

PROVIDING FOR 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

JUNE 19, 2012.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 691]

The Committee on Rules, having had under consideration House Resolution 691, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4480, the Strategic Energy Production Act of 2012, under a structured rule. The resolution provides two hours of general debate equally divided among 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 resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-24 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute made in order as original text. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amend-

ments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 7 of rule XVI, prohibiting the consideration of non-germane amendments, because the amendment in the nature of a substitute contains provisions not germane to the bill.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 320

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #4, offered by Rep. McGovern (MA), which would reduce the federal deficit by \$40 billion by eliminating subsidies to oil companies. Defeated: 4–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 321

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #27, offered by Rep. Hastings (FL), which would require each drilling permit application to include an estimate of how much the price of gasoline will decrease as a result of any oil or gas found under the permit. Defeated: 4–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 322

Motion by Mr. Polis to make in order and provide the appropriate waivers for amendment #25, offered by Rep. Polis (CO),

which would direct the United States Geological Survey to conduct a study and prepare a report documenting potential impacts to the quantity and quality of water available for agricultural and municipal purposes caused by proposed oil shale leasing in Colorado, Utah, and Wyoming. Defeated: 4–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 323

Motion by Mr. Polis to report an open rule. Defeated: 4–7.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Nugent	Nay	Mr. Polis	Yea
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 324

Motion by Ms. Foxx to report the rule. Adopted: 7–4.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Bishop of Utah	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Nugent	Yea	Mr. Polis	Nay
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Dreier, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Hastings, Doc (WA): Manager’s Amendment. Would make technical corrections, eliminate the designation of the Colville River as an Aquatic Resource of National Importance and require additional right of ways planned into and out of the National Petroleum Reserve Alaska. (10 minutes)

2. Polis (CO): Would exclude hydraulic fracturing activities within 1,000 feet of a primary or secondary school. (10 minutes)

3. Terry (NE), Mack (FL): Would require the Federal Energy Regulatory Commission (FERC) to issue a permit for the construction of the Keystone XL Pipeline within 30 days from the day an application is submitted to the FERC. The proposed pipeline is from the Canadian border to the South Dakota/Nebraska border (10 minutes)

4. Quigley (IL): Would seek to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil

and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes. (10 minutes)

5. McKinley (WV): Would require the consultation and input of the National Energy Technology Laboratory (NETL) under the Transportation Fuels Regulatory Committee within Title II of the legislation. NETL will work with the Committee to analyze and report on the impacts of the rules and actions of the EPA on our nation's gasoline, diesel fuel, and natural gas prices. (10 minutes)

6. McKinley (WV): Would require under section 203 of the bill to conduct an analysis relating to any other matters that affect the growth, stability, and sustainability of the nation's oil and gas industries, particularly relating to that of other nations. Would require the Committee to look at the actions, or inactions, of other nation's regulations, enforcements, and matters relating to the oil and gas industry, and how they have either helped positively or negatively towards the oil and gas industries in those other nations. (10 minutes)

7. Waxman (CA): Would provide that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health. (10 minutes)

8. Connolly (VA): Would define the term "public health" in the Clean Air Act. (10 minutes)

9. Green, Gene (TX): Would strike section 206 of the bill, which would require the consideration of feasibility and costs in revising or supplementing national ambient air quality standards for ozone. (10 minutes)

10. Terry (NE): Would give the EPA the ability to waive certain fuel requirements in a geographic area, when there is a problem with distribution or delivery of fuel or fuel additives, for a period of 20 days, which could also be extended for another 20 days if the conditions exist. Would direct the EPA and Department of Energy to conduct the Fuel Harmonization Study required by the Energy Policy Act of 2005 by June 2014. (10 minutes)

11. Rush (IL): Would provide that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years. (10 minutes)

12. Holt (NJ): Would seek to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold. (10 minutes)

13. Lewis, John (GA): Would clarify that the section requiring a \$5,000 protest fee shall not infringe upon the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances. (10 minutes)

14. Amodei (NV): Would prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management (BLM) to the Office of Surface Mining, Reclamation and Enforcement (OSM). (10 minutes)

15. Markey, Edward (MA): Would prohibit oil and gas produced under new leases authorized by this legislation from being exported to foreign countries. (10 minutes)

16. Landry (LA): Would raise the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from \$500 million to \$750 million. (10 minutes)

17. Rigell (VA): Would require the Secretary of The Interior to include Outer Continental Shelf (OCS) Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations. (10 minutes)

18. Holt (NJ): Would end free drilling in the Gulf of Mexico by requiring oil companies to pay in order to receive new leases on public lands. (10 minutes)

19. Wittman (VA), Rigell (VA): Would streamline the process for the Bureau of Ocean Energy Management (BOEM) to approve temporary infrastructure, such as towers or buoys, to test and develop offshore wind power in the Outer Continental Shelf. (10 minutes)

20. Westmoreland (GA), Braley (IA): Would lessen the regulatory burden on deli-style display cases by making Service-Over-the-Counter (SOTC) refrigerator units into a separate product classification. (10 minutes)

21. Bass (CA): Would require the Transportation Fuels Regulatory Committee to conduct an analysis of how to shield American consumers and the United States economy from gasoline price fluctuations and supply disruptions in the oil market by reducing the dependence of the United States on oil. (10 minutes)

22. Bass (CA): Would require the Transportation Fuels Regulatory Committee to assess the impact of human exposure to pollutants in the air, water, and land. (10 minutes)

23. Capps (CA): Would remove the requirements in Title II of the bill to conduct an analysis, issue a report, and delay rules if the Secretary of Energy determines that the analyses are “infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful.” (10 minutes)

24. Hanabusa (HI): Would require the Secretary of Interior in consultation with the Secretary of Agriculture to include in their Quadrennial Federal Onshore Energy Production Strategy, the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources on lands designated as Hawaiian Home Lands. (10 minutes)

25. Speier (CA): Would strike language in the underlying legislation that would require drilling permits to be deemed approved a 60 day deadline, which could expose public lands to undue risk. (10 minutes)

26. DeLauro (CT), Markey, Edward (MA), Frank (MA): Would require \$128 million received from the sale of new leases to be made available to fully fund the Commodity Futures Trading Commission to limit speculation in energy markets. (10 minutes)

27. Jackson Lee (TX): Would establish an Office of Energy Employment and Training, as well as, an Office of Minority and

Women Inclusion that would be responsible for all matters relating to diversity in management, employment, and business activities. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TERRY OF NEBRASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, after line 11, insert the following new section:

SEC. 103. KEYSTONE XL PIPELINE PERMIT.

(a) RESTRICTION.—

(1) IN GENERAL.—No person may construct, operate, or maintain the oil pipeline and related facilities described in paragraph (2) except in accordance with a permit issued under this section.

(2) PIPELINE.—The pipeline and related facilities referred to in paragraph (1) are those described in the application filed on May 4, 2012, by TransCanada Corporation to the Department of State for the northern portion of the Keystone XL pipeline from the Canadian border to the South Dakota/Nebraska border, including any modified version of that pipeline and related facilities.

(b) ISSUANCE.—

(1) BY FERC.—The Federal Energy Regulatory Commission shall, not later than 30 days after receipt of an application therefor, issue a permit without additional conditions for the construction, operation, and maintenance of the oil pipeline and related facilities described in subsection (a)(2), to be implemented in accordance with the terms of the Final Environmental Impact Statement for the Keystone XL Pipeline Project issued by the Department of State on August 26, 2011. The Commission shall not be required to prepare a Record of Decision under section 1505.2 of title 40 of the Code of Federal Regulations with respect to issuance of the permit provided for in this section.

(2) ISSUANCE IN ABSENCE OF FERC ACTION.—If the Federal Energy Regulatory Commission has not acted on an application for a permit described in paragraph (1) within 30 days after receiving such application, the permit shall be deemed to have been issued under this section upon the expiration of such 30-day period.

(c) MODIFICATION.—

(1) IN GENERAL.—The applicant for or holder of a permit described in subsection (a) may make a substantial modification to the pipeline route or any other term of the Final Environmental Impact Statement described in subsection (b)(1) only with the approval of the Federal Energy Regulatory Commission. The Commission shall expedite consideration of any such modification proposal.

(2) NEBRASKA.—Nothing in this section shall affect the ongoing work of the State of Nebraska with regard to the fully intrastate portion of the Keystone XL pipeline.

(d) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Except for actions taken under subsection (c)(1), the actions taken pursuant to this section shall be taken without further action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE QUIGLEY OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAXMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GENE GREEN OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TERRY OF NEBRASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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”; 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”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSH OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEWIS OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE AMODEI OF NEVADA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANDRY
OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIGELL
OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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 re-

sources 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 Department 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)).

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE — MISCELLANEOUS
PROVISIONS**

SEC. 1. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—The Secretary of the Interior shall not offer new leases 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, to a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) PERSONS DESCRIBED.—A person referred to in paragraph (1) is a person that—

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or
(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

(B) any other person that has any direct or indirect interest in, or that derives any benefit from, a covered lease.

(b) DEFINITIONS.—In this section:

(1) COVERED LEASE.—The term “covered lease” means a lease for oil or gas production in the Gulf of Mexico that is—

(A) in existence on the date of enactment of this Act;

(B) issued by the Department of the Interior under section 304 of the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note; Public Law 104–58); and

(C) not subject to limitations on royalty relief based on market price that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(2) LESSEE.—The term “lessee” includes any person or other entity that controls, is controlled by, or is in or under common control with, a lessee.

(3) NEW LEASE.—The term “new lease” means a lease issued in a lease sale under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WITTMAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**TITLE _____ —ADVANCING OFFSHORE
WIND PRODUCTION**

SEC. ____ 1. SHORT TITLE.

This title may be cited at the “Advancing Offshore Wind Production Act”.

SEC. ____ 2. OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECTS.

(a) DEFINITION OF AN OFFSHORE METEOROLOGICAL SITE TESTING AND MONITORING PROJECT.—In this section, the term “offshore meteorological site testing and monitoring project” means a project carried out on or in the waters of the Outer Continental Shelf administered by the Department of the Interior to test or monitor weather (including wind, tidal, current, and solar energy) using towers, buoys, or other temporary ocean infrastructure, that—

(1) causes—

(A) less than 1 acre of surface or seafloor disruption at the location of each meteorological tower or other device; and

- (B) not more than 5 acres of surface or seafloor disruption within the proposed area affected by for the project (including hazards to navigation);
- (2) is decommissioned not more than 5 years after the date of commencement of the project, including—
- (A) removal of towers, buoys, or other temporary ocean infrastructure from the project site; and
- (B) restoration of the project site to approximately the original condition of the site; and
- (3) provides meteorological information obtained by the project to the Secretary of the Interior.
- (b) OFFSHORE METEOROLOGICAL PROJECT PERMITTING.—
- (1) IN GENERAL.—The Secretary of the Interior shall by regulation require that any applicant seeking to conduct an offshore meteorological site testing and monitoring project on the outer Continental Shelf (as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)) must obtain a permit and right of way for the project in accordance with this subsection.
- (2) PERMIT AND RIGHT OF WAY TIMELINE AND CONDITIONS.—
- (A) DEADLINE FOR APPROVAL.—The Secretary shall decide whether to issue a permit and right of way for an offshore meteorological site testing and monitoring project within 30 days after receiving an application.
- (B) PUBLIC COMMENT AND CONSULTATION.—During the period referred to in subparagraph (A), the Secretary shall—
- (i) provide an opportunity for submission of comments by the public; and
- (ii) consult with the Secretary of Defense, the Commandant of the Coast Guard, and the heads of other Federal, State, and local agencies that would be affected by issuance of the permit and right of way.
- (C) DENIAL OF PERMIT; OPPORTUNITY TO REMEDY DEFICIENCIES.—If the application is denied, the Secretary shall provide the applicant—
- (i) in writing, clear and comprehensive reasons why the application was not approved and detailed information concerning any deficiencies in the application; and
- (ii) an opportunity to remedy such deficiencies.
- (c) NEPA EXCLUSION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to an offshore meteorological site testing and monitoring project.
- (d) PROTECTION OF INFORMATION.—The information provided to the Secretary of the Interior pursuant to subsection (a)(3) shall be treated by the Secretary as proprietary information and protected against disclosure.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WESTMORELAND OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

**TITLE VIII—SERVICE OVER THE
COUNTER, SELF-CONTAINED, MEDIUM
TEMPERATURE COMMERCIAL RE-
FRIGERATORS**

**SEC. 801. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM
TEMPERATURE COMMERCIAL REFRIGERATORS.**

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) The term ‘(SOC-SC-M)’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(C) The term ‘TDA’ means the total display area (ft²) of the refrigerated case, as defined in Air-Conditioning, Heating, and Refrigeration Institute Standard 1200.”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) Each SOC-SC-M manufactured on or after the date which is 6 months after the date of enactment of the Better Use of Refrigerator Regulations Act shall have a total daily energy consumption (in kilowatt hours per day) of not more than $0.6 \times TDA + 1.0$.”.

**21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS OF
CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 8, line 10, strike “The Committee” and insert the following:

(1) IN GENERAL.—The Committee

Page 8, after line 13, insert the following:

(2) ADDITIONAL ANALYSIS.—The Committee shall conduct an analysis of how to shield American consumers and the United States economy from gasoline price fluctuations and supply disruptions in the oil market by reducing the dependence of the United States on oil.

Page 8, line 15, strike “analysis conducted under this section” and insert “analysis conducted under subsection (a)(1)”.

**22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS OF
CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 9, line 25, strike “and”.

Page 10, line 2, strike the comma and insert a semicolon.

Page 10, after line 2, insert the following:

- (H) releases of pollutants (including toxic, hazardous, and radioactive materials) into the air, water, and land;
- (I) human exposure to releases of pollutants into the air, water, and land; and
- (J) other environmental impacts of pollution,

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPPAS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, after line 9, at the end of title II, add the following new section:

SEC. 207. ENSURING FEASIBLE ANALYSES.

(a) DETERMINATION OF FEASIBILITY OF ANALYSES.—Notwithstanding any other provision of this title, if the Secretary of Energy determines that the analyses required under section 203 are infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful, the requirements under section 203(a) shall cease to be effective.

(b) NO REPORT OR DELAY OF FINAL ACTION ON CERTAIN RULES IF ANALYSES ARE INFEASIBLE.—If, pursuant to subsection (a), the requirements under section 203(a) cease to be effective, then the requirements under sections 204 and 205 shall cease to be effective.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 17, strike “and” after the semicolon at line 2, strike the period at line 9 and insert “; and”, and after line 9 insert the following:

“(G) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources on lands defined as ‘available lands’ by section 203 of the Hawaiian Homes Commission Act, 1920, and any other lands deemed by the Territory or State of Hawaii, as the case may be, to be included within that definition.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPEIER OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 22, strike lines 3 through 5.

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAURO OF CONNECTICUT OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

TITLE _____ — MISCELLANEOUS PROVISIONS

**SEC. _____ . CERTAIN REVENUES GENERATED BY THIS ACT TO BE
MADE AVAILABLE TO THE COMMODITY FUTURES TRADING
COMMISSION TO LIMIT EXCESSIVE SPECULATION IN
ENERGY MARKETS.**

(a) **ESTABLISHMENT OF TREASURY ACCOUNT.**—The Secretary of the Treasury (in this section referred to as the “Secretary”) shall establish an account in the Treasury of the United States.

(b) **DEPOSIT INTO ACCOUNT OF CERTAIN REVENUES GENERATED BY THIS ACT.**—The Secretary shall deposit into the account established under subsection (a) the first \$128,000,000 of the total of the amounts received by the United States under leases issued under this Act, the amendments made by this Act, or any plan, strategy, or program under this Act.

(c) **AVAILABILITY AND USE OF FUNDS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the amounts in the account established under subsection (a) shall be made available to the Commodity Futures Trading Commission to use its existing authorities to limit excessive speculation in energy markets.

(2) **SUBJECT TO APPROPRIATIONS.**—The authority provided in paragraph (1) may be exercised only to such extent, and with respect to such amounts, as are provided in advance in appropriations Acts.

**27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON
LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES**

Add at the end the following:

TITLE _____ — OFFICE OF ENERGY EM- PLOYMENT AND TRAINING AND OF- FICE OF MINORITY AND WOMEN IN- CLUSION

**SEC. _01. ESTABLISHMENT OF OFFICE OF ENERGY EMPLOYMENT
AND TRAINING.**

(a) **ESTABLISHMENT.**—The Secretary of the Interior shall establish an Office of Energy Employment and Training, which shall oversee the efforts of the Department of the Interior’s energy planning, permitting, and regulatory activities to carry out the purposes, objectives, and requirements of this Act.

(b) **DIRECTOR.**—

(1) **IN GENERAL.**—The Office shall be directed by an Assistant Secretary for Energy Employment and Training, who shall report directly to the Secretary and shall be fully employed to carry out the functions of the Office.

(2) **DUTIES.**—The Assistant Secretary for Energy Employment and Training shall perform the following functions:

(A) Develop and implement systems to track the Department's compliance with the purposes, objectives, and requirements of the Act.

(B) Report at least quarterly to the Secretary regarding the Department's compliance with the purposes, objectives, and requirements of this Act, including but not limited to specific data regarding the numbers and types of jobs created through the Department's efforts and a report on all job training programs planned or in progress by the Department.

(C) Design and recommend to the Secretary programs and policies aimed at ensuring the Department's compliance with the purposes, objectives, and requirements of this Act, and oversee implementation of such programs approved by the Secretary.

(D) Develop procedures for enforcement of the Department's requirements and responsibilities under this Act.

(E) Support the activities of the Office of Minority and Women Inclusion and any other offices or branches established by the Secretary within the Office of Energy Employment and Training.

SEC. 02. OFFICE OF MINORITY AND WOMEN INCLUSION.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall establish an Office of Minority and Women Inclusion not later than 6 months after the effective date of this Act, that shall be responsible for all matters of the Department of the Interior relating to diversity in management, employment, and business activities.

(2) TRANSFER OF RESPONSIBILITIES.—The Secretary of the Interior shall ensure that the responsibilities described in paragraph (1) (or comparable responsibilities) that are assigned to any other office, agency, or bureau of the Department on the day before the date of enactment of this Act are transferred to the Office of Minority and Women Inclusion.

(3) DUTIES WITH RESPECT TO CIVIL RIGHTS LAWS.—The responsibilities described in paragraph (1) do not include enforcement of statutes, regulations, or executive orders pertaining to civil rights, except each Director shall coordinate with the Secretary, or the designee of the Secretary, regarding the design and implementation of any remedies resulting from violations of such statutes, regulations, or executive orders.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall have a Director who shall be appointed by, and shall report to, the Secretary of the Interior. The position of Director shall be a career reserved position in the Senior Executive Service, as that position is defined in section 3132 of title 5, United States Code, or an equivalent designation.

(2) DUTIES.—The Director shall develop standards for—

(A) equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the Department;

(B) increased participation of minority-owned and women-owned businesses in the programs and contracts of

the Department, including standards for coordinating technical assistance to such businesses; and

(C) assessing the diversity policies and practices of entities regulated by the Department.

(3) OTHER DUTIES.—The Director shall advise the Secretary of the Interior on the impact of the policies and regulations of the Department on minority-owned and women-owned businesses.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(C) may be construed to mandate any requirement on or otherwise affect the lending policies and practices of any regulated entity, or to require any specific action based on the findings of the assessment.

(c) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—

(1) IN GENERAL.—The Director shall develop and implement standards and procedures to ensure, to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the Department at all levels, including in procurement, insurance, and all types of contracts.

(2) CONTRACTS.—The procedures established by the Department for review and evaluation of contract proposals and for hiring service providers shall include, to the extent consistent with applicable law, a component that gives consideration to the diversity of the applicant. Such procedure shall include a written statement, in a form and with such content as the Director shall prescribe, that a contractor shall ensure, to the maximum extent possible, the fair inclusion of women and minorities in the workforce of the contractor and, as applicable, subcontractors.

(3) TERMINATION.—

(A) DETERMINATION.—The standards and procedures developed and implemented under this subsection shall include a procedure for the Director to make a determination whether a Department contractor, and, as applicable, a subcontractor has failed to make a good faith effort to include minorities and women in their workforce.

(B) EFFECT OF DETERMINATION.—

(i) RECOMMENDATION TO SECRETARY.—Upon a determination described in subparagraph (A), the Director shall make a recommendation to the Secretary that the contract be terminated.

(ii) ACTION BY SECRETARY.—Upon receipt of a recommendation under clause (i), the Secretary may—

(I) terminate the contract;

(II) make a referral to the Office of Federal Contract Compliance Programs of the Department of Labor; or

(III) take other appropriate action.

(d) REPORTS.—The Secretary shall submit to Congress an annual report regarding the actions taken by the Department of the Interior agency and the Office pursuant to this section, which shall include—

(1) a statement of the total amounts paid by the Department to contractors since the previous report;

(2) the percentage of the amounts described in paragraph (1) that were paid to contractors described in subsection (c)(1);

(3) the successes achieved and challenges faced by the Department in operating minority and women outreach programs;

(4) the challenges the Department may face in hiring minority and women employees and contracting with minority-owned and women-owned businesses; and

(5) any other information, findings, conclusions, and recommendations for legislative or Department action, as the Director determines appropriate.

(e) DIVERSITY IN DEPARTMENT WORKFORCE.—The Secretary shall take affirmative steps to seek diversity in the workforce of the Department at all levels of the Department in a manner consistent with applicable law. Such steps shall include—

(1) recruiting at historically black colleges and universities, Hispanic-serving institutions, women’s colleges, and colleges that typically serve majority minority populations;

(2) sponsoring and recruiting at job fairs in urban communities;

(3) placing employment advertisements in newspapers and magazines oriented toward minorities and women;

(4) partnering with organizations that are focused on developing opportunities for minorities and women to be placed in energy industry internships, summer employment, and full-time positions;

(5) where feasible, partnering with inner-city high schools, girls’ high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring; and

(6) any other mass media communications that the Office determines necessary.

(f) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) MINORITY.—The term “minority” means United States citizens who are Asian Indian American, Asian Pacific American, Black American, Hispanic American, or Native American.

(2) MINORITY-OWNED BUSINESS.—The term “minority-owned business” means a for-profit enterprise, regardless of size, physically located in the United States or its trust territories, which is owned, operated, and controlled by minority group members. “Minority group members” are United States citizens who are Asian Indian American, Asian Pacific American, Black American, Hispanic American, or Native American (terminology in NMSDC categories). Ownership by minority individuals means the business is at least 51 percent owned by such individuals or, in the case of a publicly owned business, at least 51 percent of the stock is owned by one or more such individuals. Further, the management and daily operations are controlled by those minority group members. For purposes of NMSDC’s program, a minority group member is an individual who is a United States citizen with at least $\frac{1}{4}$ or 25 percent minimum (documentation to support claim of 25 percent required from applicant) of one or more of the following:

(A) Asian Indian American, which is a United States citizen whose origins are from India, Pakistan, or Bangladesh.

(B) Asian Pacific American, which is a United States citizen whose origins are from Japan, China, Indonesia, Malaysia, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Thailand, Samoa, Guam, the United States Trust Territories of the Pacific, or the Northern Marianas.

(C) Black American, which is a United States citizen having origins in any of the Black racial groups of Africa.

(D) Hispanic American, which is a United States citizen of true-born Hispanic heritage, from any of the Spanish-speaking areas of the following regions: Mexico, Central America, South America, and the Caribbean Basin only.

(E) Native American, which is a person who is an American Indian, Eskimo, Aleut or Native Hawaiian, and regarded as such by the community of which the person claims to be a part. Native Americans must be documented members of a North American tribe, band, or otherwise organized group of native people who are indigenous to the continental United States and proof can be provided through a Native.

(3) NMSDC.—The term “NMSDC” means the National Minority Supplier Development Council.

(4) OFFICE.—The term “Office” means the Office of Minority and Women Inclusion established under subsection (a).

(5) WOMEN-OWNED BUSINESS.—The term “women-owned business” means a business that can verify through evidence documentation that 51 percent or more is women-owned, managed, and controlled. The business must be open for at least 6 months. The business owner must be a United States citizen or legal resident alien. Evidence must indicate that—

(A) the contribution of capital or expertise by the woman business owner is real and substantial and in proportion to the interest owned;

(B) the woman business owner directs or causes the direction of management, policy, fiscal, and operational matters; and

(C) the woman business owner has the ability to perform in the area of specialty or expertise without reliance on either the finances or resources of a firm that is not owned by a woman.