent. What do those facts tell us? Those facts tell us that drilling equals jobs, Mr. Chairman. And it's very simple. In North Dakota, they are drilling on private lands. They are driving unemployment rates down.

Please, if the President wants a jobs plan, it is here. And I urge all Members to vote for this bill.

Mr. GARDNER. Mr. Chairman, at this time I would like to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support for H.R. 4480, a bill that promises to open up more public land to energy development and to streamline burdensome rules and heavy-handed regulations that now thwart new domestic energy development in the United States.

The President and the Democratic-led Senate continue to obstruct the utilization of America's enormous natural resources. What are they? These resources are a God-given asset that has elevated the well-being and prosperity of our people ever since the time of our Nation's founding. Now, when we need the wealth of those resources more than ever, we suffer the obstructionism of our own government.

The President has prevented the construction of the Keystone XL pipeline. The President has shut down oil and gas production offshore. And most recently, this administration—and perhaps most heinously—this administration has moved forward with plans to add onerous rules and regulations on a new and emerging technology. The efforts of this administration are mind-boggling because there is no evidence that this technology has done any harm to our people, and there is ample evidence that this technology would produce significant economic growth, thus jobs. And I am referring to, of course, fracking, which has clearly been targeted by the President and by his environmental gestapo friends.

While we are talking today and while we are trying to determine whether or not we are going to be using more resources, gasoline prices are changing the lifestyle of the American people. We're talking about people who are paying \$3.50 a gallon and, in my State, \$4 a gallon. Why are we allowing our people—13 million people who are currently out of work and suffering under these conditions—why are we adding such costs for them to bear?

The CHAIR. The time of the gentleman has expired.

Mr. GARDNER. I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. What we need, Mr. Chair, is we need to make sure that we move forward, as this bill will do, to ensure that we are fulfilling our commitment to the American people to do



everything we can to make sure that they will live in prosperity and freedom and hope for a better life for their children.

This has always been tied to the utilization of natural resources, and this bill will ensure that our people will benefit from those gifts that God gave us underneath our ground and public lands.

Mr. GARDNER. Mr. Chairman, at this point I would like to yield 1 minute to another freshman, Mr. GOSAR from Arizona.

Mr. GOSAR. Mr. Chair, outside these walls people across our country are suffering. Electric bills and gasoline prices are increasing as we enter the heat of the summer.

□ 1740

Over 13 million Americans are still without work. Our constituents are counting on us to take action.

The Republican-led House has been leading the way with solutions to our country's energy problems. The bill before us today, the Domestic Energy and Jobs Act, is just another part of that agenda. It will remove government roadblocks and bureaucratic red tape that hinder onshore oil, natural gas, and renewable energy production and facilitate job creation. This act truly embraces an all-of-the-above approach that our country so desperately needs.

A country is only as strong as its people. Henry Ford II once said:

What's right about America is although we have a mess of problems, we have great capacity—intellect and resources—to do something about them.

Let's use that capacity to address our country's energy crisis and put people back to work. I urge my colleagues to vote in favor of the Domestic Energy and Jobs Act.

Mr. RUSH. I continue to reserve the balance of my time.

Mr. GARDNER. I am prepared to close. I have no further requests for time.

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

There is widespread opposition to the Republican oil-above-all bill. The Obama administration opposes the Republican bill. Its Statement of Administration Policy says:

The administration strongly opposes H.R. 4480, which would undermine the Nation's energy security, roll back policies that support the continued growth of safe and responsible energy production in the United States, discourage environmental analysis and civic engagement in Federal decision-making, and impede progress on important Clean Air Act rules to protect the health of American families.

If the President were presented with H.R. 4480, his senior advisers would recommend that he veto the bill. Numerous public health organizations oppose this bill, including the American Academy of Pediatrics and various others.

Mr. Chair, this bill is nonsensical and is another bill in a long list of Big Oil giveaways pushed by the most anti-environmental House in the history of our Nation.

I yield back the balance of my time.

Mr. GARDNER. I would just inquire how much time I have remaining.

The CHAIR. The gentleman from California has 4 minutes remaining.

Mr. GARDNER. I thank the Chair and I yield myself the balance of my time.

Sixty four thousand eight hundred five jobs, \$4.3 billion in wages, \$14.9 billion in annual economic impact. That is the number of jobs, the amount of wages, and the economic impact that we would have seen today if not for the backlog of BLM projects over the past 3 years.

Sixty-five thousand jobs. There are 22 proposed projects in the Western United States that would create nearly 121,000 jobs.

Over the past few years, we have seen gas prices increase dramatically: \$3.50, \$3.60, \$3.70. Since we've heard debate on the House floor tonight, they're going down. Even a flood can be lowered by a foot the next day, but it's still a flood. Our constituents who are paying \$60, \$70 to fill up with a tank of gas to drive their families to school, trying to put food on the table, to get to work, cannot afford high energy prices year after year.

This bill presents us with an opportunity to create jobs to build on American energy independence, to make sure that we are doing the one thing that we set out to do, and that is improve the economic chances of this country, our competitiveness, and the lives of our constituents. But they can't do it with gas prices exceeding \$3, \$4. What's next? Because here we are again.

The policies presented in this bill will allow us to cut through red tape and to increase exploration on our great lands in the Western United States across this country in an environmentally responsible fashion. It will allow us to make sure that when we access the Strategic Petroleum Reserve because of a supply problem that we're also addressing a long-term supply fix instead of just quick-fix politics.

We have an opportunity to make sure that when it comes to the regulations that are driving up the price of gasoline—and they have a real impact; we have both heard before our committee testimony from EPA administrators who say, yes, it will increase the price of gasoline—we stop and take a look before we leap to make sure that we are analyzing to understand the impact they will have on our constituents, who continue to suffer.

The best way to improve our economy is to make sure that we are unleashing every sector of our economy. And yes, that means renewable energy. This bill includes renewable energy. It takes a 4-year look at renewable energy on public lands, to take advantage of our opportunity with solar on Federal lands, with wind on Federal lands. But we will not sit idly by while our constituents pay thousands of dollars a more each year to put fuel in the

tank, competing with the food on their table.

And so, Mr. Chair, this bill presents us all with a great chance to increase our energy supply, create American jobs, and make sure that we understand the full ramifications of regulations and drawdowns of the Strategic Petroleum Reserve before we act. And I think it's important that we send one strong message to our constituents that we've heard you. We've heard you loud and clear. And we are going to do everything we can to improve our economy, bring down the cost of energy, create jobs. That's when this Congress will do our job. This Congress will do our job when we pass this legislation, and I urge passage of H.R. 4480.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, the legislation that we are debating and considering today is a clear all-of-the-above plan to increase American energy production, to lower gasoline prices, and to reduce our dependence on unstable foreign energy. But more than anything else, Mr. Chairman, this is a bill about creating jobs. The Domestic Energy and Jobs Act creates good-paying permanent jobs that will put people back to work and help grow our economy.

The only thing that the Obama administration has been more hostile to than American job creation, Mr. Chairman, is American energy production. Frankly, that shouldn't surprise anyone because the two do go hand-in-hand.

President Obama likes to talk about an all-of-the-above energy plan. But in reality, it's a nothing-from-America energy plan. This administration has consistently said "no" to new American energy production while happily forcing hardworking American taxpayers to spend over \$1 million a minute on foreign energy.

President Obama doesn't want to drill for oil in Utah; perhaps he'd rather get it from Venezuela. President Obama doesn't want to drill for natural gas in New Mexico; perhaps he'd rather get it from Yemen.

□ 1750

President Obama doesn't want to develop our oil shale in Colorado; perhaps he'd rather get oil from OPEC.

President Obama doesn't want to import oil from our friends in Canada by approving the Keystone pipeline; perhaps he'd rather import oil from countries that aren't our friends in the Middle East.

Finally, President Obama doesn't want to drill off America's coasts, but he doesn't seem to mind Fidel Castro drilling 60 miles from America. And he doesn't seem to mind giving Brazil billions of dollars to help them drill off their coasts and then promise to be their "best customer."

The American people need to understand that this administration has

taken this country in exactly the wrong direction when it comes to developing our vast energy resources. While President Obama has been digging the United States into massive fiscal deficits, he has also gotten America into an energy deficit on Federal lands from which it could take years to recover.

Energy production on Federal lands is one of our best opportunities for job creation and energy security. But time and again, that production has been blocked or delayed by this administration. Under this administration, from 2010–2011, oil production on Federal lands fell by 14 percent. And natural gas production on these same lands fell by 11 percent. Mr. Chairman, this is in stark contrast to the oil and natural gas production on State and private lands because that production has boomed.

American energy equals American jobs. It's a simple formula for job creation and economic growth, but clearly it's one that this administration doesn't seem to understand. Maybe that's because they just don't know how desperate Americans are for jobs. Just a few weeks ago, with unemployment above 8 percent and 23 million Americans looking for work, our President told the American people that the private sector is doing "just fine." Well, if you don't know what the problem is, how can you possibly know how to fix it?

Mr. Chairman, in summary, this is the same President that has issued the lowest number of onshore energy leases since 1984. This is the same President who talks about an all-of-the-above energy plan, but actively blocks ability to produce more oil and natural gas and coal, and specifically doing so on public lands. For President Obama, "all of the above" is just a politically convenient slogan. But for House Republicans, it's a real job-creating energy policy.

So I urge my colleagues to vote for the Domestic Energy and Jobs Act to put Americans back to work and make us less dependent on foreign sources.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, the short title of this bill, the Domestic Energy and Jobs Act, spells out the word D-E-J-A. But what we're seeing here is not just *deja vu*, the feeling that we've seen all these Big Oil giveaways before. No, this bill is a *deja preview*, a look ahead into what the Romney administration would do if elected and had a GOP House and Senate to fully implement the oil companies' legislative agenda and block all efforts to help clean energy.

There's been a lot of discussion of the DREAM Act recently, but the bill we have before us today is really the Big Oil dream act. This package represents everything Big Oil could ever possibly dream up to drill on our public lands and roll back public health protections.

As the world gathers in Rio de Janeiro right now to try to head off catastrophic global warming from the burning of fossil fuels, here we are in the House of Representatives looking for ways to give more benefits to fossil fuel industries.

And as America's wind and solar companies look to hire more American workers, here we are in the GOP-controlled House, where the Republican leadership refused to make my amendment in order to establish national goals for wind and solar, clean energy and energy efficiency. They won't even allow that debate to take place on the floor of the House of Representatives during what they say is the big energy debate for America. Can you imagine, it's 2012, we are having a big energy debate, big, big debate on the energy future of our country, and the words "wind" and "solar" are not going to be permitted by the Republicans to be out here on the House floor and being debated. And by the way, did I throw in biomass? Did I throw in geothermal? Did I throw in energy efficiency? They won't allow the words to be spoken. There's a gag order here, a big gag order by the Republicans. No debating that.

And then they have the temerity to call it an all-of-the-above bill. Oh, a comprehensive energy plan without wind, without solar, without geothermal, without biomass, without plug-in hybrids or energy efficiency debated out here because they have a gag order. They prohibit any debating of those issues on the House floor. And yet here they are, saying it's an all-of-the-above energy bill.

Great. Great. So fair. Fair and square. A real debate. Let all the Members decide what our energy future looks like.

But before the end of this year, the Republicans are allowing all of the tax breaks for the wind industry to expire. And what are they doing? They are actually going to continue the \$4 billion a year that ExxonMobil and Chevron get. That's fair, huh? A gag order on even mentioning wind and solar out here as part of an amendment, a debate, \$4 billion for the oil industry. And by the way, let's take a look at what's going on in oil production in the United States.

Oh, by the way, did you hear the news? It's now at an 18-year high. Obama, drill, baby, drill. Obama, what a great job. An 18-year high under Barack Obama, way better than George Bush. Way better. You have to go back to almost a time when a kid who's graduating from high school has no memory of. It's 18 years ago the last time there was this much oil drilling in the United States—Federal, State, private lands.

But if you listen to the Republicans, they're saying there's not enough breaks for ExxonMobil. No, no, no, we have to give them more. This poor, beleaguered company, and all of the other oil companies of the same size,

they have been beleaguered as they are now at an 18-year peak in oil production in the United States. And you know who's beating them up—wind and solar, geothermal, biomass, plug-in hybrids. Very scary things to the Republican. So scary that because they control the Speakership, because they control the Rules Committee, we're not allowed to debate wind and solar. They're prohibiting it today. An absolute, all-out prohibition this week on the discussion of wind and solar. Huh?

When I asked to have an amendment be put in place that we could debate whether or not we had a national renewable electricity standard for the whole country, setting goals for what our country should have for wind and solar by the year 2020, you know what they said: No, we're gagging you. You can't have that debate out on the House floor. You can't even raise the words "wind" and "solar."

Yet they're going to keep coming out here saying we're for all of the above. All of the above that Exxon and Shell and BP want. Right on their list. And do you know where wind and solar are on the BP and ExxonMobil list? Oh, they just forgot to put it on their list. And that's what we get to debate out here, and it's going to be called an all-of-the-above energy future.

Well, let me tell you something—the American people deserve a lot better. They really do have a real sense that America has to be the leader in these new energy technologies. And President Obama has done his best or else we would not be at an 18-year high.

By the way, there are more oil rigs drilling in the United States for oil today—are you ready for this—than all of the other countries in the world combined. Barack Obama, drill, baby, drill. You are really doing the job. More oil rigs right here in the United States right now drilling than all the rest of the world combined.

But you're going to listen to these Republicans talk as though somehow or other, although ExxonMobil and BP and Shell are reporting the largest profits of any corporation in the history of the world, that they are being discriminated against.

□ 1800

What do ExxonMobil and BP expect? They expect there to be a gag applied out here on the floor so we cannot debate wind and solar, we cannot debate biomass and geothermal, we cannot debate energy efficiency. And yet we're supposed to sit over here in silence and listen to them say that they have an all-of-the-above energy strategy when we all know their entire strategy is oil above all—as a matter in fact, to exclude all else, exclude it, can't even debate it. They actually passed a rule here last night prohibiting us from debating wind and solar, from debating the future, from unleashing this technological revolution.

And why is that the case? I'll tell you why it's the case. Because in the last 5

years there have been 45,000 new megawatts of wind installed here in the United States. In this year, there will be 4,000 new megawatts of solar installed in the United States. Do you know who hates that? ExxonMobil hates that. Shell, BP, they hate it. Peabody Coal, Arch Coal, they hate it. They see this new clean energy future unfolding.

Out here on the floor of the House, as we debate the big energy bill here of 2012, I'm prohibited, as the senior Democrat, from bringing out an amendment that talks about wind and solar, that talks about geothermal and biomass, that talks about energy efficiency. I'm not allowed to bring it out here. So this is not an auspicious day for the United States Congress.

If there were any kernel of truth about Obama and his incredible work here, lifting us to an 18-year high in total oil production in the United States—by the way, since Bush left, since he left, we have dropped from being 57 percent dependent upon imported oil down to 45 percent dependent upon imported oil. Did Bush do that? No. Did Bush's father do that? No. Barack Obama did that, ladies and gentlemen. And what Barack Obama is saying, in addition to the dramatic decline in the amount of oil that we import from the Middle East, I would also like to add wind and solar and geothermal and biomass and energy efficiency. And they're saying, oh, no, it's already going too fast. This dependence thing is already happening much too fast for us.

And, by the way, this revolution in wind and solar and geothermal, people might start driving cars that are all electric and dependent upon wind and solar to give them the electricity so they don't even have to go into a gas station.

Do you know what they're really afraid of? They're afraid that what is going to happen to them is what happened to the typewriter, that in 20 years we went from everyone using a typewriter to everyone using a computer. People have to look into a history book to now find what a typewriter looks like. It only took 20 years. They can see this wind and solar revolution happening so fast that they're afraid that in 2030 a kid won't even know how to fill up a car with gasoline because they'll be plugging in the car at home with solar and wind-generated electricity. That's what they're most afraid of.

That's what this debate is really all about and that's why there's a gag on the Democrats, why we're not allowed to talk about wind and solar and geothermal and biomass and energy efficiency. Oh, I'm sorry, we're allowed to talk about it, we're just not allowed to have an amendment out here on the floor. We're just not allowed to put everyone on record as to where they stand on those issues. We're just not allowed to do that. You cannot have an amendment out here on the floor.

So this is the full extent of our ability to help those industries, those competitive industries, those Microsofts and Googles and eBays and Hulus and YouTubes of the energy industry get out there and reinvent the way in which we generate electricity here in our country. That's what this debate is really all about.

At this point, Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN), author of one of the provisions in this.

Mr. LAMBORN. Mr. Chairman, I rise in support of the Domestic Energy and Jobs Act. This energy package will unlock some of the vast resources this country has been blessed with, create stable jobs to put Americans back to work, and ensure America's energy security for the future.

While President Obama believes that the private sector is doing fine with an unemployment rate of over 8 percent and 23 million Americans looking for work, more Americans on food stamps than ever before, the U.S. Bureau of Labor Statistics tells us far too many Americans are not doing fine. And while private sector oil and gas are booming, our Federal lands are left behind.

Rather than encouraging and implementing policies that will create jobs for Americans, the Democrats and the Obama administration unfortunately support antienergy, job-destroying policies and have refused to act on or have reversed policies that would have created jobs for Americans and allowed for the development of American-made energy.

The Strategic Energy Production Act of 2012 takes the steps necessary to increase production of American-made energy and creates stable jobs for Americans. The plan, lease, permit provisions from the Natural Resources Committee in this legislation requires the administration to create a definitive, all-of-the-above, 4-year production plan to ensure American production of conventional—and, yes, renewable—energy to meet our energy needs.

While the administration has been unwilling to make land available for energy production, this legislation requires that they annually lease land for onshore development to ensure that the energy production process moves forward. It also streamlines the permitting process to ensure the expeditious and timely permitting of approvals. The legislation also ensures that understaffed and underfunded BLM field offices receive the funding they need to keep up with their workloads.

In addition to these reforms, this legislation opens one of our most promising areas for energy production: the National Petroleum Reserve-Alaska, which would expand American energy production and support current energy jobs for Alaska.

Finally, this legislation brings oil and natural gas leasing into the 21st

century by allowing the BLM the authority to conduct Internet lease sales.

This legislation will take huge strides in securing our Nation's energy future. It will lessen our dependence on foreign sources of oil and create good-paying jobs for Americans across the country.

Mr. Chairman, I urge my colleagues to support the Domestic Energy and Jobs Act.

Mr. MARKEY. I yield 4 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, I rise in opposition to H.R. 4480, which I heard my good friend and colleague from Massachusetts, Representative MARKEY, refer to as the "Déjà Preview Act" or the "Big Oil Drain Act."

Any student of history will tell you that the Congress was not designed to be efficient—while there were some good reasons for that—but deliberately celebrating that particular design of Congress with yet another partisan, short-sighted piece of legislation that moves United States energy policy backward is truly disappointing.

H.R. 4480 leaves our energy policy stuck somewhere in the 1950s. While other nations are making serious investments to diversify their energy supplies, support new clean energy businesses, and become less dependent on traditional fossil fuels, we are marching in place.

H.R. 4480, with its gag order on renewables and energy efficiency, is another missed opportunity and a waste of time. H.R. 4480 is nothing more than a wish list for Big Oil companies at a time when these companies are making record profits on the backs of America's taxpayers and her middle class.

Our energy crisis isn't that we need to drill for more oil. In fact, we're actually quite good at it as we saw in Representative MARKEY's presentation. This bill will only make us more dependent on a limited resource that is priced on the global market and enjoys a century-old taxpayer giveaway while making record profits on the backs of our middle class.

The answer to our energy crisis is to diversify our supply, support new clean energy businesses, become less dependent on fossil fuels—to focus on the demand side of the energy equation as much as we do our supply side.

While we consider this bill, policies that would provide modest assistance to companies that are working on solar, wind, fuel cells, combined heat and power, geothermal and energy efficiency, to name a few, are languishing in committee.

□ 1810

These are the technologies that will take us into the future, a bold future. True, they are not yet ready to provide all the energy we need, but that is all the more reason for us to help them move forward aggressively.

Jobs in the industries I've mentioned, good-paying jobs, are at risk

due to our failure to renew the production tax credit, the 1603 program, and the research and development tax credit. We are stifling job growth and innovation with this act.

Eventually, traditional fossil fuels will run out. Already, the human health and environmental costs of extracting and using these fuels have risen tremendously. We choose to ignore this at our peril, or at least at the peril of the next generation and generations to come.

Over the past 40 years, the Clean Air Act has shown we can have both clean air and a vibrant economy. Since 1960, air pollution has decreased by more than 70 percent, while the economy has grown by more than 200 percent.

But this bill is likely to eliminate jobs, while making the air we breathe more toxic. But that doesn't seem to matter to the majority in the House. It does so by eliminating standards for cleaner vehicles and cleaner fuels, likely costing nearly 25,000 jobs a year for 3 years. Yet more backward motion.

The public lands policy put forward today and in yesterday's legislation is an insult to the previous generations whose foresight and concern for future generations granted us a rich inheritance of natural resources in our wildlife refuges, wilderness areas, and national parks.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Colorado (Mr. TIPTON), an author of one of the provisions of the bill.

Mr. TIPTON. Thank you, Chairman HASTINGS, for yielding me time.

America has always had a competitive advantage as a Nation. It's been the entrepreneurship, the hard work, the innovation of the American people. But we've also always had a different advantage as well—affordable energy in this country. We see that now imperiled.

In 1979, Jimmy Carter challenged this Nation to move to energy self-sufficiency. Decade after decade it has not been addressed. This piece of legislation is to move America fully into the 21st century, to be able to secure for us and for our children this land of liberty, opportunity, and growth. It comes with American energy.

The ranking member from Massachusetts, I have good news for you. When you read the actual legislation that is put forward, it states in my portion of the bill, the Planning for American Energy Act of 2012, page 16, line 16, calling on the Secretary of the Interior to develop a plan for American energy.

What does it say?

Creating the best estimate, based upon commercial and scientific data of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands.

The very thing you asked for is in the bill. We have an opportunity to be able to create an American energy fu-

ture in this Nation, to be able to secure for our children that birthright that many of us grew up believing was an American birthright—the right to be able to live that American Dream—to be able to put Americans back to work.

The Planning for American Energy Act of 2012, my portion of this bill, speaks to that commonsense, all-of-the-above proposal that we all seek: wind, solar, geothermal, hydroelectric, using the minerals, the resources, the natural gas, the oil that we find on American soil.

When we see what is happening right now in the Middle East, when we see at the gas pump our prices doubled from just 3 short years ago, when we talk to senior citizens on fixed incomes who are finding out when they turn on that light switch that their bill has increased, is it time, is it appropriate for us to seek an American energy solution? The time has come. The day has arrived.

The Acting CHAIR (Mr. STUTZMAN). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. TIPTON. Rather than encouraging energy development off of our shores, as the President has done with his \$2 billion loan guarantee to Brazil to develop their energy sources, if we're going to make those kind of investments, if we're going to look to that type of future, would it not be better for us to develop American energy on American soil to put Americans back to work and create American energy certainty? That day has come. The time is now.

This is a good piece of legislation for American security and American jobs.

Mr. MARKEY. I yield myself 1 minute.

I thank the gentleman from Colorado.

Yes, what the Republicans are saying is, in their bill, that they want a study for 4 years of wind and solar. A study?

Well, maybe they should study the fact that it's very sunny in Florida. It's very windy out in the Midwest and, as a matter of fact, so sunny and so windy that there have been 45,000 megawatts of wind installed over the last 6 years in the United States, that there's going to be 4,000 new megawatts of solar installed in the United States just this year.

So maybe the Republicans should study the studies that are already out there, and maybe they could actually look over and ask the coal industry what they're thinking as they've dropped from 51 percent of all electrical generation down to 36 percent of all electrical generation in the last 5 years.

Maybe they're looking at the wind industry. Maybe they're looking at the solar industry. Maybe you could call them. But you don't have to wait 4 years, because all you want to do is study it. What we want to do is give the incentive for the wind and solar industry to continue their revolution.

I yield 5 minutes, if I may, Mr. Chairman, to the gentleman from New Jersey (Mr. HOLT), the ranking member of the subcommittee.

Mr. HOLT. Mr. Chairman, I thank my friend from Massachusetts, and I thank him for laying out so clearly all the shortcomings of this legislation, this oil-above-all legislation. It really is nothing but a big giveaway to Big Oil.

The only jobs it will create will be in the boardrooms and the executive offices of the Big Oil companies because, since 2005, even as ExxonMobil, Chevron, BP, and Shell have made more than \$650 billion in profits—need I repeat that? \$650 billion in profits—they eliminated more than 11,000 jobs, U.S. jobs, American jobs. And this is even while wind and solar were creating 50,000 jobs.

Yes, there's a mismatch here. The bill before us presented by the Republicans says we'll study to see how much solar and wind energy might come from these lands in the future instead of saying let's get these energy sources of the 21st century rolling in these lands. It's not a plan of what we might get. The Markey amendment would have set standards for what we would get.

Now, the Republicans have a long record of protecting tax breaks for Big Oil while cutting clean energy initiatives. That's what we see here.

But what I wanted to talk about is the damage that would be done under this legislation. Health officials today here in Washington are warning people to avoid the heat and stay indoors. I don't think they had in mind that we stay indoors to pass legislation that chokes off public health protections, that modifies the Clean Air Act to make it ineffective, and yet that's what this bill does.

□ 1820

By rejecting clean energy and pushing only for more fossil fuels to blanket the world with heat-trapping pollution, the Republican majority is essentially turning off the world's air conditioner and turning on the heater.

There is a reason that the term "fossil fuels" applies—actually, two reasons. One is that these are derived from ancient plants that have decayed deep in the Earth and have produced petroleum. But there is another reason. "Fossil" means "archaic." "Fossil" means "out of date." "Fossil" does not mean "21st century."

Yet that's where this legislation is taking us—in the wrong direction and in the wrong direction with regard to environmental protection.

In the wake of the Deepwater Horizon disaster, we shouldn't be playing games with safety and the environment. The spill exposed a woefully inadequate environmental review process that was done prior to the oil and gas leasing. The environmental review done prior to the BP spill was so sloppy that response plans talked about protecting walrus. Obviously, they were

just, in an unthinking way, using old Alaska pages.

Tourism is the lifeblood of so many of our coastal communities. As the economy is struggling to recover, we can't risk the kind of environmental damage that derails economic progress in these areas. We should understand the risks of drilling, and we should strengthen the protections, not weaken them. Furthermore, there will be damage done to the whole leasing process.

For my colleagues on the other side of the aisle who are so worried that putting some real standards—some expecting of good performance from oil companies—would somehow interfere with their production, let me point out some good news. Today, the Interior Department announced the results of an oil and gas lease sale in the Gulf of Mexico.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MARKEY. Would the Chair tell me how much time is remaining.

The Acting CHAIR. The gentleman from Massachusetts has 8½ minutes.

Mr. MARKEY. I yield an additional minute to the gentleman from New Jersey.

Mr. HOLT. I thank my friend.

According to the Interior Department, today's leases that were bid on today, which have some lease standards apply that require increasing rental rates and shorter lease terms—the very things that the folks on the other side of the aisle here say would be killers, would stop the drilling—were record-setting lease sales, bringing in \$11.7 billion even with these new conditions for offshore drilling; and they're saying what works here offshore won't work on the lands that we are talking about in this legislation.

Now, I'll tell you what's a killer in this. A killer is the relaxing of the public health and environmental standards in the legislation. That's literally a killer.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), whose State has tremendous resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I support this legislation. It's long overdue. Title VI of this legislation is a good step forward in Pet 4 in Alaska, so it is with great amazement that I listened to the two previous speakers.

Wind power, you can take and cover every acre of the United States, including the parks and refuges, and put solar panels on them, but you'll only produce 20 percent of the consumption of energy we use today. Now, think about that—no parks, no refuges—all solar panels, and we're going to take care of the problem. By the way, it has to be transported to a battery, taken and made by rare earths from China.

That's what this is all about. It's nonsense.

The idea that wind is going to solve the problem and that solar is going to solve the problem, that's nonsense because, in reality, fossil fuel, to this day, is the only fuel that can move an object, ladies and gentlemen. It moves your car; it moves your truck; it moves your plane; it moves your train; and it moves your ship that brings all the product to and from the United States.

You're not going to do it with a beanie on your hat. You're not going to do it with solar panels that have to cover every acre of the United States of America. It's because we're collecting the power of the Sun down here at the bottom of the pyramid. We're not collecting from the source. If you want to go far, if you want to be really reaching into the future, collect it up there and beam it down to a point where we can create electricity.

This is a good bill because, ladies and gentlemen, Mr. TIPTON said it right. In his bill, we do have action on wind and solar, although it will not work, and we know it won't work. We need fossil fuels now until we have the time to produce another source of energy that does not need electrical batteries to run a car. We're going to plug a car in? Nonsense. It won't happen, because you need to produce energy from some other source to create the electricity. You're against nuclear power. You're against hydropower. By the way, you'd like to take and grow our way into new power by using corn—a food—for energy. That's absolutely nonsense.

Shame on you to say this is not a good bill. This is a good bill. It's not a nonsense bill.

Today, the NPRA remains in various stages of exploration, and experiences no shortage of interest from producers. However, there have been a series of bureaucratic delays that have impeded production from this vast area. This bill seeks to remedy that situation and give the American people the energy resources they need.

The Trans Alaska Pipeline System is running at one-third capacity. Soon, without the addition of increased oil supplies, that pipeline will no longer be economical to operate. Carrying 11% of our Nation's supply, TAPS is critical infrastructure for this nation that must be protected. This winter TAPS was shut down for a period of days and fuel prices on the West coast shot up immediately in a drastic manner. Luckily, NPRA is only tens of miles from existing pipeline infrastructure that leads into TAPS.

A few weeks ago, clearly acknowledging that increased supplies will bring down energy prices, President Obama released 30 million barrels of oil from the Strategic Petroleum Reserve. The National Petroleum Reserve—Alaska has 2.7 billion barrels and already has infrastructure in place to bring the oil to market!

Title VI of H.R. 4480 is a good first step towards harnessing the potential that these federal lands in Alaska have to provide domestic energy supplies.

Mr. MARKEY. Again, I ask how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Washington has 17½ minutes. The gentleman from Massachusetts has 7½ minutes.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from South Carolina, a member of the Natural Resources Committee, Mr. DUNCAN.

Mr. DUNCAN of South Carolina. I thank the chairman.

There can be no national security without energy security. Let that sink in. There can be no national security without energy security.

House Republicans support a truly all-of-the-above energy policy, not one put forth by the Obama administration and House Democrats, which basically is an all-of-the-above, except for X, Y, and Z, policy, which blows through Americans' hard-earned tax dollars by chasing phantom solutions to our energy needs with companies like Solyndra. "All of the above" means opening up Federal lands for energy production and exploration, and it puts Americans to work.

Americans simply need to look to one western State to see a microcosm of what America could be with an energy-driven economy. That State is North Dakota. When you get off the plane in North Dakota, they give you a job whether you need one or not. They're approaching a zero percent unemployment rate—zero. It is an energy-driven economy. It is the microcosm of what this Nation could be if we would pursue an energy-driven economy.

Energy from Federal lands could be a reality. Energy from the Outer Continental Shelf could be a reality if we would embrace opening up American resources for production, which is like the folks in North Dakota have done on State and private lands. This is good policy for America. Energy policy works.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to another member of the Natural Resources Committee, the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in strong support of H.R. 4480, the Domestic Energy and Jobs Act. This important legislation begins to put in place a true all-of-the-above energy plan, a type of plan that has been missing since this President came into office in 2009.

This legislation will expand oil, gas, and renewable energy development on Federal lands to help increase the supply of energy and lower energy prices for consumers. It will also give relief to drivers who are paying high prices at the pump every month due to very costly EPA regulations that are scheduled to go into place.

□ 1830

This legislation also contains a bill that I introduced, the BLM Live Internet Auctions Act. This section of the bill is supported by my friends on the

opposite side of the aisle here and even the administration. The BLM Live Internet Auctions Act will bring the BLM Lease Auction program into the 21st century by allowing BLM to conduct online leases just like the private sector has been doing for over 10 years.

We hear a lot about an all-of-the-above energy policy. The President even talked about an all-of-the-above energy policy in the State of the Union. I'm convinced that what the President means by an all-of-the-above energy policy is anything all and above the ground, because it seems like he doesn't want us going after our own natural resources.

If we had an energy policy that said, Look, we're going to draw a line in the sand, and over the next 10 years we're going to become energy independent and secure in America, we're going to go after the trillions of barrels of oil that we already own, we're going to harvest the vast volumes of natural gas and oil that we own, we're going to continue to mine and harvest coal and use it environmentally soundly, we're even going to expand our nuclear footprint because it's the safest and most reliable form of energy on the planet, and, yeah, we'll even look at wind and solar and find out where those renewable energy sources fit into an overall scheme, but we're not going to sit on the sidelines any longer and be beholden to foreign countries for our energy, if we had that kind of vision backed with regulatory reform that said to the regulatory agencies like the EPA and the Department of the Interior, Starting today, you become partners in progress with America's industries and businesses—if you've a got a national security or public health or public safety reason for saying “no,” then say “no.” But don't let “no” be the final answer.

I think the American people have an expectation that their elected officials and the bureaucracies that are sent here to manage the American system are partners in progress, not barriers to progress.

I urge my colleagues to support H.R. 4480, the Domestic Energy and Jobs Act. I certainly do, and I urge them to, as well.

Mr. MARKEY. I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I would like to thank you, Mr. MARKEY, and Mr. HASTINGS, as well, for the time.

Mr. Chairman, my friends on the other side of the aisle keep on using this mantra, “all of the above, all of the above.” I think they should really name it “oil above all.” Oil above all would be a better name because it's very clear that this bill is really just a wish list and a checkoff for the big oil industry. It weakens public health protections, it forces arbitrary giveaways on public land, and it puts energy drilling ahead of all uses of Federal land. This is not a long-term strategy solution. It is an oil-above-all strategy.

The oil, gas, and coal industry are already getting billions in corporate welfare while they're making record profits. How much of the American taxpayers' money do they need? They will receive at least \$110 billion in subsidies over the next 10 years. These subsidies have been won by decades of lobbying. In 2011, the oil, gas, and coal industry spent \$167 million lobbying. But in comparison to the return on their investment, \$167 million is small because they got subsidies of \$110 billion. It is lucrative for them to do so.

They don't even need our help, Mr. Chairman. In 2011, just last year, the Big Five oil companies made \$137 billion in profits. That's good by any measure. Why in the world would an industry that makes \$137 billion in profits need the help of the American people with these tax breaks that the Republican majority won't even agree to get rid of?

This bill is simply checking off from Big Oil's wish list.

It weakens public health protections.

It forces arbitrary giveaways of public land. It puts energy drilling ahead of all other uses of federal land.

This is not a long-term energy solution.

The oil, gas, and coal industries are already getting billions in corporate welfare.

They will receive at least \$110 billion in subsidies over the next 10 years.

These subsidies have been won by decades of lobbying.

In 2011, the oil, gas, and coal industries spent \$167 million lobbying the federal government.

They don't need our help.

In 2011, the Big Five oil companies made \$137 billion in profits.

But the renewable energy industry does need investment.

Renewable energy is an emerging industry that can create thousands of new jobs.

Yet we are subsidizing the fossil fuel industry at 6 times the rate we are supporting renewable energy.

I offered a simple amendment to this bill.

It was a sense of Congress that fossil fuel subsidies should be reduced to help control the budget deficit.

Unfortunately, it seems the Republicans are too beholden to Big Oil to even allow a vote on my amendment.

I hope my colleagues on the other side—especially fiscal conservatives—agree that \$110 billion in fossil fuel subsidies to profitable companies makes no sense.

We need a true “All of the above bill” that invests in clean, renewable energy—not this “Oil above all” bill.

I urge my colleagues to oppose this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Georgia, Dr. GINGREY, a member of the Energy and Commerce Committee.

Mr. GINGREY. Mr. Chairman, I thank the chairman for yielding.

The previous speaker, the gentleman from Minnesota, it sounds like his policy on his side of the aisle is: No oil, no matter what.

This is a very good bill. If it becomes law, H.R. 4480, the Domestic Energy

and Jobs Act, will put people back to work. It will be a great giant step toward creating energy independence for this country. And, yes, indeed, my colleagues, it will bring down the price of gasoline at the pump, which has actually doubled in 3½ years under President Obama's watch.

As a member of the Energy and Commerce Committee, let me focus on one specific title of this legislation: The Strategic Energy Production Act. The Strategic Petroleum Reserve that we have in this country is about 700 million barrels of oil. Mr. Chairman, that reserve is there for a situation of a domestic crisis, not a political crisis. We use 20 million barrels of oil a day in this country. If you assume that 60 percent of it was domestically produced and we had to import 8 million barrels of oil a day, then think about how many days it would last if we truly had a crisis and OPEC cut us off completely from what we import. That reserve would last about 90 days. That is a 3-month period of time. Yet, President Obama wants to take that reserve and use it for political purposes.

This title of the bill, Mr. Chairman, just simply says that every ounce of oil that he takes out of the strategic reserve, we would increase that same amount on Federal lands.

The Acting CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield an additional 30 seconds to the gentleman.

Mr. GINGREY. I thank the gentleman.

Here is an important point, my colleagues. What this President has done has simply cut the production on Federal lands by 11 percent on his watch.

Let's pass this bill so that we do create jobs, we put people back to work, we become independent in this country, and not dependent on nations that hate us.

Mr. MARKEY. Mr. Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, I rise today in support of H.R. 4480.

The average American family buys 1,100 gallons of gasoline per year. If the price of gas fell just \$1 from the current national average of \$3.49, families would save \$1,100 a year.

For far too long, this administration has prioritized politics over the needs of the American people, and today in this body we have an opportunity to work together and do what's right for the future of this country. The Domestic Energy and Jobs Act will help ease the pain at the pump, create jobs, and push this country towards energy independence.

This commonsense legislation would put several costly and potential burdensome EPA regulations on hold while an analysis of the potential costs and consequences of these rules is

done. To me, it is unthinkable that we wouldn't ask agencies to consider the impact of a regulation on jobs and the economy, particularly at a time of such economic uncertainty.

To boost our energy production, the Domestic Energy and Jobs Act will require the Secretary of the Interior to act on oil and natural gas lease applications and will cut red tape on opening up new reserves in Alaska. This legislation would also restrict the Strategic Petroleum Reserve from being tapped unless the administration develops a plan to explore for additional sources of oil.

Let me put this in perspective. As a young Army officer in Korea in 1973 and 1974, there was an oil embargo. OPEC cut off oil production and sending it to the U.S. We only got heat 3 hours a day. We had to keep the heat for our tanks and our aircraft to protect this Nation. So it is one of strategic importance, and energy is a very important source of that.

□ 1840

To obtain energy independence is not only a key component to our domestic recovery, but it's also an issue of national security, as I just mentioned. Becoming energy independent is far too important for the future of this country to continue to put politics above people.

I encourage my colleagues to join in supporting the Domestic Energy and Jobs Act.

Mr. MARKEY. May I ask again, Mr. Chairman, that we review where the majority and minority are in terms of time remaining in debate?

The Acting CHAIR. The gentleman from Massachusetts has 5½ minutes. The gentleman from Washington has 8½ minutes.

Mr. MARKEY. I will yield myself 1 minute at this time.

I would just like to review, once again, the Republican "all-of-the-above" plan: One, light, sweet crude oil. Two, sour, high sulfur oil. Three, heavy oil. Four, tar sands oil. Five, oil shale. And oh, just to mix it up, a little natural gas. What they forgot was, of course, wind, solar, geothermal, and biomass. And they won't even allow us to have an amendment out here on the floor in order to have a debate over it.

But that "oil above all" agenda you have, it is very comprehensive, and I give you credit for figuring out every single way that we can help all the oil companies in the United States at the expense of all the renewable energy industries.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I would like to thank the chairman for yielding.

I rise in support of the Domestic Energy and Jobs Act. You know, America's been blessed with an abundance of natural resources under our feet and

off our shores. We have the largest coal reserves in the world. New technologies are making it possible to unlock vast new reserves of oil and natural gas. We need to do everything possible to safely and responsibly develop those natural resources because doing so will create good, high-paying jobs, and it will improve national security by reducing our dependence on energy from unstable regions of the world.

Higher gas prices are a cruel tax. They're a cruel tax on hardworking men and women who are trying to find a way to get back and forth to work. Higher gas prices are a cruel tax on seniors living on a fixed income.

And unfortunately, this administration is full of people that are pushing a radical environmental agenda that's hostile to energy development. They believe the solution is to force the price of traditional energy supplies to skyrocket so that alternative green energy becomes artificially competitive.

Alternative energy should be a part of the mix. But the reality is that fossil fuels will be the main source of our energy for at least the next two generations, and it's fantasy to suggest otherwise.

Now we do support an all-of-the-above strategy, but that all-of-the-above strategy also includes an all-of-the-below strategy. We support developing those resources that are below our feet and off our shores. That's why I am proud to support the Domestic Energy and Jobs Act.

Mr. MARKEY. At this time I yield myself 2 minutes.

You know, I hate giving all the bad news to the Republicans. But I'll give you some more bad news. You hate to hear it, but I will give it to you anyway.

In 2011, in terms of new electrical generation in the United States, 33 percent came from natural gas, 29 percent from wind, 20 percent from coal, and 8 percent from solar. Got that again? Wind and solar were about 37 percent of all new electrical generating capacity in the United States in the year 2011. But you guys want to study it. You want to have more information about this technology.

And by the way, in that study, you should also throw a few other things—a single device from which you can talk to your family, send emails, and watch videos. That's a concept some people have. You might want to study that as well. Oh, no, we already have that.

Sending a man to the Moon and returning him safely to the Earth. Oh, I guess that's something else we already did. How about studying the possibility of mapping the entire human genome so we can have an idea of what material humanity is made out of, to kind of break a breakthrough. Oh, I think we've already done that. And there may be many other things that we can throw into that solar and wind study that we also don't need to have studied that you can also throw in there as

part of your technological and scientific phobia that refuses to have you admit that things are already happening.

And by the way, something else you are refusing to admit that happened—during Bush's term as President, the production of oil went down, down, down, down from 2001–2008. Do you know what happened once Obama took over? Up, up, up, up. So much oil drilling, in fact, that all the rigs in the world combined are not matching what Obama has done in terms of total oil rigs out there. And we are now at an 18-year high in oil.

Maybe you should study this. Maybe this is hard for you to understand. I've heard all the Members out here saying that there is a jihad against oil being waged by the Obama administration. It just doesn't match any of the evidence.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I will advise my very good friend from Massachusetts that I am prepared to close if he is prepared to close.

Mr. MARKEY. I will yield myself the balance of my time.

Let me just say that I know it's not anything that has been observed by the Republicans. But the price of gasoline has dropped for the last 11 weeks in a row, ever since the President threatened to use the Strategic Petroleum Reserve, because it was never about supply and demand. It was always about fear and greed. It was what Wall Street was doing and manipulating the price of oil and the commodities futures of the marketplace. It was about the fear that people had about a war in Iran breaking out.

But what's the response from the Republicans? Well, they have a brilliant amendment inside of their bill. What they say here is that if, God forbid, the Ayatollah ever attacked the United States, a Middle Eastern war ever broke out, and the President deployed the Strategic Petroleum Reserve, 10 million barrels worth of the Strategic Petroleum Reserve, you know what their bill says? That we, the Federal Government—if the Republican bill passes today—would then have to sell to ExxonMobil and the other Big Oil companies 200 million acres of Federal lands for ExxonMobil and the other Big Oil companies to drill on.

Understand that? That the Ayatollah attacks us, there's a war in the Middle East, and who do we have to pay the ransom to? To the Big Oil companies of the United States, if we deploy the Strategic Petroleum Reserve.

Now how nonsensical is that? That is an absolutely crazy idea, that the oil companies become the beneficiaries of a Middle Eastern conflict. They get the public lands of the United States, 200 million acres that we have to sell them simultaneously. It's almost a trigger that occurs inside of their legislation. That's how meshuggah this all is.

This is an absolutely crazy set of concepts, where we can't have an

amendment on wind and solar, geothermal, biomass, plug-in hybrids, all new technologies and efficiency that back out the need for all this oil to ever come in in the first place. And as a penalty, the country will use this Strategic Petroleum Reserve as a weapon of our national security against OPEC, that if the President uses it, we have to sell 200 million acres of American land to the oil companies so that they can even drill for bargain basement prices here in the country.

This bill is absolutely the wrong recipe for our country as we head into the 21st century. I urge a “no” vote.

I yield back the balance of my time.

□ 1850

Mr. HASTINGS of Washington. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 7 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, it is hard to know where to start as I close the debate on this portion of the bill because there’s been so much information out there and so much information that, frankly, I won’t say it’s untrue, but it’s not exactly accurate.

Let me start with the idea that the price of gasoline has dropped with this administration. In January of 2009, the average price of gasoline in this country was \$1.82 a gallon. Now what is magic about January 2009? Well, that was the month that the President was inaugurated and the price of gasoline was \$1.82 a gallon. Today, the average price of gasoline is \$3.48. Now if your math is such that the price of gasoline drops when it starts at \$1.82 and ends at \$3.48, you’ve got fuzzy math. But that’s what we keep hearing.

Furthermore, we have heard I don’t know how many Members on the other side speak, but I dare say every one of them said that this is a giveaway to oil and gas. If they didn’t say it, they implied it, trying to get that message across.

Now, I wondered when I heard the debate here about there’s no reference to renewables if they read the bill. I am now convinced they did not read the bill, Mr. Chairman. And let me tell you why. Because when we talk about renewables, we’re talking about Federal lands and we say that the Secretary—and I’m reading from page 15, title III, section 44, paragraph 3. It says:

The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands.

Now that’s the directive.

So on page 16 we make reference to renewable energy. And they said, Oh, it’s just a study. What do you mean it’s just a study? Well, if you read, Mr. Chairman, we are asking for a study for the estimates of what? On subsection A, it’s oil and natural gas. What? We’re asking for a study of oil and natural gas on Federal lands. Then, you go to C. It talks about the

critical minerals. Then it goes on to renewables.

In other words, the point I’m making, Mr. Chairman—and this is very important—if this is a giveaway to oil and gas companies and not helping renewables, then why is it the precise same language for the type of production of energy on Federal lands? You can’t have it both ways.

So I think, Mr. Chairman, that this is a very good bill because we’re focusing on where the greatest resources we have in this country are on Federal lands. That’s where the greatest potential resources are. This bill is aimed at those resources. That’s why this bill is so important.

Let’s set production goals on all energy development. And that means all-of-the-above. That means above ground. That means underground, as my friend from Mississippi said. That’s what we are attempting to do. But to suggest that this is a giveaway when precisely the same language applies to all energy production, frankly, is inaccurate.

So with that, Mr. Chairman, I urge my colleagues to support this piece of legislation.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. I rise today in opposition to H.R. 4480, the Domestic Energy and Jobs Act.

While I support pieces of H.R. 4480, unfortunately I am not able to vote for the bill because I believe it will actually create more regulatory confusion and impediments for our domestic producers. Title I, for example, requires the Secretary of Energy to develop a plan to increase domestic oil and gas leasing from onshore and offshore federal lands that are under the jurisdiction of the Departments of Agriculture, Energy, Interior, and Defense within 180 days of a release of petroleum from the Strategic Petroleum Reserve. A new government bureaucracy at the Department of Energy would develop this plan, which duplicates the oil and gas leasing programs at the Departments of Interior and Agriculture. During a House Energy and Commerce Hearing on the bill, the Secretary of Energy expressed many concerns about their ability to effectively do this.

I am also concerned with Title III of the bill, which would overturn the multiple-use principle established in the Federal Land Policy and Management Act of 1976. This would undermine the basic principal which has guided the management of public lands for 35 years.

I also have concerns with Section 206 of the bill, which would require the Environmental Protection Agency to consider industry costs when determining what level of air pollution is “safe.” By doing this we would be rolling back one of the core aspects of the Clean Air Act—a requirement that was passed on a bipartisan basis over 40 years ago, signed into law by a Republican President and unanimously upheld by the Supreme Court in 2001. I plan to offer an amendment that would strike section 206 and I hope that my colleagues will support it.

As a strong supporter of policies that encourage and support domestic energy production, my hope is that in the future, the House takes up legislation that deals with this important issue without including controversial policy

riders that prevent bipartisan support in the House and movement in the Senate.

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 Energy and Commerce, 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 an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-24. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4480

*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 “Domestic Energy and Jobs Act”.*

**SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS**

*Sec. 101. Short title.*

*Sec. 102. Plan for increasing domestic oil and gas exploration, development, and production from Federal lands in response to Strategic Petroleum Reserve drawdown.*

**TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES**

*Sec. 201. Short title.*

*Sec. 202. Transportation Fuels Regulatory Committee.*

*Sec. 203. Analyses.*

*Sec. 204. Reports; public comment.*

*Sec. 205. No final action on certain rules.*

*Sec. 206. Consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone.*

**TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY**

*Sec. 301. Short title.*

*Sec. 302. Onshore domestic energy production strategic plan.*

*Sec. 303. Definitions.*

**TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY**

*Sec. 401. Short title.*

*Sec. 402. Minimum acreage requirement for onshore lease sales.*

*Sec. 403. Leasing certainty.*

*Sec. 404. Leasing consistency.*

*Sec. 405. Reduce redundant policies.*

**TITLE V—STREAMLINED ENERGY PERMITTING**

*Sec. 501. Short title.*

*Subtitle A—Application for Permits to Drill Process Reform*

*Sec. 511. Permit to drill application timeline.*

*Sec. 512. Solar and wind right-of-way rental reform.*

*Subtitle B—Administrative Protest Documentation Reform*

*Sec. 521. Administrative protest documentation reform.*

*Subtitle C—Permit Streamlining*

*Sec. 531. Improve Federal energy permit coordination.*



Sec. 532. Administration of current law.

Sec. 533. Policies regarding buying, building, and working for America.

Subtitle D—Judicial Review

Sec. 541. Definitions.

Sec. 542. Exclusive venue for certain civil actions relating to covered energy projects.

Sec. 543. Timely filing.

Sec. 544. Expedition in hearing and determining the action.

Sec. 545. Standard of review.

Sec. 546. Limitation on injunction and prospective relief.

Sec. 547. Limitation on attorneys' fees.

Sec. 548. Legal standing.

**TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA**

Sec. 601. Short title.

Sec. 602. Sense of Congress and reaffirming national policy for the National Petroleum Reserve in Alaska.

Sec. 603. National Petroleum Reserve in Alaska: lease sales.

Sec. 604. National Petroleum Reserve in Alaska: planning and permitting pipeline and road construction.

Sec. 605. Departmental Accountability for Development.

Sec. 606. Updated resource assessment.

**TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES**

Sec. 701. Short title.

Sec. 702. Internet-based onshore oil and gas lease sales.

**TITLE I—INCREASING DOMESTIC IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWNS**

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Strategic Energy Production Act of 2012".

**SEC. 102. PLAN FOR INCREASING DOMESTIC OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION FROM FEDERAL LANDS IN RESPONSE TO STRATEGIC PETROLEUM RESERVE DRAWDOWN.**

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

"(k) PLAN.—

"(1) CONTENTS.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary executes, in accordance with the provisions of this section, the first sale after the date of enactment of this subsection of petroleum products in the Reserve the Secretary shall develop a plan to increase the percentage of Federal lands (including submerged lands of the Outer Continental Shelf) under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense leased for oil and gas exploration, development, and production. The percentage of the total amount of the Federal lands described in the preceding sentence by which the plan developed under this paragraph will increase leasing for oil and gas exploration, development, and production shall be the same as the percentage of petroleum in the Strategic Petroleum Reserve that was drawn down.

"(B) REQUIREMENTS.—The plan developed under this paragraph shall—

"(i) be consistent with a national energy policy to meet the present and future energy needs of the Nation consistent with economic goals; and

"(ii) promote the interests of consumers through the provision of an adequate and reliable supply of domestic transportation fuels at the lowest reasonable cost.

"(C) ENERGY INFORMATION.—The Secretary shall base the determination of the present and future energy needs of the Nation, for purposes

of subparagraph (B)(i), on information from the Energy Information Administration.

"(2) LIMITATION.—The plan developed under paragraph (1) shall not provide for oil and gas exploration, development, and production leasing of a total of more than 10 percent of the Federal lands described in paragraph (1)(A).

"(3) CONSULTATION.—The Secretary shall develop the plan required by paragraph (1) in consultation with the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense. Additionally, in developing the plan, the Secretary shall consult with the American Association of Petroleum Geologists and other State, environmentalist, and oil and gas industry stakeholders to determine the most geologically promising lands for production of oil and natural gas liquids.

"(4) COMPLIANCE WITH REQUIREMENTS.—Each Federal agency described in paragraph (1)(A) shall comply with any requirements established by the Secretary pursuant to the plan, except that no action shall be taken pursuant to the plan if in the view of the Secretary of Defense such action will adversely affect national security or military activities, including preparedness and training.

"(5) EXCLUSIONS.—The lands referred to in paragraph (1)(A) shall not include lands managed under the National Park System or the National Wilderness Preservation System.

"(6) SAVINGS CLAUSE.—Nothing in this subsection shall be construed to limit or affect the application of existing restrictions on offshore drilling or requirements for land management under Federal, State, or local law."

**TITLE II—IMPACTS OF EPA RULES AND ACTIONS ON ENERGY PRICES**

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Gasoline Regulations Act of 2012".

**SEC. 202. TRANSPORTATION FUELS REGULATORY COMMITTEE.**

(a) ESTABLISHMENT.—The President shall establish a committee to be known as the Transportation Fuels Regulatory Committee (in this title referred to as the "Committee") to analyze and report on the cumulative impacts of certain rules and actions of the Environmental Protection Agency on gasoline, diesel fuel, and natural gas prices, in accordance with sections 203 and 204.

(b) MEMBERS.—The Committee shall be composed of the following officials (or their designees):

(1) The Secretary of Energy, who shall serve as the Chair of the Committee.

(2) The Secretary of Transportation, acting through the Administrator of the National Highway Traffic Safety Administration.

(3) The Secretary of Commerce, acting through the Chief Economist and the Under Secretary for International Trade.

(4) The Secretary of Labor, acting through the Commissioner of the Bureau of Labor Statistics.

(5) The Secretary of the Treasury, acting through the Deputy Assistant Secretary for Environment and Energy of the Department of the Treasury.

(6) The Secretary of Agriculture, acting through the Chief Economist.

(7) The Administrator of the Environmental Protection Agency.

(8) The Chairman of the United States International Trade Commission, acting through the Director of the Office of Economics.

(9) The Administrator of the Energy Information Administration.

(c) CONSULTATION BY CHAIR.—In carrying out the functions of the Chair of the Committee, the Chair shall consult with the other members of the Committee.

(d) TERMINATION.—The Committee shall terminate 60 days after submitting its final report pursuant to section 204(c).

**SEC. 203. ANALYSES.**

(a) SCOPE.—The Committee shall conduct analyses, for each of the calendar years 2016

and 2020, of the cumulative impact of all covered rules, in combination with covered actions.

(b) CONTENTS.—The Committee shall include in each analysis conducted under this section the following:

(1) Estimates of the cumulative impacts of the covered rules and covered actions with regard to—

(A) any resulting change in the national, State, or regional price of gasoline, diesel fuel, or natural gas;

(B) required capital investments and projected costs for operation and maintenance of new equipment required to be installed;

(C) global economic competitiveness of the United States and any loss of domestic refining capacity;

(D) other cumulative costs and cumulative benefits, including evaluation through a general equilibrium model approach; and

(E) national, State, and regional employment, including impacts associated with changes in gasoline, diesel fuel, or natural gas prices and facility closures.

(2) Discussion of key uncertainties and assumptions associated with each estimate under paragraph (1).

(3) A sensitivity analysis reflecting alternative assumptions with respect to the aggregate demand for gasoline, diesel fuel, or natural gas.

(4) Discussion, and where feasible an assessment, of the cumulative impact of the covered rules and covered actions on—

(A) consumers;

(B) small businesses;

(C) regional economies;

(D) State, local, and tribal governments;

(E) low-income communities;

(F) public health; and

(G) local and industry-specific labor markets, as well as key uncertainties associated with each topic listed in subparagraphs (A) through (G).

(c) METHODS.—In conducting analyses under this section, the Committee shall use the best available methods, consistent with guidance from the Office of Information and Regulatory Affairs and the Office of Management and Budget Circular A-4.

(d) DATA.—In conducting analyses under this section, the Committee is not required to create data or to use data that is not readily accessible.

(e) COVERED RULES.—In this section, the term "covered rule" means the following rules (and includes any successor or substantially similar rules):

(1) "Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards", as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AQ86.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule proposed after March 15, 2012, for implementation of the Renewable Fuel Program under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

(4) "National Ambient Air Quality Standards for Ozone", published at 73 Federal Register 16436 (March 27, 2008); "Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards", as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060-AP98; and any subsequent rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(f) COVERED ACTIONS.—In this section, the term "covered action" means any action, to the extent such action affects facilities involved in the production, transportation, or distribution

of gasoline, diesel fuel, or natural gas, taken on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality), or title V (relating to permitting), of the Clean Air Act (42 U.S.C. 7401 et seq.), to an air pollutant that is identified as a greenhouse gas in the rule entitled “Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act” published at 74 Federal Register 66496 (December 15, 2009).

**SEC. 204. REPORTS; PUBLIC COMMENT.**

(a) **PRELIMINARY REPORT.**—Not later than 90 days after the date of enactment of this Act, the Committee shall make public and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a preliminary report containing the results of the analyses conducted under section 203.

(b) **PUBLIC COMMENT PERIOD.**—The Committee shall accept public comments regarding the preliminary report submitted under subsection (a) for a period of 60 days after such submission.

(c) **FINAL REPORT.**—Not later than 60 days after the close of the public comment period under subsection (b), the Committee shall submit to Congress a final report containing the analyses conducted under section 203, including any revisions to such analyses made as a result of public comments, and a response to such comments.

**SEC. 205. NO FINAL ACTION ON CERTAIN RULES.**

(a) **IN GENERAL.**—The Administrator of the Environmental Protection Agency shall not finalize any of the following rules until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Committee submits the final report under section 204(c):

(1) “Control of Air Pollution From New Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards”, as described in the Unified Agenda of Federal Regulatory and Deregulatory Actions under Regulatory Identification Number 2060–AQ86, and any successor or substantially similar rule.

(2) Any rule proposed after March 15, 2012, establishing or revising a standard of performance or emission standard under section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412) that is applicable to petroleum refineries.

(3) Any rule revising or supplementing the national ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409).

(b) **OTHER RULES NOT AFFECTED.**—Subsection (a) shall not affect the finalization of any rule other than the rules described in such subsection.

**SEC. 206. CONSIDERATION OF FEASIBILITY AND COST IN REVISING OR SUPPLEMENTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE.**

In revising or supplementing any national primary or secondary ambient air quality standards for ozone under section 109 of the Clean Air Act (42 U.S.C. 7409), the Administrator of the Environmental Protection Agency shall take into consideration feasibility and cost.

**TITLE III—QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “Planning for American Energy Act of 2012”.

**SEC. 302. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.**

(a) **IN GENERAL.**—The Mineral Leasing Act (30 U.S.C. 181 et seq.) is amended by redesignating section 44 as section 45, and by inserting after section 43 the following:

**“SEC. 44. QUADRENNIAL STRATEGIC FEDERAL ONSHORE ENERGY PRODUCTION STRATEGY.**

“(a) **IN GENERAL.**—

“(1) The Secretary of the Interior (hereafter in this section referred to as ‘Secretary’), in consultation with the Secretary of Agriculture with regard to lands administered by the Forest Service, shall develop and publish every 4 years a Quadrennial Federal Onshore Energy Production Strategy. This Strategy shall direct Federal land energy development and department resource allocation in order to promote the energy security of the United States.

“(2) In developing this Strategy, the Secretary shall consult with the Administrator of the Energy Information Administration on the projected energy demands of the United States for the next 30-year period, and how energy derived from Federal onshore lands can put the United States on a trajectory to meet that demand during the next 4-year period. The Secretary shall consider how Federal lands will contribute to ensuring national energy security, with a goal for increasing energy independence and production, during the next 4-year period.

“(3) The Secretary shall determine a domestic strategic production objective for the development of energy resources from Federal onshore lands. Such objective shall be—

“(A) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil and natural gas from the Federal onshore mineral estate, with a focus on lands held by the Bureau of Land Management and the Forest Service;

“(B) the best estimate, based upon commercial and scientific data, of the expected increase in domestic coal production from Federal lands;

“(C) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of strategic and critical energy minerals from the Federal onshore mineral estate;

“(D) the best estimate, based upon commercial and scientific data, of the expected increase in megawatts for electricity production from each of the following sources: wind, solar, biomass, hydropower, and geothermal energy produced on Federal lands administered by the Bureau of Land Management and the Forest Service;

“(E) the best estimate, based upon commercial and scientific data, of the expected increase in unconventional energy production, such as oil shale; and

“(F) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of oil, natural gas, coal, and other renewable sources from tribal lands for any federally recognized Indian tribe that elects to participate in facilitating energy production on its lands.

“(4) The Secretary shall consult with the Administrator of the Energy Information Administration regarding the methodology used to arrive at its estimates for purposes of this section.

“(5) The Secretary has the authority to expand the energy development plan to include other energy production technology sources or advancements in energy on Federal lands.

“(b) **TRIBAL OBJECTIVES.**—It is the sense of Congress that federally recognized Indian tribes may elect to set their own production objectives as part of the Strategy under this section. The Secretary shall work in cooperation with any federally recognized Indian tribe that elects to participate in achieving its own strategic energy objectives designated under this subsection.

“(c) **EXECUTION OF THE STRATEGY.**—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to

increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.

“(d) **STATE, FEDERALLY RECOGNIZED INDIAN TRIBES, LOCAL GOVERNMENT, AND PUBLIC INPUT.**—In developing each strategy, the Secretary shall solicit the input of affected States, federally recognized Indian tribes, local governments, and the public.

“(e) **REPORTING.**—The Secretary shall report annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the progress of meeting the production goals set forth in the strategy. The Secretary shall identify in the report projections for production and capacity installations and any problems with leasing, permitting, siting, or production that will prevent meeting the goal. In addition, the Secretary shall make suggestions to help meet any shortfalls in meeting the production goals.

“(f) **PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.**—Not later than 12 months after the date of enactment of this section, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement. This programmatic environmental impact statement will be deemed sufficient to comply with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.

“(g) **CONGRESSIONAL REVIEW.**—At least 60 days prior to publishing a proposed strategy under this section, the Secretary shall submit it to the President and the Congress, together with any comments received from States, federally recognized Indian tribes, and local governments. Such submission shall indicate why any specific recommendation of a State, federally recognized Indian tribe, or local government was not accepted.”

(b) **FIRST QUADRENNIAL STRATEGY.**—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress the first Quadrennial Federal Onshore Energy Production Strategy under the amendment made by subsection (a).

**SEC. 303. DEFINITIONS.**

For purposes of this title, the term “strategic and critical energy minerals” means those that are necessary for the Nation’s energy infrastructure including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production and those that are necessary to support domestic manufacturing, including but not limited to, materials used in energy generation, production, and transportation.

**TITLE IV—ONSHORE OIL AND GAS LEASING CERTAINTY**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Providing Leasing Certainty for American Energy Act of 2012”.

**SEC. 402. MINIMUM ACREAGE REQUIREMENT FOR ONSHORE LEASE SALES.**

In conducting lease sales as required by section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)), each year the Secretary of the Interior shall perform the following:

(1) The Secretary shall offer for sale no less than 25 percent of the annual nominated acreage not previously made available for lease. Acreage offered for lease pursuant to this paragraph shall not be subject to protest and shall be eligible for categorical exclusions under section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15492), except that it shall not be subject to the test of extraordinary circumstances.

(2) In administering this section, the Secretary shall only consider leasing of Federal lands that

are available for leasing at the time the lease sale occurs.

**SEC. 403. LEASING CERTAINTY.**

Section 17(a) of the Mineral Leasing Act (30 U.S.C. 226(a)) is amended by inserting “(1)” before “All lands”, and by adding at the end the following:

“(2)(A) The Secretary shall not withdraw any covered energy project issued under this Act without finding a violation of the terms of the lease by the lessee.

“(B) The Secretary shall not infringe upon lease rights under leases issued under this Act by indefinitely delaying issuance of project approvals, drilling and seismic permits, and rights of way for activities under such a lease.

“(C) No later than 18 months after an area is designated as open under the current land use plan the Secretary shall make available nominated areas for lease under the criteria in section 2.

“(D) Notwithstanding any other law, the Secretary shall issue all leases sold no later than 60 days after the last payment is made.

“(E) The Secretary shall not cancel or withdraw any lease parcel after a competitive lease sale has occurred and a winning bidder has submitted the last payment for the parcel.

“(F) Not later than 60 days after a lease sale held under this Act, the Secretary shall adjudicate any lease protests filed following a lease sale. If after 60 days any protest is left unsettled, said protest is automatically denied and appeal rights of the protestor begin.

“(G) No additional lease stipulations may be added after the parcel is sold without consultation and agreement of the lessee, unless the Secretary deems such stipulations as emergency actions to conserve the resources of the United States.”.

**SEC. 404. LEASING CONSISTENCY.**

Federal land managers must follow existing resource management plans and continue to actively lease in areas designated as open when resource management plans are being amended or revised, until such time as a new record of decision is signed.

**SEC. 405. REDUCE REDUNDANT POLICIES.**

Bureau of Land Management Instruction Memorandum 2010–117 shall have no force or effect.

**TITLE V—STREAMLINED ENERGY PERMITTING**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Streamlining Permitting of American Energy Act of 2012”.

**Subtitle A—Application for Permits to Drill Process Reform**

**SEC. 511. PERMIT TO DRILL APPLICATION TIMELINE.**

Section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)) is amended to read as follows:

“(2) APPLICATIONS FOR PERMITS TO DRILL REFORM AND PROCESS.—

“(A) TIMELINE.—The Secretary shall decide whether to issue a permit to drill within 30 days after receiving an application for the permit. The Secretary may extend such period for up to 2 periods of 15 days each, if the Secretary has given written notice of the delay to the applicant. The notice shall be in the form of a letter from the Secretary or a designee of the Secretary, and shall include the names and titles of the persons processing the application, the specific reasons for the delay, and a specific date a final decision on the application is expected.

“(B) NOTICE OF REASONS FOR DENIAL.—If the application is denied, the Secretary shall provide the applicant—

“(i) in writing, clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiencies; and

“(ii) an opportunity to remedy any deficiencies.

“(C) APPLICATION DEEMED APPROVED.—If the Secretary has not made a decision on the appli-

cation by the end of the 60-day period beginning on the date the application is received by the Secretary, the application is deemed approved, except in cases in which existing reviews under the National Environmental Policy Act of 1969 or Endangered Species Act of 1973 are incomplete.

“(D) DENIAL OF PERMIT.—If the Secretary decides not to issue a permit to drill in accordance with subparagraph (A), the Secretary shall—

“(i) provide to the applicant a description of the reasons for the denial of the permit;

“(ii) allow the applicant to resubmit an application for a permit to drill during the 10-day period beginning on the date the applicant receives the description of the denial from the Secretary; and

“(iii) issue or deny any resubmitted application not later than 10 days after the date the application is submitted to the Secretary.

“(E) FEE.—

“(i) IN GENERAL.—Notwithstanding any other law, the Secretary shall collect a single \$6,500 permit processing fee per application from each applicant at the time the final decision is made whether to issue a permit under subparagraph (A). This fee shall not apply to any resubmitted application.

“(ii) TREATMENT OF PERMIT PROCESSING FEE.—Of all fees collected under this paragraph, 50 percent shall be transferred to the field office where they are collected and used to process protests, leases, and permits under this Act subject to appropriation.”.

**SEC. 512. SOLAR AND WIND RIGHT-OF-WAY RENTAL REFORM.**

Notwithstanding any other provision of law, each fiscal year, of fees collected as annual wind energy and solar energy right-of-way authorization fees required under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), 50 percent shall be retained by the Secretary of the Interior to be used, subject to appropriation, by the Bureau of Land Management to process permits, right-of-way applications, and other activities necessary for renewable development, and, at the discretion of the Secretary, by the U.S. Fish and Wildlife Service or other Federal agencies involved in wind and solar permitting reviews to facilitate the processing of wind energy and solar energy permit applications on Bureau of Land Management lands.

**Subtitle B—Administrative Protest Documentation Reform**

**SEC. 521. ADMINISTRATIVE PROTEST DOCUMENTATION REFORM.**

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is further amended by adding at the end the following:

“(4) PROTEST FEE.—

“(A) IN GENERAL.—The Secretary shall collect a \$5,000 documentation fee to accompany each protest for a lease, right of way, or application for permit to drill.

“(B) TREATMENT OF FEES.—Of all fees collected under this paragraph, 50 percent shall remain in the field office where they are collected and used to process protests subject to appropriation.”.

**Subtitle C—Permit Streamlining**

**SEC. 531. IMPROVE FEDERAL ENERGY PERMIT COORDINATION.**

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this section as the “Secretary”) shall establish a Federal Permit Streamlining Project (referred to in this section as the “Project”) in every Bureau of Land Management field office with responsibility for permitting energy projects on Federal land.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for purposes of this section with—

(A) the Secretary of Agriculture;

(B) the Administrator of the Environmental Protection Agency; and

(C) the Chief of the Army Corps of Engineers.

(2) STATE PARTICIPATION.—The Secretary may request that the Governor of any State with energy projects on Federal lands to be a signatory to the memorandum of understanding.

(c) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Not later than 30 days after the date of the signing of the memorandum of understanding under subsection (b), all Federal signatory parties shall, if appropriate, assign to each of the Bureau of Land Management field offices an employee who has expertise in the regulatory issues relating to the office in which the employee is employed, including, as applicable, particular expertise in—

(A) the consultations and the preparation of biological opinions under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536);

(B) permits under section 404 of Federal Water Pollution Control Act (33 U.S.C. 1344);

(C) regulatory matters under the Clean Air Act (42 U.S.C. 7401 et seq.);

(D) planning under the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.); and

(E) the preparation of analyses under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) DUTIES.—Each employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the Bureau of Land Management Field Managers in the office to which the employee is assigned;

(B) be responsible for all issues relating to the energy projects that arise under the authorities of the employee’s home agency; and

(C) participate as part of the team of personnel working on proposed energy projects, planning, and environmental analyses on Federal lands.

(d) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Bureau of Land Management field office identified in subsection (a) any additional personnel that are necessary to ensure the effective approval and implementation of energy projects administered by the Bureau of Land Management field offices, including inspection and enforcement relating to energy development on Federal land, in accordance with the multiple use mandate of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(e) FUNDING.—Funding for the additional personnel shall come from the Department of the Interior reforms identified in sections 511, 512, and 521.

(f) SAVINGS PROVISION.—Nothing in this section affects—

(1) the operation of any Federal or State law; or

(2) any delegation of authority made by the head of a Federal agency whose employees are participating in the Project.

(g) DEFINITION.—For purposes of this section the term “energy projects” includes oil, natural gas, coal, and other energy projects as defined by the Secretary.

**SEC. 532. ADMINISTRATION OF CURRENT LAW.**

Notwithstanding any other law, the Secretary of the Interior shall not require a finding of extraordinary circumstances in administering section 390 of the Energy Policy Act of 2005.

**SEC. 533. POLICIES REGARDING BUYING, BUILDING, AND WORKING FOR AMERICA.**

(a) CONGRESSIONAL INTENT.—It is the intent of Congress that—

(1) this title will support a healthy and growing United States domestic energy sector that, in turn, helps to reinvigorate American manufacturing, transportation, and service sectors by employing the vast talents of United States workers to assist in the development of energy from domestic sources; and

(2) Congress will monitor the deployment of personnel and material onshore under this title to encourage the development of American technology and manufacturing to enable United

States workers to benefit from this title through good jobs and careers, as well as the establishment of important industrial facilities to support expanded access to American energy resources.

(b) **REQUIREMENT.**—The Secretary of the Interior shall, when possible and practicable, encourage the use of United States workers and equipment manufactured in the United States in all construction related to mineral resource development under this title.

#### Subtitle D—Judicial Review

##### SEC. 541. DEFINITIONS.

In this title—

(1) the term “covered civil action” means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project on Federal lands of the United States; and

(2) the term “covered energy project” means the leasing of Federal lands of the United States for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy, and any action under such a lease, except that the term does not include any disputes between the parties to a lease regarding the obligations under such lease, including regarding any alleged breach of the lease.

##### SEC. 542. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS.

Venue for any covered civil action shall lie in the district court where the project or leases exist or are proposed.

##### SEC. 543. TIMELY FILING.

To ensure timely redress by the courts, a covered civil action must be filed no later than the end of the 90-day period beginning on the date of the final Federal agency action to which it relates.

##### SEC. 544. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

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

##### SEC. 545. STANDARD OF REVIEW.

In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct, and the presumption may be rebutted only by the preponderance of the evidence contained in the administrative record.

##### SEC. 546. LIMITATION ON INJUNCTION AND PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation. In addition, courts shall limit the duration of preliminary injunctions to halt covered energy projects to no more than 60 days, unless the court finds clear reasons to extend the injunction. In such cases of extensions, such extensions shall only be in 30-day increments and shall require action by the court to renew the injunction.

##### SEC. 547. LIMITATION ON ATTORNEYS' FEES.

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

##### SEC. 548. LEGAL STANDING.

Challengers filing appeals with the Department of the Interior Board of Land Appeals shall meet the same standing requirements as challengers before a United States district court.

## TITLE VI—EXPEDITIOUS PROGRAM OF OIL AND GAS LEASING IN THE NATIONAL PETROLEUM RESERVE IN ALASKA

### SEC. 601. SHORT TITLE.

This title may be cited as the “National Petroleum Reserve Alaska Access Act”.

### SEC. 602. SENSE OF CONGRESS AND REAFFIRMING NATIONAL POLICY FOR THE NATIONAL PETROLEUM RESERVE IN ALASKA.

It is the sense of Congress that—

(1) the National Petroleum Reserve in Alaska remains explicitly designated, both in name and legal status, for purposes of providing oil and natural gas resources to the United States; and

(2) accordingly, the national policy is to actively advance oil and gas development within the Reserve by facilitating the expeditious exploration, production, and transportation of oil and natural gas from and through the Reserve.

### SEC. 603. NATIONAL PETROLEUM RESERVE IN ALASKA: LEASE SALES.

Section 107(a) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6506a(a)) is amended to read as follows:

“(a) **IN GENERAL.**—The Secretary shall conduct an expeditious program of competitive leasing of oil and gas in the reserve in accordance with this Act. Such program shall include at least one lease sale annually in those areas of the reserve most likely to produce commercial quantities of oil and natural gas each year in the period 2011 through 2021.”.

### SEC. 604. NATIONAL PETROLEUM RESERVE IN ALASKA: PLANNING AND PERMITTING PIPELINE AND ROAD CONSTRUCTION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior, in consultation with the Secretary of Transportation, shall facilitate and ensure permits, in an environmentally responsible manner, for all surface development activities, including for the construction of pipelines and roads, necessary to—

(1) develop and bring into production any areas within the National Petroleum Reserve in Alaska that are subject to oil and gas leases; and

(2) transport oil and gas from and through the National Petroleum Reserve in Alaska to existing transportation or processing infrastructure on the North Slope of Alaska.

(b) **TIMELINE.**—The Secretary shall ensure that any Federal permitting agency shall issue permits in accordance with the following timeline:

(1) Permits for such construction for transportation of oil and natural gas produced under existing Federal oil and gas leases with respect to which the Secretary has issued a permit to drill shall be approved within 60 days after the date of enactment of this Act.

(2) Permits for such construction for transportation of oil and natural gas produced under Federal oil and gas leases shall be approved within 6 months after the submission to the Secretary of a request for a permit to drill.

(c) **PLAN.**—To ensure timely future development of the Reserve, within 270 days after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a plan for approved rights-of-way for a plan for pipeline, road, and any other surface infrastructure that may be necessary infrastructure that will ensure that all leaseable tracts in the Reserve are within 25 miles of an approved road and pipeline right-of-way that can serve future development of the Reserve.

### SEC. 605. DEPARTMENTAL ACCOUNTABILITY FOR DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary of the Interior shall issue regulations within 180 days after the date of enactment of this Act that establish clear requirements to ensure that the Department of the Interior is supporting development of oil and gas leases in the National Petroleum Reserve in Alaska.

(b) **DEADLINES.**—At a minimum, the regulations shall—

(1) require the Department to respond within 5 business days acknowledging receipt of any permit application for such development; and

(2) establish a timeline for the processing of each such application, that—

(A) specifies deadlines for decisions and actions on permit applications; and

(B) provide that the period for issuing each permit after submission of such an application shall not exceed 60 days without the concurrence of the applicant.

(c) **ACTIONS REQUIRED FOR FAILURE TO COMPLY WITH DEADLINES.**—If the Department fails to comply with any deadline under subsection (b) with respect to a permit application, the Secretary shall notify the applicant every 5 days with specific information regarding the reasons for the permit delay, the name of the specific Department office or offices responsible for issuing the permit and for monitoring the permit delay, and an estimate of the time that the permit will be issued.

### SEC. 606. UPDATED RESOURCE ASSESSMENT.

(a) **IN GENERAL.**—The Secretary of the Interior shall complete a comprehensive assessment of all technically recoverable fossil fuel resources within the National Petroleum Reserve in Alaska, including all conventional and unconventional oil and natural gas.

(b) **COOPERATION AND CONSULTATION.**—The resource assessment required by subsection (a) shall be carried out by the United States Geological Survey in cooperation and consultation with the State of Alaska and the American Association of Petroleum Geologists.

(c) **TIMING.**—The resource assessment required by subsection (a) shall be completed within 24 months after the date of the enactment of this Act.

(d) **FUNDING.**—The United States Geological Survey may, in carrying out the duties under this section, cooperatively use resources and funds provided by the State of Alaska.

## TITLE VII—INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES

### SEC. 701. SHORT TITLE.

This title may be cited as the “BLM Live Internet Auctions Act”.

### SEC. 702. INTERNET-BASED ONSHORE OIL AND GAS LEASE SALES.

(a) **AUTHORIZATION.**—Section 17(b)(1) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting “, except as provided in subparagraph (C)” after “by oral bidding”; and

(2) by adding at the end the following:

“(C) In order to diversify and expand the Nation’s onshore leasing program to ensure the best return to the Federal taxpayer, reduce fraud, and secure the leasing process, the Secretary may conduct onshore lease sales through Internet-based bidding methods. Each individual Internet-based lease sale shall conclude within 7 days.”.

(b) **REPORT.**—Not later than 90 days after the tenth Internet-based lease sale conducted under the amendment made by subsection (a), the Secretary of the Interior shall analyze the first 10 such lease sales and report to Congress the findings of the analysis. The report shall include—

(1) estimates on increases or decreases in such lease sales, compared to sales conducted by oral bidding, in—

(A) the number of bidders;

(B) the average amount of bid;

(C) the highest amount bid; and

(D) the lowest bid;

(2) an estimate on the total cost or savings to the Department of the Interior as a result of such sales, compared to sales conducted by oral bidding; and

(3) an evaluation of the demonstrated or expected effectiveness of different structures for lease sales which may provide an opportunity to

*better maximize bidder participation, ensure the highest return to the Federal taxpayers, minimize opportunities for fraud or collusion, and ensure the security and integrity of the leasing process.*

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-540. Each such 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. HASTINGS  
OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-540.

Mr. HASTINGS of Washington. 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 3, line 1, insert "**OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION**" after "**DOMESTIC**".

Page 5, after line 19, insert the following (and redesignate the subsequent quoted paragraphs accordingly):

"(4) CONCURRENCE.—The plan required by paragraph (1) shall not take effect without the concurrence of each of the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Defense with respect to elements of the plan within the jurisdiction, respectively, of the Department of Agriculture, the Department of the Interior, and the Department of Defense.

Page 31, strike lines 1 through 3 and insert the following:

(g) DEFINITION.—For purposes of this section the term "energy projects" means oil, natural gas and renewable energy projects.

At the end of section 605 (page 39, after line 4) add the following:

(d) ADDITIONAL INFRASTRUCTURE.—Within 180 days after the date of enactment of this Act, the Secretary of the Interior shall approve, after consultation with the State of Alaska and public comment, right-of-way corridors for the construction of 2 separate additional bridges and pipeline rights-of-way to help facilitate timely oil and gas development of the Reserve.

At the end of title VI (page 39, after line 22), insert the following:

**SEC. \_\_\_\_ . COLVILLE RIVER DESIGNATION.**

The designation by the Environmental Protection Agency of the Colville River Delta as an Aquatic Resource of National Importance shall have no force or effect.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Natural Petroleum Reserve-Alaska, or NPR-A, was specifically designated as a petroleum

reserve back in 1923. It's a place that we can develop our resources for energy and national security. Title VI of this bill will ensure that production can occur on NPR-A by requiring at least one annual lease sale, streamline the permitting process to ensure lease sales lead to energy production, and ensure a right-of-away plan to allow for the transportation of the product out of NPR-A.

In addition to making technical corrections, this amendment aims to accomplish two vital goals that are imperative for facilitating development at NPR-A. First, it would require, at the request of the State of Alaska, up to two additional rights-of-way planned in and out of NPR-A. This would prepare for future development by providing approved rights-of-way in and out of this area.

Secondly, it would repeal the designation of the Colville River as an Aquatic Resource of National Importance. This designation was blatantly used by the anti-energy EPA as nothing more than a tool to stop energy development on this area.

While the President touts his energy record and speaks of his support for leasing and energy development in the NPR-A, he fails to mention that due to red tape from his administration, Alaskans have waited for years and years for approval to build a simple bridge across the Colville River to begin production in NPR-A. What you do not hear is that the EPA has paid no attention to the Colville River until after ConocoPhillips filed its application for a bridge. It was shortly after that application that EPA declared it was an Aquatic Resource of Natural Importance. And it was that action that stopped the development and production for nearly a decade before approval of this simple bridge and pipeline.

What the Obama administration says and what the administration does to promote energy development in Alaska are entirely two different things.

So those two things that I mention in this amendment would give Alaskans the assurance they need to create jobs and encourage development of the NPR-A.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, when manager's amendments making technical changes to legislation are presented, such amendments are accepted and we move on to amendments making substantive changes to the bill. In this instance, however, among the technical changes made by this manager's amendment is a controversial provision flatly overturning an EPA ruling in Alaska. This change should not be made at all, but it certainly should not be made as part of a manager's amendment.

As part of the review process for beginning energy production in the National Petroleum Reserve in Alaska, the EPA designated the Colville River, the largest Arctic river in Alaska, as an Aquatic Resource of National Importance. To be clear, this designation did not stop the proposed project. ConocoPhillips has already received approval to build a gravel road, including a bridge over the Colville to access their oil field. The National Importance designation simply required a heightened level of review before the project moved forward. For Congress to overturn this EPA finding through a provision buried in what is supposed to be a technical manager's amendment is not appropriate.

Mr. Chairman, I doubt a single Member of this House has an informed opinion regarding whether the Colville River is an Aquatic Resource of National Importance. But I will tell you who does have an informed position on that question, and that is the scientists in Alaska working for the Environmental Protection Agency.

□ 1900

This provision is an ill-informed sneak attack on an agency decision, and for the purposes of this debate, it has no place in a manager's amendment. It should be a stand-alone amendment that we're debating. Because of the inappropriateness of it being inside of the manager's amendment, I would have to oppose this provision.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend that I have no more requests for time, and I am prepared to close if the gentleman is prepared to close.

Mr. MARKEY. I yield myself the balance of my time just to say that I don't have a problem in debating this issue, but I just think it should be done in an appropriate way. It is an important issue. It overturns an EPA decision of some significance and I urge a "no" vote.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just briefly, there are technical amendments in here which I acknowledge and the gentleman did acknowledge, and there are two substantive changes, and I acknowledge both of those.

Now, I just want to repeat, he talked about the issue that the Colville River was an aquatic resource of national importance. He's basing that as the reason why we should not adopt this amendment.

I want to point out again, and I made this observation in my remarks, the Colville River was not designated this until after—and I want to say this again very slowly; sometimes you don't hear things in this echo chamber—after Conoco wanted to develop the NPR-A. When they developed the NPR-A, they

had to have access across the Colville River. But the EPA said all of a sudden: Wait a second, this might be a good time to make that change. That's pure politics, Mr. Chairman.

And I will say this. I was up in Alaska last year, and I stood right at the spot where they want to build a bridge across the Colville River. The Colville River there is not very large, and to suggest it falls into that category and we should not adopt this amendment flies right in the face of common sense.

So with that, I urge my colleagues to adopt this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MARKEY. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-540.

Mr. POLIS. 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:

At the end of title I (page 6, after line 6) insert the following:

SEC. \_\_\_\_ . LIMITATION ON HYDRAULIC FRACTURING.

No lease or other authorization may be issued under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, for the conduct of any activity related to hydraulic fracturing within 1,000 feet of a primary or secondary school.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would better protect the health of children by providing for a 1,000-foot buffer between schools and oil or gas drilling using the technique commonly known as fracking.

Hydraulic fracturing is a national issue, and natural gas is an important part of our national energy policy. According to the Interstate Oil and Gas Compact Commission, currently oil or gas production occurs in 33 States. Fracking occurs on more than 90 percent of oil and natural gas wells in the U.S.

Advances in unconventional oil and natural gas extraction have led to an increase in fracking near where people

live, work, and play in my district, across Colorado, and across the United States. That means increased exposure to toxic chemicals for kids in school and the air that researchers have found near wells, as well as noise and the nuisance of heavy truck traffic.

A recent report by the Colorado School of Public Health indicated that residents living less than half of a mile from wells were at a greater risk of acute and chronic health problems than those who live more than half of a mile from drilling sites; including exposure to air pollutants like benzene, a known carcinogen, at a level five times higher than the Federal hazard standard.

Given this risk and the need for more information, we should obviously err on the side of caution, particularly when it comes to children. We need additional studies to better understand the health impacts; but, given what we know, frankly, it's time to act.

Now, we've already set some basic standards when we know pollutants may put children at risk. As an example, in my district in Colorado, commercial diesel vehicles are prohibited from idling for more than 5 minutes within 1,000 feet of a school. In New York, fracking operations may be placed 100 feet from a home and 150 feet from a public building.

A review of active and prospective wells in four northern Colorado counties found 26 schools that have drilling wells operational emitting toxic gases within 1,000 feet of schools.

In Erie, Colorado, I met with homeowners and parents who are increasingly concerned about the impacts of fracking on their health and their children's health. We should be listening to their voices and not just the demands of energy companies. We need to find a reasonable compromise to address the concerns of families in Erie and across America.

I would like to yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I rise in strong support of the gentleman's amendment, which would prohibit hydraulic fracturing on public lands from taking place within 1,000 feet of our schools. This major industrial activity has significant public health risks and has no business being near our kids.

Hydraulically fractured wells emit huge quantities of smog-forming chemicals, volatile organic compounds, hazardous air pollutants like benzene, as well as methane. These pollutants cause serious health problems.

This past March, the Colorado School of Public Health released a report based on 3 years of monitoring that found higher cancer, respiratory, and neurological health risks among people living closest to drilling sites. The analysis found volatile organic chemicals to be five times the level at which the emissions are considered potentially harmful to public health, according to EPA's hazard index.

The Medical Society of New York has recently urged caution with expanded drilling because of concerns about health impacts. And data collected by the National Oceanic and Atmospheric Administration has shown increased ground level ozone and other pollution as a result of fracking.

But the risks go beyond just air quality. In April 2010, there was a major blowout in Pennsylvania at a hydraulic fracturing well site. Gas and tainted brine spewed 75 feet in the air for 16 hours. These kinds of blowouts happen far too often.

Even the best regulated activities have accidents; but fracking, as we all know, is far from the best regulated activities. We need to keep it away from our kids. It shouldn't be done near our schools, and I urge support for the gentleman's amendment.

Mr. POLIS. Mr. Chairman, I yield myself the remainder of my time.

I would ask my colleagues to ask themselves, would they want their kids to be 300 feet, 500 feet, every day from a fracking site? Three hundred feet is the size of one football field. Fracking is scientifically documented as producing air pollution. We know the level of air pollution that is promoted, and it is measured.

Advances in technology make reasonable accommodations possible. Directional drilling means we can actually locate wells miles from schools and still extract the oil and natural gas resources we need and make sure that our children remain healthy.

I'm hopeful that my colleagues on both sides of the aisle support this commonsense amendment that will protect public health, ensure the safe development of natural gas and promote domestic energy production.

I urge a "yes" vote on this amendment, I urge my colleagues to join me in keeping our children safe, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting 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, this amendment would really restrict the ability to produce energy on Federal lands, and I think, quite frankly, it is purely a political amendment.

Rather than allow existing environmental protections and reviews to ensure that we have safe drilling operations, this amendment seeks to use an arbitrary standard that, frankly, is more of a scare tactic than good science; and it would actually harm school districts, principally those in the Intermountain West, that take advantage of their large landholder status to lease their lands for energy development.

□ 1910

In addition, it would infringe upon the ability of Native American tribes

to manage their lands and their resources. It's bad policy, particularly for the consequences of tribal lands that are trying to develop their energy resources. This would restrict their ability to do that.

Now, we've heard the other side talk about why we need to do this, and the implication is that we need to do this to protect drinking water at our children's schools that may become contaminated from hydraulic fracturing. Now, Mr. Chairman, I want to say this very emphatically. This information of contamination is based on absolutely no science or factual evidence. As a matter of fact, to put an exclamation point on that, earlier this week, the gentleman who is offering this amendment, his governor, Governor Hickenlooper of Colorado—who, I might add, is a Democrat—was quoted as saying—and I'll say the whole quote here, and I'll say it as slowly as I can so everybody can understand what Governor Hickenlooper said:

There have been tens of thousands of wells in Colorado, and we can't find anywhere in Colorado a single example of the process of fracking that has polluted groundwater.

Now, I didn't say this. I am quoting the governor of the gentleman who offered the amendment, his State.

Mr. Chairman, I just have to say, I believe this is a politically motivated amendment, and it, frankly, does not even deserve debate on that. So I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was rejected.

The Acting CHAIR. The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. QUIGLEY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-540.

Mr. QUIGLEY. 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:

At the end of title I (page 6, after line 11) add the following:

**SEC. \_\_\_\_ . PROTECTIVE APPROACH TO OIL AND GAS LEASING, EXPLORATION, AND DEVELOPMENT ON THE OUTER CONTINENTAL SHELF.**

The Secretary of the Interior—

(1) shall not conduct or authorize any leasing, exploration, or development of oil and gas resources of the Outer Continental Shelf under a plan required by subsection (k) of section 161 of the Energy Policy and Conservation Act, as amended by section 102 of this Act, unless—

(A) sound science shows that such activities can proceed with minimal risk to the health of the marine environment and coastal environment.

(B) the Secretary has a thorough understanding of the marine environment and coastal environment impacted by the activity and an environmental baseline, the risks of exploration or development, and the potential consequences of accidents and other emergencies; and

(C) the Secretary determines, on the basis of sound science, that risks are minimal, rigorous safety measures are in place and will be enforced, and there is a demonstrated ability to mount an effective response to accidents in real-world conditions;

(2) shall not make available for oil and gas leasing under such a plan any area of the outer Continental Shelf that, by itself or in a network, has distinguishing ecological characteristics, is important for maintaining habitat heterogeneity or the viability of a species, or contributes disproportionately to the health of an ecosystem, including its biodiversity, function, structure, or resilience; and

(3) in determining whether an area is described in paragraph (2), should give particular consideration to—

(A) areas of high productivity or diversity;

(B) areas that are important for feeding, migration, or the lifecycle of species; and

(C) areas of biogenic habitat, structure forming habitat, or habitat for endangered or threatened species.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Illinois (Mr. QUIGLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. QUIGLEY. Mr. Chairman, 2 years ago, the largest accidental marine oil spill in the history of the petroleum industry ravaged the gulf coast. We passed legislation, we convened commissions, and we swore that we would learn. Have we? I fear the answer is no, and I'm not the only one.

In April of this year, the Presidential panel that investigated the explosion gave the Obama administration a B, the oil industry a C-plus, and Congress a D for refusing to act on any of the recommendations of the commission.

The bill that stands before us today seeks to increase domestic oil and gas production and reduce regulation of the energy industry. I've said it before and I'll say it again, sometimes this place feels like Groundhog Day, and I am Bill Murray. So, in the spirit of déjà vu, I am offering an amendment today that mirrors legislation I introduced in the 111th Congress as a response to the BP oil catastrophe.

The amendment would reconfigure the existing presumption that extraction comes first and conservation comes second. The measure would change our Nation's Outer Continental Shelf policy and mandate precaution from a derivative that may imply that protection of the environment is secondary to expeditious development; declares that protection and maintenance—and where appropriate, restoration—of ocean ecosystems and coastal environment is of primary importance; makes clear that OCS leasing, exploration, and development will be authorized in limited areas of the ocean only when science shows that those initiatives can proceed with minimal risk to the health of ocean ecosystems; protects Important Ecological Areas, or IEAs, by requiring the Secretary to consider geographical, geological, and ecological characteristics of the OCS areas. And finally, it amends the Outer

Continental Shelf Lands Act to require specific precautions for areas with particular physical or environmental characteristics from OCS leasing.

In the Commission's review, one of the chairmen stated:

Across the board, we are disappointed with Congress' lack of action. Two years have passed since the explosion on the Deepwater Horizon killed 11 workers, and Congress has yet to enact one piece of legislation to make drilling safer.

Let us do one thing to make our public safe, to keep them healthy, and to spur economic development through conservation and the creation of green jobs.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, developing our Nation's Outer Continental Shelf is all about achieving a balance. The Federal agencies involved have to balance the needs of the coastal community and the environment while also providing for safe energy production. This is how you preserve the multiple-use aspect that we have for Federal land management, and I endorse that concept.

Fortunately for the gentleman, the author of this amendment, the purpose of his amendment is already the law of the land. No leasing occurs in the Outer Continental Shelf without extensive environmental assessment. Now, I'll give you an example.

The Bureau of Ocean Energy Management conducts an environmental impact statement, or an EIS, before leasing any area, then another EIS for the specific lease sale area, and then another environmental assessment must be conducted before a company can even begin development. So, with that process that you have to go through, I can only conclude that this amendment is offered not about protecting the environment, but it's really about stopping offshore energy production. Of course, if we do that, obviously what does that do to American energy jobs?

Like I said earlier, fortunately, all these protections exist if indeed we're going to have energy production. So I don't think we need this amendment, and I would urge my colleagues to reject it.

With that, I reserve the balance of my time.

Mr. QUIGLEY. Having respectfully heard the argument, I would stand on the statements we have made and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. Mr. Chairman, we had a discussion on this very issue in the Energy and Commerce Committee,

and we made very clear that the language dealing with the Strategic Petroleum Reserve did not affect existing land management policies or management policies, or those policies in place to protect our resources.

So, again, we actually adopted an amendment by Chairman DINGELL, the gentleman from Michigan, the chairman emeritus, to make sure that we restated that this does not change or affect our Federal land management policies and those intended to protect our Federal resources. So we made that clear in the Energy and Commerce provisions in this bill as well.

Mr. HASTINGS of Washington. With that, then, Mr. Chairman, the arguments have been made. I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-540.

Mr. MCKINLEY. 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 8, line 6, redesignate subsection (d) as subsection (e).

Page 8, after line 5, insert the following:

(d) CONSULTATION BY COMMITTEE.—In carrying out this title, the Committee shall consult with the National Energy Technology Laboratory.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, under this legislation, Congress creates a Transportation Fuels Regulatory Committee with the Secretary of Energy chairing the committee.

□ 1920

My amendment is simple. It will require the Secretary and the committee, during their deliberation, to consult and receive input from the National Energy Technology Laboratory.

If we're going to analyze and report on the impacts of the rules and actions of the EPA on our Nation's fossil fuels, then we should make sure that the committee established under this legislation consults with our Nation's fossil energy laboratory. NETL is our only governmental research, design, and developmental laboratory dedicated to domestic energy sources. It's only fitting we make that they are included in this process.

NETL works with academia on over 275 projects across this country, as well as private entities, having provided over 450 projects in 2011, nearly 400 private sector projects, and over 100 not-

for-profit laboratories. NETL's work in 2011 alone provided over 2,000 projects, 89,000 jobs, and over \$18 billion in total funding in every State in every congressional district.

NETL's research and development into our transportation fuel sector began back in 1918 in Bartlesville, Oklahoma, with petroleum research. In fact, synthetic gas research began at NETL in 1946.

To note some other successes, NETL worked in conjunction with academia and private industry to develop horizontal drilling in our Nation's natural gas fields.

Now, some say that Secretary Chu, being the chairman of this committee, will consult with his own fossil energy team. Maybe that's true, Mr. Chairman, but this is the same Secretary of Energy who has worked with President Obama to slash our fossil energy research budget by 40 percent over each of the last 2 years. This is the same Secretary of Energy who should be promoting coal, oil and gas, but, instead, makes derogatory comments, such as "coal is my worst nightmare."

What we can do here today is ensure that the Transportation Fuels Committee and the Secretary consult with our government's fossil energy experts. If you support having input from government, private sector, and academia experts, then support of this amendment would be appreciated.

Mr. Chairman, I also wish to thank Chairman UPTON for his support of this.

I yield back the balance of my time. Mr. WAXMAN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment highlights, Mr. Chairman, the absurdity of title II of the Republican bill. The bill will create a new government bureaucracy to conduct an unrealistic and burdensome study of several clean air rules, none of which have even been proposed. This is a fundamentally flawed approach. The scope and timing of the new government committee's analysis simply are not feasible.

The bill requires a new interagency committee to estimate a host of cumulative impacts of multiple unrelated potential rules. The committee is supposed to estimate impacts on gasoline prices, capital investments, projected maintenance and operation of new equipment, refinery capacity, employment at the national, State and regional levels, other cumulative costs and benefits, and even the overall global economic competitiveness of the United States.

Since none of the rules that are supposed to be analyzed have even been proposed, this complex analysis required by the bill would be full of guesswork and assumptions. It's unclear how this new government bureaucracy could estimate the level of

pollution control that may be required, predict compliance options, or assess the specified effects.

Given all of the uncertainties and guess work inherent in such an analysis, it's unclear how the committee could produce an economic analysis of the rules with any measure of credibility.

EPA Assistant Administrator Gina McCarthy testified:

It is unclear how the new committee would analyze rules that have not yet been proposed, or how the public could comment on that analysis in an informed way.

She also noted that such analysis would be redundant and a waste of government resources, given the extensive analysis EPA already completes as part of the rulemaking process and the interagency review conducted by OMB.

The bill provides an unrealistic deadline, as well, for completing this report, doesn't create an additional job in the private sector. All it will do is devote taxpayers' money to create another government committee in order to provide it with the hopeless task of conducting a host of complex analyses that probably could not be completed with any credibility, even if the necessary data did exist and the committee had years to work.

So the whole thing is a pointless waste of taxpayers' money required by the bill.

Now, Mr. MCKINLEY's amendment adds some additional consultation to that already absurd requirement. The Department of Energy is already represented on this new government committee the Republicans want to establish. In fact, the Secretary of Energy chairs the committee.

Mr. MCKINLEY's amendment adds a requirement that the committee consult with part of the Department of Energy. This adds another layer of unnecessary, superfluous consultation on an already unwieldy process.

I urge my colleagues to vote "no" on the amendment and "no" on the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-540.

Mr. MCKINLEY. 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 9, line 6, strike "and".

Page 9, line 10, strike the period and insert "; and".

Page 9, after line 10, insert the following:

(F) any other matters affecting the growth, stability, and sustainability of the Nation's oil and gas industries, particularly relative to that of other nations.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman



from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. By the way, I'm just a little happy right now. I just got a text that my grandson won his baseball game tonight, 15-14. It's a tournament he's playing in. So be nice over there now.

Mr. Chairman, once again I would like to reference the Transportation Fuels Regulatory Committee created by H.R. 4480. My amendment will look at the analysis that the committee will develop.

One of the problems our oil and gas industry faces is the vast, ideologically motivated regulations they must endure. However, other nations do not seem to impose such overburdensome policies and regulations upon them. Instead, countries in the Middle East and Asia promote their oil and gas industries and work to make it easier for these countries to get their gas products to market.

This amendment would require the committee to conduct an analysis of other nations' regulations, policies and enforcements, or lack thereof, of their oil and gas industries. Saudi Arabia, China, and India do not overwhelm their oil and gas industries with excessive regulations. They help them to thrive.

This committee needs to look at what these other nations are doing to grow, stabilize and sustain their oil and gas industries, and ultimately compare it to what we're doing here in the United States. We ought to help our industry, and this amendment helps to show how we can improve and stop hindering development of our natural resources.

Ultimately, I offered this amendment because we are supposed to be a Nation leading by example over the rest of the world. With this economy and millions of people unemployed or underemployed we really ought to be saying to our regulators, just because you can doesn't mean you should. Just because you can doesn't mean you should.

Mr. Chairman, again, I wish to thank Chairman UPTON for his support of this amendment and the opportunity to offer it here.

I yield back the balance of my time.

□ 1930

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. In the previous amendment, we discussed title II, the Gasoline Regulations Act, which creates a new government committee to do the impossible: conduct an analysis of EPA air quality rules that have not yet even been proposed, using data that does not exist.

The interagency committee cannot possibly provide a credible assessment

of the potential impact of these potential rules on energy prices. It would simply require too much guesswork. Moreover, the Energy Information Administration told our committee staff that it does not have the capability to conduct much of the analysis required by this title. The agency would have to devote significant new staff and contractor time to complete the analysis.

The CBO estimates that the Gasoline Regulations Act would cost \$3 million to implement. That's \$3 million to produce a report that will not be reliable, credible, or valuable to anyone. Mr. MCKINLEY's amendment would make this report even less credible by significantly expanding its scope. His amendment would require that this new interagency committee examine "any other matters affecting the growth, stability, and sustainability of the Nation's oil and gas industries, particularly relative to that of other nations." This language suggests that the new committee will have to take into account events and regulations in other countries as well as our own. Now, that's certainly going to send the price tag well above \$3 million.

For example, will the new interagency committee have to examine Nigerian labor law? What about oil company business practices in the Amazon or the concerns of indigenous communities in Canada's tar sands? Will the committee have to take into account the health of Hugo Chavez and the potential impact on Venezuelan oil prices? Political upheaval in the Middle East has a profound impact on the oil market. Will the new committee have to delve into that?

If the interagency committee were serious about examining "any other matters" affecting the stability and sustainability, then it would have to look at a whole Pandora's box of issues here in the United States.

For example, shouldn't the committee have to examine what Congress is doing to give coal a competitive advantage over natural gas by weakening air pollution laws and blocking action on climate change?

The CEO of Chesapeake Energy has been in the news lately for some questionable business decisions that have helped put the country's second-largest natural gas company on the brink of bankruptcy. Certainly, the new interagency committee would have to examine that issue as part of this inquiry into matters relevant to the sustainability of the oil and gas industry.

All of this is to say that Mr. MCKINLEY's amendment is extremely broad and that it would make a deeply flawed report even less reliable and credible, if that's even possible. I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. WAXMAN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-540.

Mr. WAXMAN. 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 14, after line 9, at the end of title II, add the following new section:

**SEC. 207. PROTECTION AGAINST ASTHMA AND OTHER HEALTH EFFECTS OF AIR POLLUTION.**

Notwithstanding any other provision of this title, the Administrator of the Environmental Protection Agency shall not delay finalization of any of the rules described in section 205(a) to establish standards for clean air and to reduce air pollution, if the pollution that would be controlled by the finalized rule is contributing to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Mr. Chairman, title II of this bill blocks the EPA from finalizing several important air quality rules until after a new government bureaucracy produces a new analysis of these and other EPA actions. But it's a fool's errand because a new government bureaucracy is required to conduct an impossible analysis of rules that haven't even been proposed using data that doesn't exist.

The bill would block the EPA from issuing new tier 3 standards for motor vehicles and fuels to reduce harmful tailpipe emissions that cause smog and deadly particle pollution. Smog and soot pollution can trigger asthma attacks, heart attacks, and even premature death.

The bill would block the EPA from issuing long overdue rules to require refineries to use modern technology to reduce their emissions of toxic air pollutants. The pollutants cause cancer, birth defects, neurological damage, and other serious health problems.

The bill would also block the EPA from issuing rules necessary for States and localities to implement the 2008 ozone standard. This would leave the outdated 1997 ozone standard in place. Even the Bush administration thought this standard was too weak. In addition, the bill would block the EPA from updating the ozone standard to reflect the best available science on the health effects of breathing dirty air.

During the legislative hearing on this bill, Chairman WHITFIELD stated, "It is not the intent of this legislation to roll back any existing health protections."

That claim is laughable for a bill that radically changes the Clean Air Act by barring the EPA from setting

air quality goals based on what the science tells us is safe to breathe. But if Republicans want to claim that this bill is not an attack on the Clean Air Act and public health, there should be no objection to my amendment.

My amendment simply states that, notwithstanding the bill's provisions and notwithstanding all that's in this bill, the EPA administrator cannot delay implementing any of the rules targeted by the bill if the air pollution that would be controlled by those rules causes serious harm to human health, including asthma attacks and other respiratory disease, heart attacks, cancer, birth defects, brain damage, or premature death.

This is a simple choice between oil industry profits and Americans' health. The top five oil companies earned \$137 billion in profits last year. They can afford to clean up their pollution.

Instead, this bill would make Americans pick up the tab for the oil companies, and it would make Americans pay that tab with their health and even their lives. The air quality protections blocked by this bill are especially important for the most vulnerable among us—our babies, kids, old people.

Oil refineries are among the largest emitters of toxic air pollution, and they are often located near where people live, but this bill would indefinitely delay the EPA's ability to require oil refineries to clean up pollution such as benzene, which causes cancer and contributes to birth defects and developmental harm in babies.

Republicans argue these rules would only be delayed for a while, but many of these rules have already been delayed for far too long. The Republicans' claim assumes that the interagency committee can actually complete the impossible study required by this bill. Even if that were possible, there would still be no deadlines for these new rules as the bill eliminates existing deadlines and sets no new ones.

Americans rely on the Environmental Protection Agency to hold polluters responsible for cleaning up their pollution. It's just common sense. If you stop the EPA from doing its job, public health will suffer.

So it's time to come clean. If you want to pass a bill to stop the EPA from doing its job and allow polluters to pollute with impunity, be honest with the American people. Tell them you think that we have done enough to reduce air pollution and that you want to stop any further efforts to clean up air pollution, but don't pretend that this get-out-of-jail-free card for oil industry polluters won't hurt the health of Americans, especially our children and the elderly.

If, on the other hand, you don't want to block efforts to clean up air pollution that is contributing to asthma attacks, heart attacks, lung disease, cancer, birth defects, neurological damage, and premature death, then support my amendment. My amendment will make it perfectly clear that the EPA can

continue to clean up air pollution that causes serious health effects.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

□ 1940

Mr. GARDNER. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, we heard a lot of powerful words there: ban, bar, block. The fact is that this bill does not ban, bar, or block these regulations. In fact, nothing prevents and nothing bars, bans, or blocks the EPA from developing rules on their current schedule. And nothing bars, bans, or blocks the EPA from protecting the public health and the environment as the law requires them to do so. In fact, it's quite commonly known that the EPA is unlikely to even finalize these rules prior to the completion of the study.

We've already got tremendous protections in current law, stringent regulations, some of which were just issued in the past few months. But I think we ought to take a look to understand what impact regulations are going to have on the cost of people's energy.

Our colleague mentioned picking up the tab. I'll tell you who else is picking up the tab: people in poverty are picking up the tab of increasing energy costs, which is making it more and more difficult for them to make ends meet. They are picking up the tab of rising gas prices, costing \$50, \$60, \$70 a tank to fill up with gas to drive to work. That's who is picking up the tab, our constituents who are trying to lift themselves up and out of poverty and are having difficulty trying to make ends meet because of rising energy prices, because this Congress refuses to enact legislation that says, Hey, let's look before we leap and understand the impact these regulations are going to have on the price of gasoline.

Again, the purpose of the bill is to require a study. Nothing in this bill relieves the administrator of the EPA from the responsibility to issue rules required by the Clean Air Act or any other legal obligation. Nothing in this bill changes the EPA's obligation to protect the public health. Nothing in this bill prevents the EPA from developing and proposing new regulations, taking public comments, or from preparing a final rule, a process that typically requires at least a year. In fact, it would be highly unlikely, as I said before, that they could even both propose and finalize this rule before the study was finished.

Our colleague also mentioned that we don't know enough information about proposed regulations to study them. EPA's own action development process—the internal ways that the EPA works, their own internal action development process—requires that the analysis of a regulation start early in

the rule development. So they're already talking about what impact these have, including the President's own executive orders that require agencies to perform analysis and consider the cumulative effects of regulations. So this is an unnecessary amendment.

Our colleague mentioned some of the most toxic emitters of air pollution. There's a lot of people around the country that believe the most toxic emitter of air pollution is Congress. In this case, some of those arguments have been used in the bill on this amendment.

I would just urge my colleagues to vote "no" on this amendment.

Mr. WAXMAN. Will the gentleman yield?

Mr. GARDNER. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. There is a regulation for Tier 3 standards for automobiles that will reduce sulfur and other emissions that are very harmful. EPA's analysis says that will contribute a penny per gallon for gasoline. That is the kind of rule that would be stopped under the existing bill, and there is an enormous health impact.

When you talk about people in poverty, they can afford a penny a gallon on gasoline and the oil companies can afford to absorb a penny a gallon, especially with all of the health and lives that can be enhanced by removing some of these very dangerous chemicals.

Mr. GARDNER. Reclaiming my time, again, I'm not in a position to tell constituents who may find it tough to make ends meet that it's okay if we increase your price of gasoline by a penny here and a penny there, a couple of pennies, maybe even a nickel.

Mr. WAXMAN. But you claim that it's going to increase it by many dollars, and I think you're incorrect.

Mr. GARDNER. Reclaiming my time, we know that a penny increase in a gallon of gasoline, the Federal Trade Commission has said, can be a significant burden, meaning as much as \$4 million to individuals and businesses around the country for every single penny in the increase of the price of gasoline.

Again, this does not prevent the EPA from developing rules on the current schedule. It says, Look before you leap. That's why I object to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GARDNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. CONNOLLY  
OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-540.

Mr. CONNOLLY of Virginia. 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:

On page 14, after line 9, insert the following:

**SEC. 207. CORPORATIONS ARE NOT PEOPLE.**

Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding at the end the following:

“(aa) PUBLIC HEALTH.—The term ‘public health’—

“(A) refers to the health of members of the species homo sapiens; and

“(B) does not refer to the health of corporations or any other non-living entities.”.

The Acting CHAIR. Pursuant to House Resolution 691, 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. Mr. Chairman, throughout the 112th Congress, the Republican leadership has invested a staggering amount of time and effort into gutting our Nation’s clean water and air protections. As of this month, this House has voted 247 times in support of anti-environmental bills, amendments, and riders, including 77 votes devoted to dismantling the Clean Air Act alone.

As we debate yet another bill that seeks to gut the public health and welfare protections provided by that act and as we witness Democratic attempts to protect public health get defeated time and again on party-line votes, one is tempted to cynically dismiss H.R. 4480 as the Republican leadership’s latest offering to their good friends in Big Oil. However, this bill contains an interesting provision that gave me pause, frankly, since it seems to hint that disagreements over protecting public health, when setting national ambient air quality standards, may actually stem from fundamental philosophical differences between the two parties.

One provision in particular begs for clarification since it’s not every day that Republicans starkly disagree with Justice Antonin Scalia in regard to statutory interpretation as they do in section 206 of this bill. As written, that section would amend section 109(b) of the Clean Air Act to require the administrator of the EPA to take feasibility and costs into consideration when prescribing air quality standards that are requisite to protect public health.

Now, I’m aware that the author of this provision believes that this language merely clarifies supposed ambiguity in the act, going so far as to assert during the May 17 markup:

The only reason costs are not being considered in setting standards there today is because the Supreme Court said the language was ambiguous.

Mr. Chairman, I must respectfully disagree with that interpretation since Justice Scalia’s statutory interpretation of section 109(b) was anything but ambiguous.

To quote Justice Scalia’s unanimous opinion in *Whitman v. American Trucking Associations, Inc.*, in regard to potentially considering cost when setting ambient air quality standards to protect public health, he said:

The cost factor is both so indirectly related to public health and so full of potential for canceling the conclusions drawn from direct health effects, that it would have been expressly mentioned in sections 108 and 109 had Congress meant it to be considered.

Even more to the point, the very first sentence of Justice Scalia’s opinion says:

Section 109(b) does not permit the administrator to consider implementation costs in setting national ambient air quality standards.

This would seem to put aside any ambiguity.

That brings us to my simple amendment. Since Justice Scalia’s opinion was crystal clear that the costs cannot be considered when setting those standards to protect public health, I couldn’t figure out why my Republican colleagues were so committed to forcing the administrator to take those very factors into account. But then it dawned on me that since the Clean Air Act actually never defines the term “public health,” perhaps there is some confusion concerning who or what comprises the public. After all, if one believes that corporations are people, then the term “public health” would obviously have a different meaning to that individual compared to my own or Justice Scalia’s.

Thus, my simple amendment would clarify the term “public health” in the Clean Air Act only as it pertains to the health of people and not corporations or other nonliving entities, and it’s a simple fix to clear any confusion and restate congressional intent. By adopting this amendment, Mr. Chairman, Congress can reaffirm the principle that corporations are not people and ensure the lack of definition for the term “public health” in the Clean Air Act does not cause any confusion, particularly for certain individuals who may be under the misguided impression that corporations are, indeed, people.

□ 1950

I urge my colleagues to support this simple amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Again, I believe this amendment is unnecessary, talking about ambiguities and the silence in the law when it comes to the Clean Air Act in the determination of cost. Here the issue of cost was silent, and we are simply saying we ought to have the issue of cost brought into this.

When the term “public health” appeared in the first Federal Clean Air legislation in 1955, its ordinary meaning was “the health of the community.” In the *American Trucking* decision, as you pointed out, the Supreme Court affirmed that the definition of public health is “the health of the public” and does not refer to the health of nonliving entities.

The Clean Air Act requires that ambient air quality standards be established to protect the public health with an adequate margin of safety. Nothing—nothing—in H.R. 4480 changes the definition of “public health.” Again, let me say that: Nothing in H.R. 4480 changes the definition of “public health” in the Clean Air Act or any obligations. It doesn’t change any obligations to set such human health-based standards.

So I would urge a “no” vote on this amendment, and with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. GENE GREEN  
OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-540.

Mr. GENE GREEN of Texas. 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 14, lines 1 through 9, strike section 206 (relating to consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Texas (Mr. GENE GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in support of my amendment.

I would like to vote for this bill, but it goes way too far.

Mr. Chairman, I represent five large refineries and 20-plus chemical plants, so I’m very sensitive to what regulatory compliance can mean to a company’s economic success. But for over 40 years, the Clean Air Act has required the Environmental Protection Agency to set the level of each ambient air quality standard based on what is necessary to protect public health. They do this because EPA’s job is health, not economic impacts.

Again, for over 40 years, Republicans and Democrats have agreed to this principle, which was passed on a bipartisan basis in the 1970s and signed into law by a Republican President and unanimously upheld by the U.S. Supreme Court in 2001.

This amendment would strike section 206 of the bill, which would require the EPA to consider industry costs when determining what level of air pollution is "safe." But economic and compliance costs are already considered several times throughout the regulatory process, which is why section 206 is not necessary.

The EPA conducts a regulatory impact analysis for a range of emission standards when they propose the standard. Then they do a second regulatory impact analysis when they choose the final standard before it is sent to the Office of Management and Budget for review.

The regulatory process works. Last September, the Office of Management and Budget did not allow EPA to move forward with a revised ozone NAAQS standard because they felt that the costs of compliance would be too high for the regulated industries at this point in our economic recovery. To use a Texas saying, let's not throw out the baby with the bathwater.

Section 206 is a policy rider that undermines 40 years of bipartisan agreement, and I encourage my colleagues to support my amendment that would strike it.

I reserve the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, I have great respect for my colleague from Texas. We've worked on a couple of pieces of legislation together over the year and a half that I have been on the committee. I have the honor of serving with him on the Energy and Commerce Committee. But I also must rise again to oppose the amendment from our colleague from Texas.

Once again, under this bill, nothing in the gasoline regulations act stops the EPA from developing rules on their current schedule. Nothing in this prevents the EPA from protecting the public health and the environment, as the law requires them to do.

But as we talked in the previous amendment, consideration of the cost and the feasibility of these major rules is elsewhere throughout the law. And it is warranted because, in this case, a failure to consider those costs could hurt jobs and the economy. We need to know.

In fact, costs are required in other parts of the Clean Air Act. And EPA must consider costs in the context of setting New Source Performance Standards, automobile emission standards, aircraft emission standards, fuel additives, and reformulated gasoline

standards. And it's also a matter that you have to consider costs when setting future drinking water standards in the Safe Drinking Water Act.

And if you hearken back to last year when President Obama decided that he was going to withdraw his last ozone rule, one of the comments that he made when he was withdrawing that ozone rule, which we argued would have greatly imperiled our economy—here's a quote from President Obama:

I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover.

So when the President was talking about the Clean Air Act, he recognized ozone; he recognized the importance of taking a look at our economic uncertainty and the economic uncertainty of his last ozone rule.

So I appreciate our colleague's amendment, but I certainly have to oppose it at this time. I urge the rest of my colleagues to oppose it as well.

With that, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I want to thank my colleague from Colorado because the system does work. Even the President used economics. But that's the President's job, not the EPA.

I would like to yield 2 minutes to the ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding to me.

The Clean Air Act was adopted in 1970, signed by President Nixon. Changes were made in 1990, signed by President George H.W. Bush. The heart of the Clean Air Act has been that EPA relies on the best science possible to determine what level of pollution is harmful for people to breathe. They decide what is safe. And based on the science, EPA sets a quality standard. This is the standard to protect public health. Then they take into consideration, at the State and local level, the costs of how to achieve that. They may give more time; they may do it in different ways.

But section 206 of the bill would end this commonsense approach, the main part of the Clean Air Act, because it would make cost a factor in what is supposed to be a scientific decision about how much pollution is safe for a child to breathe. In setting a public health standard, it would give as much weight to a polluter's accountant as to a scientist. This is like going to your doctor, asking for a diagnosis, and he wants to tell you what your diagnosis is based on the cost of treatment. You want to know what's most important for your health. That's what's required of the EPA.

You will hear over and over again Republicans saying, We've done well in reducing pollution. And we have because of a Clean Air Act that's based on setting a standard to protect health and then allowing costs to determine

how to achieve that standard, but not setting the goal based on costs that could be wildly out of sync with the reality of what it would take and how much to spend to achieve that health-based standard.

This is a very, very radical provision in the bill. I want to commend my colleague Mr. GREEN for seeking to strike it. It would be consistent with the law as we have always known it, not to go back and change it as this bill would do.

Mr. GARDNER. Mr. Chairman, again, to repeat, to reiterate, to restate this point: Nothing in this bill—nothing in this bill—changes the EPA's obligation to protect the public health with an adequate safety margin. Nothing changes the obligation to protect the public health.

And with that, Mr. Chairman, I yield back the balance of my time.

□ 2000

Mr. GENE GREEN of Texas. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. GENE GREEN of Texas. I appreciate my colleague and your work on the committee, but that's why we need to remove 206. That provision actually takes away health and safety as EPA's primary responsibility. That's what it was created for in 1970. We already have a system that will work to deal with the economic problems. We go to OMB. But even more so, we can go to the States. Because once EPA and OMB approves that rule, then they go to the States to work out the compliance. And in our district, where I have a huge industrial capacity, we actually work with our State agency and EPA to make sure we can economically do that within a timeframe.

That's why this amendment should be acceptable, Mr. Chairman, and I would encourage Members to vote for this amendment when it comes up for a vote tomorrow.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GENE GREEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. TERRY

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-540.

Mr. TERRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

On page 14, after line 9, insert the following new section:

**SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.**

(a) **WAIVER OF FUEL REQUIREMENTS.**—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) in clause (ii)(II), by inserting “a problem with distribution or delivery equipment necessary for the transportation or delivery of fuel or fuel additives,” after “equipment failure,”;

(2) in clause (iii)(II), by inserting before the semicolon at the end the following: “(except that the Administrator may extend the effectiveness of a waiver for more than 20 days if the Administrator determines that the conditions under clause (ii) supporting a waiver determination will exist for more than 20 days)”;

(3) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(4) by adding at the end the following:

“(vii) **PRESUMPTIVE APPROVAL.**—Notwithstanding any other provision of this subparagraph, if the Administrator does not approve or deny a request for a waiver under this subparagraph within 3 days after receipt of the request, the request shall be deemed to be approved as received by the Administrator and the applicable fuel standards shall be deemed to be waived for the period of time requested.”

(b) **FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.**—Section 1509 of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1083) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by inserting “biofuels,” after “oxygenated fuel,”;

(B) in paragraph (2)—

(i) in subparagraph (B)—

(I) by redesignating clause (ii) as clause (iii);

(II) in clause (i), by striking “and” after the semicolon; and

(III) by inserting after clause (i) the following:

“(i) the renewable fuel standard; and”;

(IV) in subparagraph (G), by inserting “or Tier III” after “Tier II”; and

(2) in subsection (b)(1), by striking “2008” and inserting “2014”.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Thank you, Mr. Chairman.

My amendment is a rather simple one and I hope all of my colleagues can support it.

Many of us remember the devastation brought on by Hurricanes Katrina and Rita. But even more folks outside of the gulf region remember the meteoric rise in gas prices and the threat of having no gas at all. When supplies are interrupted, it's critical to restore fuel for consumers as soon as possible. We continue to operate in an environment in which the fuel required in one market may not satisfy the requirement set by the EPA in another market, i.e., the fuel in Chicago may be different from the fuel in St. Louis, especially in the summertime.

If supplies of fuel are disrupted, whether from a national emergency or from a simple equipment failure, the consumers can be affected in a very

significant and adverse way. When gas stations run out of gas, our constituents suffer. When suppliers run short of fuel and the market drives up prices, the constituents suffer. Not every supply disruption is covered in the existing statute. But every supply disruption can hurt our consumers. That is what this amendment is doing: Ensuring that the Administrator has the authority to serve the best interests of our constituents—our consumers—when fuel prices are affected.

Further, asking these consumers to wait a prolonged period of time before issuing a ruling that could restore supplies to their market is unacceptable. Time is of the essence when we are trying to avert these fuel shortages and price spikes. It's important that the decisions regarding the economic welfare of our constituents are made in a timely manner.

The underlying bill that we have here before us is about doing what we can to keep the prices as low as we can. This amendment would broaden the times where EPA can grant a waiver to an area to use whatever fuel they have on hand when there is a disruption. Right now, the authority only exists for natural disasters and other larger emergencies. Not all disruptions are covered. This amendment expands upon the waiver to include any disruption. Because we have refineries closing in the Northeast and we have a limited ability to move product due to Jones Act requirements, we need to ensure that any region is never in a position of doing without fuel.

The second part of my amendment calls for the EPA and DOE to conduct the Fuel Harmonization Study that EPACT 05 directed them to complete by June, 2008. And here we are in 2012 and we don't have the study. It simply tells them to get on it. We want the Harmonization Study completed.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR (Mr. CRAWFORD). The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment would change the law—the Clean Air Act—that authorizes EPA to waive pollution control requirements for motor vehicle fuels where there's an extremely unusual fuel supply circumstance. Well, we want that ability to waive that law. And EPA is already allowed to do that.

But the Terry amendment provides that if EPA doesn't act in 3 days, it's automatically granted. And that's not enough time for EPA to act. Often, a request for a waiver is incomplete. We don't know exactly why they're asking for the waiver. They haven't come up with all the information. It may not specify the area that could be covered. It may not be clear on exactly which fuel parameters are waived.

So under this amendment the EPA would have to choose between two bad

options. They could reject the waiver and then perhaps approve a revised version a few days later when EPA gets the necessary information. Well, that doesn't make any sense. Fuel suppliers are going to be confused. They may be concerned that EPA won't address a situation where they need some rule. Or, EPA can allow an ambiguous and confusing waiver request to become effective. Again, this would just leave fuel suppliers confused and uncertain about what they have to do. Since the waiver would become effective automatically, how would fuel suppliers even find out it had gone into effect? It's also unclear what constitutes a waiver of request.

I think there's a lot of confusion in this proposal. I don't know why existing law should be changed. If there's been a problem, we haven't heard any testimony on this. We haven't had any hearings on this in our committee.

Requiring laws and regulations to be waived hastily, based on incomplete information, and for potentially long periods of time, is simply bad policy. Regulations are adopted through a public process which allows all parties to participate and all relevant information to be considered. But without limits, waivers could effectively rewrite regulations without public input. That's why the Clean Air Act waiver provisions, which were adopted in 2005, are narrowly crafted.

So I have a lot of misgivings about this policy. I don't know why we need it. We haven't had any testimony on it. It can lead to some very bad results.

I reserve the balance of my time.

Mr. TERRY. I appreciate the gentleman's remarks, but it's really not as draconian a measure as it may appear from his comments. When a waiver is requested, it's usually by a government entity for a region, usually with Governors, and there still has to be a disruption. If there's a disruption to the point where a government entity has to request a waiver from the oxygen requirements for the summer fuel for that particular region, that disruption is going to be well known and well documented. It won't take them more than 3 days to do it, unless they're intentionally dragging their feet.

Three days is sufficient. And if they refuse to act on that within that certain period of time, I think it's completely appropriate that they're able to keep the blend with the supply that they would have.

So this is really a simple request, a simple amendment to make sure that price spikes don't occur, that time is of the necessity.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, a waiver request does not have to come from a public entity. It can come from elsewhere as well.

I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

□ 2010

Mr. MARKEY. I thank the gentleman. This is just another example

that Congress knows best. It is a Republican solution to everything. Let's not let the agency professionals do their jobs on a case-by-case basis. Let's have a one-size-fits-all, 3-day shot clock that we put on a request that could have significant impacts environmentally in areas.

And by the way, if the agency is not ready, they might just reject it on day two because there's not enough information, rather than having an orderly process that makes it possible for the agency to be able to determine in a conversation with perhaps a government entity, but perhaps not, all of the details of what the implications are, what the ramifications of this request would be.

But it's not different than the shot clock that you want to put on the Department of the Interior in 60 days having to approval drilling in sensitive offshore or onshore lands in our country. All of these things are basically part of a Republican agenda to ensure that the hands of the government are actually tied in protecting the health and environment of our country.

What the gentleman from Nebraska is doing, which is part and parcel of a systematic approach to undermine the ability of those agencies that are tasked with the job of protecting the health, of protecting the environment, of protecting the safety of individual citizens, is to have handcuffs put on them so they cannot discharge their responsibility.

I urge in the strongest possible terms a "no" vote on the Terry amendment.

Mr. TERRY. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from Nebraska is recognized for 1 minute.

Mr. TERRY. I would just state that I think the rhetoric far exceeds the facts here. This is a simple amendment just to say when there's a disruption, instead of waiting around, when we know there's a problem, let's take care of the problem, allow the available fuel to be used so there aren't price spikes that hurt people.

And so I ask that my colleagues support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. RUSH

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-540.

Mr. RUSH. 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 14, after line 9, at the end of title II, add the following new section:

**SEC. 207. IMPACT ON GASOLINE PRICES AND JOBS IN THE UNITED STATES.**

(a) DETERMINATION OF IMPACT.—Not later than 90 days after the date of enactment of

this Act, the Administrator of the Energy Information Administration shall make a determination as to whether implementation of this title is projected to lower gasoline prices or create jobs in the United States within 10 years.

(b) SUNSET IF IMPLEMENTATION NOT PROJECTED TO LOWER GASOLINE PRICES OR CREATE JOBS.—Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration, pursuant to subsection (a), determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, while gas prices have subsided over the past few months, Americans are still very concerned about the issue of jobs and high unemployment. In my district and in the African American community in general, joblessness is far higher than the national average with some communities experiencing unemployment rates of up to 60 percent. Yet even with these staggering figures, we are here today debating a bill that will do absolutely nothing to address this critical issue that the American people are facing. Nada, zip, zero will it do.

Mr. Chairman, the House will only be in session a little over 20 more days before we recess in August; and after that, this House will barely be in session until after the November elections. During this limited time, we should be focusing our attention on legislation that will create jobs and move America forward towards a smarter energy future that is less vulnerable to the whims of the world's oil market.

However, there is nothing in this bill, H.R. 4480, that will do anything to address the issues most important to the American people. Neither jobs nor gas prices are dealt with in this bill.

Mr. Chairman, my amendment, the amendment that I'm offering today, gets right to the heart of the matter and simply states that:

Not later than 90 days after the date of enactment of this Act, the administrator of the Energy Information Administration shall make a determination as to whether implementation of this Act is projected to lower gasoline prices or create jobs within the United States within 10 years.

That's what my amendment says—clearly, simply, concisely.

However, if the administrator of the EIA determines that implementation of this act is not projected to lower prices or create jobs in 10 years, then the most egregious provisions of this bill, sections 205 and 206, which attack existing Clean Air Act protections, will sunset and cease to be in effect.

Mr. Chairman, provisions in this bill, such as title II, the Gasoline Regulations Act, use the backdrop of high unemployment and fluctuating gas prices as a ruse to once again attack the EPA and the Clean Air Act, without doing a

single thing to actually reduce the cost that Americans are paying at the pump or to deliver more jobs to the American people.

Mr. Chairman, Congress should not remove long-standing Clean Air Act requirements for EPA to set ambient air quality standards at the level necessary to protect human health.

Nor should the majority attempt to block and delay several EPA air quality and public health provisions under the guise of falsely claiming that these attacks on EPA will actually create jobs or reduce gas prices. Time and time again over the past year and a half, this Congress, under the majority party's leadership, has voted to roll back provisions of the Clean Air Act.

Mr. Chairman, I urge all of my colleagues to vote for the Rush amendment, and I yield back the balance of my time.

Mr. GARDNER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. GARDNER. Mr. Chairman, I want to tell a little bit of a story. I grew up and live in a very small town in the eastern plains of Colorado. There are about 3,000 people who live in this small town. And when I was growing up, there was a mother and her daughter who lived across the street from where I was growing up in a little home. They had an older car. And in this small town, the grocery stores, gosh, can't be more than four blocks away. But when they went to the grocery store, they walked.

As the years went by and the mother got older, they still walked to the grocery store. In the winter, a lot of times they walked. And in the summer, they walked. I remember asking them one time, they have a car, how come they're not driving? It's just four blocks away. And as she got older and it was more difficult to walk, her response was because we can't afford the gas. That's four blocks of driving. It can't use much gasoline. But the fact is, the price of gas mattered to that family. It made the difference of getting groceries, putting food on the table.

We talk about people's ability to afford health care. If you're left with the option of getting to work or buying health care insurance, what are you going to do? What choice are you going to make?

By making sure that we have abundant, affordable energy, we are making sure that families can make ends meet easier, that they can make those choices to go see the doctor when they need to, because high prices of energy certainly impact the ability of families to lift themselves out of poverty to make sure that they're improving their own lives.

□ 2020

Your amendment would stop the look that we're asking to take at what regulations do when it comes to the price of

gasoline, when it comes to the price of energy. Nothing in this bill prevents the EPA from developing rules on their current schedule, but it does say we need to understand the impact that they are going to have on the price of gasoline, because I bet those neighbors of mine are very interested in what government is doing to increase the cost of them getting to the grocery store or not, and maybe they could drive when it's cold outside.

Mr. RUSH. Will the gentleman yield?

Mr. GARDNER. I yield to the gentleman from Illinois.

Mr. RUSH. I am so glad you used the story and told the story of your neighbor, because your neighbor is not unlike my neighbors. They're suffering from unemployment; they're suffering from high gas prices. But what confuses me and what's gotten me astounded is the fact that in this bill, your neighbor, her problems, my neighbor's problems, the problems of all the Members of this body, all of our neighbors' problems, our problems aren't addressed.

All I'm asking for is that if the EIA—a fairly knowledgeable agency, an agency that is respected—if they determine after looking at the provisions of this bill and say that this bill will not create one job, this bill doesn't address rising gasoline prices—

Mr. GARDNER. Mr. Chairman, if I could reclaim my time so that I can have the ability to close on my amendment, and I appreciate my colleague's debate on this.

But again, this issue is not about stopping or blocking the EPA from doing it, because they're fully able to develop rules on their current schedule. Nothing prevents them from protecting the public health and the environment as the law requires them to do—nothing. So your amendment, though, when you talk about rules affecting gas prices should be delayed until the report is completed because those rules could increase gas prices; that's all we're trying to do. Allowing a single member of this committee, which your amendment would do, to circumvent the analysis would defeat the purpose of the act.

Gas prices impact, as we know, all parts of our economy, and we need to have multiple experts. But the EIA, of which your amendment deals with, doesn't have the expertise in national competitiveness. They don't have the expertise in job impacts or agriculture or health benefits analysis.

Again, I think we have just got to be at the point where we let the American people know what's happening to the price of gasoline because of these regulations.

With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-540.

Mr. HOLT. 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 17, after line 17, insert the following: “(6) The Strategy under this subsection should seek to ensure that that the percentage of onshore Federal oil and gas leases under which production is not occurring is reduced during the next 4-year period.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, the bill before us tonight would elevate energy production above all other uses of public lands in, really, contradiction of the principles of multiple use under the Federal Land Management and Policy Act. This would be to the detriment of grazing, hunting, fishing, and other recreation activities. Yet the plan envisioned by the majority's bill does not even require that the Interior Department consider the tens of millions of acres of public lands that oil companies are just sitting on and not using.

Right now, oil companies have roughly 25 million acres of public land onshore on which they are not producing oil. Even worse, oil companies are not even beginning drilling activities on the vast majority of these nonproducing areas. In fact, last month the Interior Department released a new report which found that oil companies have nearly 21 million acres onshore under lease on which they have not even begun conducting exploration activities.

Well over half of the public lands that oil companies have under lease onshore are idle. They are warehousing these leases. They are sitting on these leases. My amendment would require that the Secretary reduce the number of nonproducing leases as part of the plan for energy development on public lands that would be established under the underlying bill.

Before we risk disrupting additional public lands, let's begin by getting the oil and gas industry to use the leases they have. It's simple: No seconds while your plate is still full. It's the height of cynicism that the industry would be squatting on these leases at the same time it is asking us to give them more land that belongs to the Americans.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, we've heard this argument and this debate and this issue before. This is nothing but a recycled version of the old use-it-or-lose-it argument that we've heard so many times, but this time it's disguised as an effort to reduce nonproducing leases.

This amendment is based on a completely unsubstantiated premise, which is that oil companies are sitting on oil and gas leases, therefore rendering them inactive—at least that's how the claim goes—if they are not diligently drilling for and producing oil.

This is important, Mr. Chairman. Use it or lose it is already the law of the land. Why? Because every lease on Federal land currently includes development language requiring moving forward by the energy companies, and if a company does not produce within those lease terms, then the lease reverts back to the government.

Now, keep in mind, picture this: A company is paying money for a lease and there are certain conditions in this lease for them to produce in a time period. If they don't produce in that time period, it reverts back to the government. Is that not use it or lose it? That's the law of the land as it is a part of the lease sales.

So, just because a lease sale is not actively producing, that doesn't mean that there's not work on that lease sale. Leases can be held for up to 7 or 10 years because studies or permitting or even lawsuits slow that process down.

In addition, it isn't possible to drill every lease at the same time. Think of leases like homebuilding. A homebuilder doesn't start building every home at the same time. You have roofers, you have framers, you have plumbers, you have drywalls, you have electricians all working at different times on different parts of the house. Oil and natural gas is the same way. You have geologists, drillers, production, permitting, and environmental studies. All those things happen in different steps.

So the argument that use it or lose it—which is already in place—is something that we should even be debating here is nonsensical. It ignores the realities of oil and gas, the years of exploring, the drilling and permitting that it takes to bring something to the floor.

Not only has a use-it-or-lose-it argument failed many times when it's been brought to the floor of this House, but in the House Natural Resources Committee on legislation dealing with this, it lost on a bipartisan vote. Frankly, Mr. Chairman, I suspect if there's a vote called on this, it, too, will lose on a bipartisan vote. So to encourage that, I would urge my colleagues to reject this amendment.

I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, may I ask the time remaining on this amendment?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. I would be pleased to yield 2½ minutes to the coauthor of this amendment, the ranking member, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman.

I have a suggestion to succinctly tell the whole story about the tens of millions of acres that oil companies are allowing to sit idle. Fox should create a new TV show for the oil companies holding all these idle wells, and it could be called "American Idle," with Exxon and Chevron and BP and all those companies as the contestants. Every week, the oil companies can come and sing their sad tune about needing more taxpayer-owned land to drill even as their lease blocks are left lonely for years at a time and they don't drill at all.

□ 2030

ExxonMobil and BP could sing songs like "Not Taking Care of Business" or "Sitting on a Block in the Bay," where the refrain sung by the oil company executives would, of course, be "wastin' time."

And Simon Cowell could come back to the show he created so we can all watch as he mocks these companies for their subpar drilling performance. And of course, in typical fashion for the oil industry, they'll still demand to be advanced to the next round of leasing, even though they're doing nothing.

And by the way, in this bill, the Republicans actually have a provision that if the President, because Iran attacked us, deployed 10 percent of the Strategic Petroleum Reserve, that we, the American people, would then have to lease 200 million acres, an area the size of Texas to the oil companies to drill because the President deployed the Strategic Petroleum Reserve, even though the oil companies already have an area the size of Kentucky in public lands that they are not drilling on.

So this whole American Idle thing really plays perfectly into the Republican plan because right now the oil companies pay \$1.50 per year per acre not to drill while at the same time bleating that they are being discriminated against, even as the President now has us at the highest rate of oil production in the United States in 18 years, which is a very hard thing for the Republicans to finally come here to the floor and admit.

Vote for the Holt amendment. That is the solution to this problem. Then we'll get America and the oil companies back to work and away from their idle ways, which is hurting the national security of this country.

Mr. HASTINGS of Washington. Could I inquire how much time remains on both sides?

The Acting CHAIR. The gentleman from Washington has 2 minutes. The gentleman from New Jersey has 30 seconds.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, let me just repeat. Right now, the oil companies have 25 million acres of public land onshore on which they are not producing. They have 21 million acres of public land onshore under lease on which they are not even conducting exploration activities.

I rest my case.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, once again, to repeat, the nature of the lease sales that companies enter into is "use it or lose it" because if they don't, within the time period of that lease, utilize that for production, they give it back. That's "use it or lose it." That's the law right now.

But let me respond here in the short time I have about comments that have been made earlier about increased American production. That's true, Mr. Chairman, and I'm glad for that. But the implication of that statement being made by my friends on the other side of the aisle is that it's because of the policies of this administration.

Mr. Chairman, nothing could be further from the truth. It takes a while to get land or offshore up to speed and in production, sometimes many years. But the reason production is increasing in some areas and has been increasing—it's now going down on Federal lands—is because of actions of prior administrations. That is never said. It's because of prior administrations' actions, because the last 2 years of this administration, oil and natural gas, the production on Federal lands, has gone down.

And finally, the main reason why oil production has increased in this country is because it's happening principally in North Dakota and in west Texas, and it's on private land and/or State land. The Federal Government and this administration had absolutely nothing to do with the increase of that production. As a matter of fact, I think there were probably some efforts to try to slow that down.

But, at any rate, I had to make that point, Mr. Chairman. This amendment, again, has been around a few times. I suspect that if a vote is called on it that it will fail on a bipartisan basis again. I urge rejection.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New Jersey will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-540.

Mr. CONNOLLY of Virginia. Mr. Chairman, on behalf of myself and Mr. LEWIS, 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 27, line 17, strike the closing quotation marks and the following period, and after line 17 insert the following:

"(C) RIGHT TO PETITION PRESERVED.—This paragraph shall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States."

The Acting CHAIR. Pursuant to House Resolution 691, 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. Mr. Chairman, I rise to offer this amendment on behalf of my colleague, Congressman JOHN LEWIS.

Before I begin, I'd like to invite my colleagues on the other side of the aisle to refer to their pocket Constitutions, specifically page 21. There they'll find the First Amendment, which reads, and I quote:

Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of people peaceably to assemble and to petition the government for a redress of grievances.

I may be mistaken, Mr. Chairman, but when we read the Constitution, read it aloud here on the floor at the start of this Congress, a bipartisan exercise in which I was privileged to participate, I don't recall there being an asterisk at the end of the First Amendment saying, except, of course, if your petition stands in the way of Big Oil. Yet, the language in this bill creates a brand new, \$5,000 protest fee for any American citizen to challenge the granting of a drilling lease, right of way or permit.

I don't know about my colleagues, but that seems like we're abridging the freedom of speech and the right to petition the government for redress of a grievance. Once again, the Republicans in the House are happy to rush by the rights of the public to benefit their big friends in Big Oil. This is a capricious tax, at best, on the peaceable right to protest an act of the government that someone believes might harm the environment.

Not surprisingly, the bill does not apply a similar protest fee on someone who might want to protest the denial of a drilling lease or permit. One wonders why? Could it be that would be a tax on industry?



Mr. Chairman, the Bureau of Land Management objected to this fee in its testimony to the committee on this legislation, citing it as an inappropriate economic barrier to the public to seek judicial review or redress of an agency decision.

I agree with that statement, but I don't think it goes far enough. It doesn't fully capture the full ramifications of it. It would trample on the First Amendment rights of the public. So much for the other side's commitment to being strict constructionists when it comes to the Constitution.

Mr. Chairman, I urge my colleagues to support this amendment and reject this assault on the Constitution and the First Amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I just want to clarify something. Absolutely nothing in this legislation, or this entire legislation, takes away the right of people to protest or petition for the redress of grievances. That is something that is held sacred, I think by all Americans, certainly all Members of this House.

During the oil and natural gas leasing exploration and development process, there are over a dozen opportunities for citizens to protest, to appeal, to comment, or to even completely halt energy development on public land.

Since the 1990s, however, the use of protests on Federal lands has increased by 700 percent through a considered effort by special interest groups to halt oil and natural gas development on our Federal lands. This explosion of protests has crippled the Bureau of Land Management, or BLM, offices while they are working to handle the wave of new protests.

A formal protest of leasing is a legitimate step in oil and natural gas leasing process. However, and this is something that I think most people recognize, the abuse of protest to halt that development is something I think needs to be addressed.

□ 2040

So the \$5,000 protest documentation fee in this legislation goes directly then towards helping the BLM process the onslaught of protests that are currently being paid by taxpayer dollars. It does not take away anyone's right to protest, nor does it interfere with the other nearly 15 ways someone can participate in government's decision regarding Federal energy leasing or development.

This provision, as a matter of fact, will ensure that taxpayers' dollars that are going through the normal process are spent protecting the environment and in the planning and the leasing,

not tied up in processing paperwork related to endless protests filed by special interests with an agenda, which one has to conclude, of stopping oil and natural gas leasing.

I do want to mention, too, Mr. Chairman, that this amendment was also offered in legislation in the Natural Resources Committee, and it, too, was defeated on a bipartisan basis. I suspect that if this is brought to the floor it will probably be beaten on a bipartisan basis again, so I urge the rejection of this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I would inquire as to how much time remains on this side.

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I would yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, this provision reminds me of something that French author Anatole France once said. He said that the law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets and to steal bread.

So, yes, under the bill's petroleum protest poll tax, the rich as well as the poor are charged \$5,000 as a fee to protest an oil company drilling plant that could undermine the environment or the safety or the view of a particular individual; but the law is clearly targeted against the poor.

So if you are one of the super-rich like, say, Mitt Romney, having to pay a \$5,000 fee to protest is nothing. It's less than half of what you offer up when you make a friendly little bet with a friend. If you're the Koch brothers and you want to stop the Cape Wind project from blocking your view out on the ocean, that's a small price to pay to be able to undermine a project that you're not happy with. For everyone else, this is basic economic discrimination. This \$5,000 fee isn't just a toll-booth on the highway of justice. It is a brick wall.

Just by contrast, the United States Supreme Court—the highest court in the land—charges \$300 to appeal a case. For an American citizen who is earning minimum wage, it would take 4 months of working full time and forgoing food and shelter in order to pay this protest fee which the Republicans want to put on the books. So, ordinary people, they're going to have to pay up now if they want to protest, and the environmental justice that has been denied poor people in our country over the last several generations just continues under this. This is what it's all about—environmental justice.

What you're doing is you're imposing a poll tax—an environmental poll tax, a polluter's poll tax, a petroleum poll tax—on ordinary families. It is just wrong, unnecessary, but oh so obvious in what the agenda is. It's not to block

the Koch brothers from trying to block Cape Wind but, rather, just ordinary citizens from having their days in court so they can make their protests in a way that doesn't bankrupt the families.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Chairman, I want to point out this poster behind me. I know one can't read all of the details here, but this is the process by which somebody goes through a lease process to try to develop some activity on Federal lands. This is the process that one goes through, which, of course, is pretty long.

Now, I mentioned in my opening remarks that there are 15 different ways there can be a protest made or a voice heard, or whatever, in that whole lease process. At the back of me on this chart, it is denoted by the red dots. You can see all the way along, starting way over to my right, where right at the start there are places you can have input and that continues throughout, all the way to virtually the end.

When you have a process like this—and I will say it—in many cases, some of these red dots are used for frivolous purposes. Well, if they're used for frivolous purposes, there has to be a way, it would seem, to mitigate that in some way so that the government can do its job and do its work under the law as to those who are trying to lease public lands. That's simply what the fee does because the fee goes to the agency that processes this.

That means you can ensure, from my point of view at least, that you'll have a process that's fair and open. Nothing is taken away. There are no red dots taken away whatsoever. We're just simply saying there has to be a means by which we finance this process. I think this is a way to do it, so I would urge the rejection of this amendment. As I mentioned, it has been rejected several times before. It was rejected in committee, and I hope it will be rejected on the House floor.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. AMODEI

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 112-540.

Mr. AMODEI. 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:

Add at the end the following:

**TITLE \_\_\_\_\_—MISCELLANEOUS PROVISIONS**  
**SEC. \_\_\_\_ . LIMITATION ON TRANSFER OF FUNCTIONS UNDER THE MINING LAW PROGRAM OR THE SOLID MINERALS LEASING PROGRAM.**

The Secretary of the Interior may not transfer to the Office of Surface Mining Reclamation and Enforcement any responsibility or authority to perform any function performed immediately before the enactment of this Act under the Solid Minerals Program of the Department of the Interior, including—

(1) any such function under—

(A) the laws popularly known as the Mining Law of 1872 (30 U.S.C. 22 note);

(B) the Act of July 31, 1947 (chapter 406; 30 U.S.C. 601 et seq.), popularly known as the Materials Act of 1947;

(C) the Minerals Leasing Act (30 U.S.C. 181 et seq.); or

(D) the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.); and

(2) any such function relating to management of mineral development on Federal lands and acquired lands under section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732); and

(3) any function performed under the Mining Law Program.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Nevada (Mr. AMODEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. AMODEI. Mr. Chairman, the Domestic Energy and Jobs Act, in addition to developing our abundant oil and natural gas reserves, is also important for the purposes of recognizing another part of the energy sector, which are our mineral resources. An often-forgotten component of America's economic engine and comparative advantage over other nations is our mineral and, yes, coal production. Minerals and mine materials are the raw ingredients needed by every sector of our economy.

This amendment is simple. It would prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management and merging it with the Office of Surface Mining Reclamation and Enforcement, the OSM. This amendment is necessary because, currently, the administration continues to proceed with plans to combine these two entities despite the fact that it has met with heavy bipartisan resistance and also resistance from stakeholders, including, yes, even environmental groups.

Last year, Secretary Salazar announced his intent to combine the OSM and a portion of BLM's Solid Minerals program through a secretarial order. It appears to be in vogue these days—executive orders, secretarial orders. The problem missing here is: resort to Congress. Previous administrations have looked at this and have concluded in the record that congressional action is needed to do this. So here we are, try-

ing to forestall yet another secretarial or executive order that flies in the face of congressional authority.

In March of this year, the Department of the Interior indicated a desire to continue to evaluate this. This will result in unnecessary costs to taxpayers as it is duplicative and flies in the face of previous administrations.

More importantly, OSM should not have the responsibility for leasing Federal coal. Under the Surface Mining Control and Reclamation Act, which was passed by this House, States are responsible for the permitting and the regulation of coal mining and abandoned-mine land cleanup. Additionally, the Surface Mining Control and Reclamation Act expressly prohibits the commingling of employees of any Federal agency that promotes the development or use of coal—responsibilities of the Solid Minerals division of the BLM. It is a clear conflict of interest.

Finally, the OSM does not have offices in all Federal Western States, and hard-rock mining does not fall under their jurisdiction, nor does it have any experience in the broad range of mineral commodities regulated by the BLM.

I ask for the Chamber's support of this amendment that would stop the Department of the Interior from merging the operations of the BLM and OSM.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. AMODEI. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think you have a very good amendment, and I support that amendment. I thank the gentleman for bringing it to the floor.

Mr. AMODEI. Mr. Chairman, I reserve the balance of my time.

□ 2050

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, we know that the Republican majority thinks current law governing hard rock mining in this country is about as close to perfect as they can get, and we know that international mining giants like Barrick Gold and Rio Tinto agree with our Republican colleagues. The status quo is really ideal from their perspective. That is because the status quo allows these multinational companies to mine billions of dollars worth of gold, silver, and other minerals on Federal lands without paying a dime in royalties. What's not to like if you're a multinational offshore company coming into our country?

The law allowing this disgraceful windfall was signed by Ulysses S. Grant in 1872, and there it sits immune from change, immune from improvement or update for 140 years. What we did not realize was just how far this

majority will go to make sure even the smallest corner of the current setup is never, ever changed.

The administration has announced plans to consider whether merging some of the functions of the Office of Surface Mining and the Bureau of Land Management might lead to efficiencies and save the American taxpayers some money. The jury is still out on that idea, but we must ensure that we can continue to exercise proper oversight of mining activities on public lands and ensure that American taxpayers and States can continue to receive a proper return on these minerals.

A February report to Secretary Salazar recommended that the two agencies stay largely independent of each other. The merger plans have yet to be developed or announced and would likely be limited to money-saving ideas like combining human resource divisions, employee training programs, and fleet management operations. This streamlining could reportedly save as much as \$5 million annually of taxpayers' money, something that the GSA, perhaps, could take as a lesson as to how they should operate.

At the very least, the administration deserves the time to fully develop and present a plan that can be debated on its merits. But this amendment says "no." This amendment would specifically prohibit the administration from even considering whether aspects of this idea have merit and would save the taxpayers money, which is the goal of the plan that the Department of the Interior is considering.

Not only do our Republican colleagues reject any and all efforts to bring the Federal mining law into the 21st century—I would even take the 20th century, for that matter—but they bristle at the very idea of thinking about ways to better organize the agencies overseeing mining on Federal lands.

We should let the administration do its job. We should also get serious about ending royalty-free mining on public lands. This amendment really misses the point entirely. We need to be more efficient. We have to save the taxpayers money, and we also have to make sure that these multinationals pay more to mine the minerals of the American people.

With that, I reserve the balance of my time.

Mr. AMODEI. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Nevada has 2 minutes remaining.

Mr. AMODEI. I yield 1½ minutes to my colleague from the Buckeye State.

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in support of the Amodei amendment that would ensure that the Secretary of the Interior does not combine the two agencies with competing missions into the same agency.

Late last year, the Secretary of the Interior tried to merge the Office of

Surface Mining into the Bureau of Land Management. After spending months of time and valuable taxpayer dollars to look at the issue and holding multiple public meetings, the Secretary of the Interior realized two things: First, he realized that he didn't have the power to merge the two agencies; and secondly, he realized it was simply a bad idea. Now there are reports that the Secretary is looking at taking portions of Bureau of Land Management and moving them under the purview of the Office of Surface Mining.

The two facts that I just mentioned still hold true today. The Secretary doesn't have the power without it first being authorized by Congress, and the two agencies have competing missions. It simply doesn't make sense to combine the two agencies.

During a markup at Natural Resources earlier this year, I offered an amendment similar to this that stopped the Secretary of the Interior from combining the two agencies, and it passed on a voice vote. I would hope that this amendment passes in a similar fashion.

I am all for streamlining overlapping government functions and cutting wasteful government spending. However, in this case there are no overlapping functions or wasteful spending. For that reason, I urge all of my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Massachusetts has 1½ minutes remaining, and the gentleman from Nevada has 30 seconds remaining.

Mr. MARKEY. Mr. Chairman, I yield back the balance of my time.

Mr. AMODEI. Mr. Chairman, I would just say that the goal of the amendment is to keep from picking up the newspaper in the morning and reading about a secretarial or executive order that has combined two agencies that the record is replete with evidence that the executive branch and the Secretary does not have the authority to.

So when we talk about oversight and the proper thing to do in these instances and when we talk about debate it on its merits, as my colleague from the Bay State has indicated, I would love to do that. That requires that Congress act, not the Secretary of the Interior and not the President of the United States.

Thank you, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. AMODEI).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. AMODEI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 112-540.

Mr. MARKEY. 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:

Add at the end the following:

**TITLE—MISCELLANEOUS PROVISIONS**  
**SEC. 1. REQUIREMENT TO OFFER FOR SALE ONLY IN THE UNITED STATES.**

The Secretary of the Interior shall require that all oil and gas produced under a lease issued under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act shall be offered for sale only in the United States.

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is quite simple. It prohibits the export of oil and natural gas produced from leases on the public lands of the United States that are going to be authorized under this bill.

America's number one export last year was American fuel—number one. No other product did we export more of last year than the fuel that is produced here in the United States. More than \$100 billion in American-made fuels was sent overseas to China, to Morocco, to Singapore, and other countries.

This infuriates Americans pulling up to the pump and paying more than \$3.50 a gallon to fill up. Not only do oil companies want to continue exporting American fuel, but they're now talking about lifting restrictions on exporting America's crude oil as domestic production continues to increase.

Just this week, the President of the American Petroleum Institute announced that exporting America's crude oil should be a serious consideration. Let me say that again: Big Oil is now stating publicly, in no uncertain terms, that they want to be able to export crude oil produced in the United States.

Earlier, the majority whip said that this bill will make us energy independent. Well, without the Markey amendment, there is no way that an oil company just won't export the fuel and the natural gas, and now the head of the American Petroleum Institute says Big Oil also wants to start exporting America's crude oil, as well.

As American men and women are on the ground in the Middle East fighting and dying to protect oil supply lines coming from the Middle East into the United States, Big Oil wants to export oil produced here in America to China, to other countries around the world. That is truly frightening, and it's wrong, ladies and gentlemen. It is wrong in terms of our relationship with the young men and women who fight for us, who defend us around the world.

□ 2100

Big Oil is beholden to shareholder interests only. They do not care about American national security, and they certainly don't like Americans to enjoy low energy prices, which is what's happening right now with natural gas. They want a bigger cut. They want to create a global national gas market and a global price, just like they have for oil. That's the plan.

And the companies are lining up at the Department of Energy right now to get permits to export American natural gas. There are 15 applications seeking to export 28 percent of our current natural gas, American natural gas, natural gas here in the United States all around the world.

And why do they want to do that? Well, they want to do that—even though the Energy Department says it could lead to a 54 percent increase in the price of natural gas for Americans—they want to do it for a very simple reason. The price of natural gas in Japan right now is seven times higher than the price of natural gas here in America. American companies want to sell the natural gas to the Japanese rather than to Americans because they can make seven times as much money. In Europe, it's four times as high. They want to sell the natural gas of America overseas rather than keep the prices low for people to keep their homes heated, to keep our industries growing. The petrochemical industry, the fertilizer industry, the plastics industry, all those industries are dependent upon these fuels.

No, that's good for the oil industry. It's very bad for the American manufacturing sector because low-priced natural gas is what's fueling the increase in manufacturing all across this country.

So I just totally reject the premise of the majority in allowing for the sale of our oil and gas out of our land across the country.

At this point, I am going to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Mr. Chairman, I'm afraid from at least my reading of the amendment that this displays a lack of understanding regarding existing Federal laws and the realities of the oil and natural gas markets because oil produced on Federal lands is already subject to the Export Administration Act. In order to export crude oil, a producer would have to apply for authorization from the President. That's the law right now. Currently, no crude oil produced in the United States is exported, with the exception of a small quantity that goes to a Canadian refinery.

So I just think that what this is, more than anything else, is an effort to

make production on Federal lands more challenging and, thus, less valuable. And as a matter of fact, that would hurt the economy and American jobs.

But there is another aspect to it. And again, it's the way the amendment is reading. What about products that are made from oil? We know there is a vast array of products that are made from oil and natural gas, for that matter.

I think of a product that's made in my State. One of the biggest manufacturers in my home State of Washington is Boeing. There was a big fanfare. And in fact, I think a couple of weeks ago, they had their latest product on display down at Reagan National. It's called the 787 Dreamliner, which, of course, is made of composites, composites made of natural resources, i.e., oil and natural gases and others.

Now the way this amendment is written, because there are no restrictions, that means that Boeing probably could not export 787s. And frankly, their biggest market is the international market.

But let's not just confine it to Boeing. What about other byproducts that we manufacture? One comes to mind because my wife and I were using it to do some home repairs this weekend, WD-40, a petroleum-based product. I understand that that company exports a lot of that product overseas. The way this amendment is written, one could assume that that too would be restricted. What would that, then, do to the job market and our economy if we restrict what is a result of oil and natural gas being exported overseas?

I just want to repeat: There are restrictions for crude oil on Federal lands. That's existing law. This amendment adds nothing to it. But what I am concerned about, I guess, would be the unintended consequences. Let's not get ourselves into a situation where we have to pass a bill before we know what's in it. We've painfully gone through that in this country.

So I don't think this amendment is a good amendment, and I urge my colleagues to reject it.

I am prepared to close, so I will reserve the balance of my time.

Mr. MARKEY. I will, then, yield myself the remainder of the time.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. MARKEY. In summary, Price Waterhouse estimates that U.S. manufacturing companies could employ 1 million more workers if they continued to have low-priced natural gas. Exporting natural gas, exporting crude oil is only going to hurt our domestic economy, except for one industry: the oil industry.

American oil production right now is at its highest level since Bill Clinton. Natural gas production is at its all-time high ever. And what the American petroleum industry is now saying is that we want to start exporting this crude oil, start exporting this natural gas around the planet.

Keep American oil and natural gas here in America. Do not export it to other countries. It should be for Americans, and it should be for American companies. Vote "aye" on the Markey amendment.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

First, I will urge people to reject the Markey amendment.

Now I made an observation. And maybe somebody is saying, Boy, you are really stretching it if you are going to byproducts. And I referenced the way the amendment was written. And the amendment is written where it says very specifically, "all oil and gas."

Well, let's see. If a product is made from oil and gas, wouldn't that qualify? So I think this is a very, very serious concern. And once again, it is the unintentional consequences of this amendment. So I urge rejection of the Markey amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. LANDRY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 112-540.

Mr. LANDRY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

**TITLE—MISCELLANEOUS PROVISIONS**

**SEC. 1. AMOUNT OF DISTRIBUTED QUALIFIED OUTER CONTINENTAL SHELF REVENUES.**

Section 105(f)(1) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109-432; (43 U.S.C. 1331 note)) is amended by striking "2055" and inserting "2022, and shall not exceed \$750,000,000 for each of fiscal years 2023 through 2055".

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, this amendment is very simple. It seeks to improve the environment by ensuring that those States that allow offshore drilling are allowed to keep more of the revenue generated off of their shores.

In 2007, Congress passed a historic Gulf of Mexico Energy Security Act, or

GOMESA. This historic legislation for the first time allows States to share in the royalties generated from offshore drilling. However, GOMESA only provided 37.5 percent of the revenue to the States and then capped the States at no more than a collective \$500 million per year. Conversely, the Mineral Leasing Act required the Federal Government to give 50 percent of the energy revenue generated on Federal lands to States in which it is generated.

□ 2110

In Louisiana, we wholly support offshore drilling. We are proud to supply 80 percent of our Nation's offshore energy. But why should we not share in the funding generated by this drilling?

My amendment simply moves offshore royalty sharing more in line with the benefit experienced from onshore States by moving the GOMESA cap from \$500 million to \$750 million per year. My amendment does not impact onshore-producing States. If your State is receiving revenue from onshore energy production now, my amendment does nothing to change that. All the amendment does is move Louisiana, Texas, Mississippi, and Alabama a little closer to what those onshore States currently enjoy.

This amendment is nearly identical to the amendment that both myself and the gentleman from Louisiana (Mr. RICHMOND) offered during consideration of H.R. 3408, the PIONEERS Act, of which that amendment passed by bipartisan support of 266-159.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. LANDRY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I think the gentleman has a good amendment. As he pointed out, it already has passed on a bipartisan basis on the floor, and I think it's worthy to be passed in this instance. I support the amendment.

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

Mr. MARKEY. I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, every day will be Mardi Gras down in Louisiana if the gentleman's amendment is adopted. We—that is all the rest of us in the country—are already going to be sending \$150 billion to these four States over the next 60 years. I don't blame the gentleman for coming back to try to get another bite at the apple, or, in this case, another bite at the king cake.

But I would say to the gentleman from Louisiana that his State already won the baby in the king cake when the GOMESA giveaway was enacted back in 2006, and you're already entitled to \$150 billion worth of revenue coming out of the Federal Government and heading your way. And so I just think it's time for your region to give

a little back to the other 46 States in the Union that didn't benefit from that 2006 giveaway to you. We're not begrudging that. What's done is done and you get the \$150 billion. But I just think it's time for us to start thinking about starting to reduce the Federal deficit and starting to spend some of this money that comes in from the revenues from the drilling, and that it helps out the whole country. And so I would just make that case to everyone else.

By the way, if you come from one of those four States, vote for the gentleman from Louisiana's amendment. It's a good amendment for you if come from one of those four States. But if you come from one of the other 46 States, you've got rocks in your head if you're voting for that amendment because it's just another \$6 billion going from your pockets into the pockets of those four States down there. And it just makes no sense at all after the \$150 billion we gave them just 6 years ago.

I reserve the balance of my time.

Mr. LANDRY. I would only remind the gentleman from Massachusetts that this is, if you are an environmentalist and you want to help protect the environment like I know the gentleman from Massachusetts so desperately wants to do—I have served with him in committee and enjoyed his passion for taking care of the environment—this is an environmental amendment.

The citizens of Louisiana have passed a constitutional amendment that dedicates all of the proceeds from offshore royalty to go to wetlands restoration, coastal restoration, and hurricane protection. This is buying us an insurance policy that the other 46 States, who I know have been so generous to help us when hurricanes ravage our coast, this helps to protect us. And I know that the gentleman from Massachusetts would love to protect the environment in Louisiana.

I yield back the balance of my time.

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

Again, I'd be willing to have a conversation with the gentleman from Louisiana about what the proper way is of dealing with the funding for the preservation of the wetlands and the other environmentally sensitive areas down in the Gulf of Mexico, but this isn't the way to do it. This is just another permanent entitlement that we're building into the law here unattached to the hearings and the evidence that we need in order to make sure that whatever expenditures are made by the Federal Government are actually going for the intended purpose. And that's not what this discussion is here tonight with a 5-minute amendment that we're debating.

Six billion dollars should come under closer scrutiny than the debate we're having at quarter past 9 at night on the House floor where the only people who are watching the debate really need to

get a life, because that's about the level of public scrutiny this is getting right now. I just think the \$6 billion that the gentleman is seeking to request from the public has to be dispensed in a way that actually has a better process.

Again, I oppose the gentleman's amendment. I understand its intention. But for the other 46 States, I just don't think it's a good idea at this time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 112-540.

Mr. RIGELL. 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:

Add at the end the following:

**TITLE —MISCELLANEOUS PROVISIONS**  
**SEC. 01. LEASE SALE 220 AND OTHER LEASE SALES OFF THE COAST OF VIRGINIA.**

(a) INCLUSION IN LEASING PROGRAMS.—The Secretary of the Interior shall—

(1) upon enactment of this Act, revise the proposed Outer Continental Shelf oil and gas leasing program for the 2012-2017 period to include in such program Lease Sale 220 off the coast of Virginia; and

(2) include the Outer Continental Shelf off the coast of Virginia in the leasing program for each 5-year period after the 2012-2017 period.

(b) CONDUCT OF LEASE SALE.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall carry out under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) Lease Sale 220.

(c) BALANCING MILITARY AND ENERGY PRODUCTION GOALS.—

(1) JOINT GOALS.—In recognition that the Outer Continental Shelf oil and gas leasing program and the domestic energy resources produced therefrom are integral to national security, the Secretary of the Interior and the Secretary of Defense shall work jointly in implementing this section in order to ensure achievement of the following common goals:

(A) Preserving the ability of the Armed Forces of the United States to maintain an optimum state of readiness through their continued use of the Outer Continental Shelf.

(B) Allowing effective exploration, development, and production of our Nation's oil, gas, and renewable energy resources.

(2) PROHIBITION ON CONFLICTS WITH MILITARY OPERATIONS.—No person may engage in any exploration, development, or production of oil or natural gas off the coast of Virginia that would conflict with any military operation, as determined in accordance with the Memorandum of Agreement between the De-

partment of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf signed July 20, 1983, and any revision or replacement for that agreement that is agreed to by the Secretary of Defense and the Secretary of the Interior after that date but before the date of issuance of the lease under which such exploration, development, or production is conducted.

(3) NATIONAL DEFENSE AREAS.—The United States reserves the right to designate by and through the Secretary of Defense, with the approval of the President, national defense areas on the Outer Continental Shelf pursuant to section 12(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1341(d)).

The Acting CHAIR. Pursuant to House Resolution 691, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. Mr. Chairman, this is a job-creating amendment. It reflects the wisdom and truly the will of the good folks of the Commonwealth of Virginia, and specifically within the great district that I have the privilege of serving and representing, the Second Congressional District of Virginia.

The House of Delegates of the Commonwealth of Virginia have made it clear that they really believe we need to move forward with coastal Virginia energy. The same is true of the Virginia Senate. And just today, we received a letter of strong support from Governor McDonnell, of which I'm very grateful for his support of this amendment. It has tremendous opportunity to put folks to work.

In this very Chamber, Mr. Chairman, I recall vividly our President, President Obama, saying that he was an all-of-the-above President, and I truly think I was one of the first to leap to my feet in full support. We have really failed the American people over the last many decades in moving this country toward energy independence. So I leapt to my feet. I was clapping. Yet I'm unable to reconcile what he's saying with the painful reality—and Virginia, too.

There's a full moratorium on the responsible exploration and harvesting of Virginia's coastal Virginia energy. In my view, Mr. Chairman, this is a full moratorium on job creation, and that means there's a full moratorium on the tax revenues that we need for healthier schools and better roads. So this amendment is directed right at that to break through and create action where, at present, there's a full moratorium.

The way the amendment works is very simple. It requires the Secretary of the Interior to include Virginia in the 5-year oil and leasing plan. My amendment requires the Secretary of the Interior to conduct Lease Sale 220 within 1 year of enactment.

Again, the word that comes to my mind is "action"—"definitive action." This is what the American people want. This is what the good folks of Virginia's Second Congressional District want. It helps, in part, to move us

away from the dependence on countries for our oil, many of which their values are diametrically opposed to ours, and we can do this in an environmentally responsible way.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. RIGELL. I will yield to the chairman.

Mr. HASTINGS of Washington. I think the gentleman has a very good lease. And I've been talking about where Virginia has been shortchanged, from my point of view. I think this amendment goes a long way to advance that debate, and, actually, what we all want is the action.

I support the gentleman's amendment.

Mr. RIGELL. I thank the chairman for his support. I urge my colleagues to join us in supporting this bill. These are life-changing jobs. There's tremendous potential, and we can do this in a very environmentally responsible way.

I reserve the balance of my time.

□ 2120

Mr. MARKEY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This amendment would order the Secretary of the Interior to conduct oil and gas leasing offshore in Virginia. In the wake of the *Deepwater Horizon* disaster, which was a lesson to all of us about the risks inherent in deepwater drilling, the Obama administration wisely canceled the proposed lease sale.

The overwhelming majority of the Virginia lease sale area infringes on critical training areas for the United States Navy. The Department of Defense itself has concluded that over 78 percent of the lease sale area would occur in areas where military operations would be impeded by drilling structures and related activities.

This area is already home to a number of critical military actions, including live ordnance tests, aircraft carrier qualifications, sensitive undersea and surface operations, and shipboard qualification tests. The military's continued activities in this area would torpedo drilling in most of this land.

Of the remaining 22 percent of the lease area, the majority of the unrestricted waters available for leasing would occur in the main shipping channel for Norfolk and the Chesapeake Bay, as well as the main channel used by submarines. So in the end, drilling could only even conceivably occur in about 10 percent of the area that the majority is talking about off the Virginia coast. When this Congress still has not passed a single legislative reform to improve the safety of offshore drilling, this just doesn't seem like it's worth of risk.

While some States may support offshore drilling, New Jersey and Maryland both oppose it, along with many other States along the Eastern Sea-

board. These States' economies depend on the tourism that comes to see pristine, oil-free beaches and fishing that happens in their waters. And we are talking about their waters. As we saw during the BP disaster, drilling off the coast of Virginia could affect Maryland, New Jersey, and many other States up and down the East Coast because of oil spills which do not respect State boundaries.

This Congress has yet to enact a single safety reform following the *Deepwater Horizon* disaster. The independent, blue ribbon BP Spill Commission recently gave Congress a grade of "D" on its legislative response to the worst environmental disaster offshore in American history, and only refrained from handing out an "F" because, and these are the words of the BP Spill Commission, it did not want "to insult the whole institution."

The gentleman's amendment would place the entire East Coast at risk of a spill in order to open up an area where drilling may only be able to occur in about 10 percent of the area. That doesn't make any sense for our coastal States and their economies. The risks that we run are much higher than the very small benefits that can be derived.

I urge rejection of this amendment, and I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. RIGELL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

Mr. HASTINGS of Washington. 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. GARDNER) having assumed the chair, Mr. CRAWFORD, Acting 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. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve, had come to no resolution thereon.

#### HR OF MEETING ON TOMORROW

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that

when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. CANTOR) for today on account of attending the funeral of his father-in-law Royl Eron "Roy" Beville with his wife, Linda Bachus.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 404. An act to modify a land grant patent issued by the Secretary of the Interior.

S. 684. An act to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

S. 997. An act to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

#### ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 21, 2012, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6515. A letter from the Acting Under Secretary, Department of Defense, transmitting Report to Congress on Corrosion Policy and Oversight Budget Materials for FY 2013; to the Committee on Armed Services.

6516. A letter from the Acting Under Secretary, Department of Defense, transmitting a review of the Joint Land Attack Cruise Missile Defense Elevated Netted Sensor System (JLENS) program; to the Committee on Armed Services.

6517. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Ronald L. Burgess, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6518. A letter from the Assistant Secretary, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress for 2012; to the Committee on Armed Services.

6519. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Contracting with the Canadian Commercial Corporation (DFARS Case 2011-D049) (RIN: 0750-