

declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess.

□ 1516

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Washington) at 3 o'clock and 16 minutes p.m.

#### PROTECTING INVESTMENT IN OIL SHALE THE NEXT GENERATION OF ENVIRONMENTAL, ENERGY, AND RESOURCE SECURITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3408.

□ 1517

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, with Mr. WOODALL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, February 15, 2012, amendment No. 12 printed in part A of House Report 112-398, offered by the gentleman from Florida (Mr. DEUTCH), had been disposed of.

#### AMENDMENT NO. 13 OFFERED BY MR. THOMPSON OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part A of House Report 112-398.

Mr. THOMPSON of California. 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 954, after line 19, insert the following:

#### SEC. \_\_. LIMITATION ON LEASING OFF THE COAST OF NORTHERN CALIFORNIA.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

“(9) No oil and gas lease may be issued under this Act for any area of the outer Continental Shelf for which the State of California is an affected State under section 2(f)(1) and that is located west of Marin, Sonoma, Mendocino, Humboldt, or Del Norte County, California.”.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from California (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMPSON of California. Mr. Chairman, I yield myself such time as I may consume.

I represent a coastal community and we take seriously threats to our Nation's coastline. The Thompson-Woolsey amendment would clarify that H.R. 3408 would not open drilling along the northern California coast.

Proponents of H.R. 3408 claim that northern California does not meet the minimum production potential to be eligible for offshore drilling; however, I do not simply want to take the House majority's word for it. In a Congress that has seen an unprecedented push to weaken safety standards for our environment, I don't want to leave the door open for alternative interpretations. The people of the north coast of California want to make sure that their environmentally unique and critical coast is protected, period.

Because this amendment is a clarification of the legislation's intent, there is no cost associated with it. It's important to me and to my constituents that H.R. 3408 makes clear that drilling will not occur in the northern California planning area along the coast of Mendocino, Humboldt, Del Norte, Sonoma, and Marin Counties. The coastal area of my district is one of the most productive ecosystems in the world and supports salmon, Dungeness crab, rockfish, sole, and urchin populations.

□ 1520

It also boasts an important and successful tourism industry which represents millions of dollars to the local economies and to the working families of our area. If an oil spill were to occur in this area, the environmental and economic cost would be staggering. Response and cleanup efforts would be hazardous and minimally effective given the rocky shores and rough waters. Drilling for oil or gas off California's north coast would cause serious harm to a unique and productive ecosystem, abundant marine life, and tourism businesses. This amendment will simply clarify that this bill does not require drilling off the north coast of California.

I urge a “yes” vote on the amendment, and I yield 2 minutes to Ms. WOOLSEY.

Ms. WOOLSEY. I thank my friend and neighbor for yielding.

I don't know how many of my colleagues have visited the California north coast that Mr. THOMPSON and I represent. If you haven't, I don't know what you're waiting for. The waters off our shore are quite simply the most abundant and exquisitely beautiful on the face of the Earth. Our commercial fishing industry depends on this thriving marine ecosystem; these waters are invaluable to the research of university scientists; and more than 16,000 tourism jobs in Sonoma County alone depend on these open, beautiful waters. If the majority were truly interested in helping job creators, they would not be

supporting a drill-everywhere approach.

Actually, oil and gas resources available off our coasts don't come close to justifying opening this area in the first place to any drilling; and even in parts of the country where there is oil, I believe the costs to our natural environment are much too great when we start punching holes in the ocean floor. We have learned nothing, it would appear, from the Deepwater Horizon disaster if we don't pass this amendment.

We can and we must address our energy security challenges with a stronger commitment to green technologies and to clean and renewable energy sources. And we can start by saying no to drilling in northern California. I strongly urge my colleagues to support the Thompson-Woolsey amendment.

Mr. THOMPSON of California. I reserve 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. I yield myself as much time as I may consume.

Mr. Chairman, I rise to oppose this amendment. Last year, during our offshore debate, an identical amendment was offered, and it failed in the House by a bipartisan vote. In fact, 263 of our colleagues voted “no” on this amendment. Right now, under existing law, the Northern California Planning Area is available for leasing. It's been available since 2008 when gasoline prices hit \$4 per gallon and the President and the Congress at that time lifted the offshore drilling moratoria.

I'll remind the House that in 2008 when gas prices were rising and the Democrats controlled the House, nothing was done regarding these \$4-a-gallon gasoline prices until after the session ended and the President ended his moratoria and the Congress entered that moratoria. So going into 2009, there essentially was no moratoria that existed.

This legislation, then, aims to open up our Federal resources and increase energy production despite President Obama's failure to do just the opposite. This amendment would simply block additional areas from energy production in the future. The Outer Continental Shelf and the resources it contains are under the jurisdiction of the Federal Government. It belongs to all of the people of the United States.

The State of California—and I need to remind colleagues of this—the State of California's top import is petroleum from overseas. This amendment would block the domestic production potentially of petroleum off their coast—production that could be used to help California consumers and provide California people with jobs.

This amendment would do just the opposite of what the underlying bill intends to do, so I urge my colleagues to vote “no” on the amendment.

I reserve the balance of my time.

Mr. THOMPSON of California. I don't see how this is going to do anything to affect oil production or jobs if your own Web site says that there's little oil there and we wouldn't be drilling there. So you can't have it both ways. Either there's little oil there and we're not going to drill there, or you have something else up your sleeve.

I want to point out that this area is an area that's historically prone to earthquakes, which would make any kind of drilling there extremely dangerous, and that it's one of four major upwellings in the entire world's oceans. This is a critical area to our marine life and the businesses that thrive because of it. And my friend from Washington is 100 percent right on one thing that he said, and that is that this coastline belongs to all the people of the United States of America; and for that reason alone, we ought to break our pick to make sure that we do everything to protect it, to protect the fisheries jobs, the tourism jobs and that beautiful area, so that not only the people today can enjoy it, but for future generations to enjoy, as well.

I yield back the balance of my time.

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

I just want to tell my friend that going into 2009, there were no moratoria. And the reason there were no moratoria on the Pacific or the Atlantic coasts was because the American people demanded that we seek areas where there is potential resources of energy.

Why did they demand that of Congress? Because gas prices hit \$4 a gallon and potentially were going higher. We are now in that same situation again. And this underlying legislation, as I mentioned, because the gentleman rightfully said there may not be resources off northern California because this legislation directs the Department of the Interior to offer leases where there are known resources, now, there may be some resources, maybe new technology will find it. We need to keep that option open.

But I think this amendment will start the precedent of blocking off areas when the American people want to have more American energy, more American energy jobs; and this underlying legislation will do precisely that. And I think this amendment will harm that prospect.

Mr. THOMPSON of California. Will the gentleman yield?

Mr. HASTINGS of Washington. I will yield to the gentleman.

Mr. THOMPSON of California. Do you believe that we should be drilling off the coast of northern California in an area that's one of four major upwellings in the world's oceans, in an area that is prone to earthquakes, in an area that everyone knowledgeable about this particular issue claims that there's not enough resources to drill for?

Mr. HASTINGS of Washington. Reclaiming my time, I believe that we

should open all areas where there are potential resources. I would just remind my good friend from California that you could make the same argument in Alaska, and yet we drill off the coast in Alaska. You can make the same case that there are fault lines in southern California, and the gentleman knows very, very well that there are huge potential resources in southern California.

So the answer to the gentleman's question is, yes. I believe that we should keep these resources open for potential, and that's what the underlying bill does.

But I will yield to the gentleman if he wants to comment.

Mr. THOMPSON of California. Thank you. I just want to point out that my amendment doesn't affect southern California. It only affects the area in the counties that I mentioned—Del Norte, Humboldt, Mendocino, Sonoma and Marin—an area that has been designated by the scientists and the people in the oil business that there is not enough oil there to bother with and an area that I pointed out before that is very, very important.

Mr. HASTINGS of Washington. Reclaiming my time, I know that's what the gentleman says. I'm arguing against the precedent, like the precedent yesterday, where there's an attempt to block offshore drilling from essentially northern Maryland north, and that was defeated by the House. So what I'm afraid of in the long term is the precedent, and I believe we should keep these options open.

So with that, Mr. Chairman, I urge rejection of the 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. THOMPSON).

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

Mr. THOMPSON of California. 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.

□ 1530

AMENDMENT NO. 14 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part A of House Report 112-398.

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 954, after line 19, insert the following:  
**SEC. 17603. LAND AND WATER CONSERVATION FUND LOCKBOX.**

Nothing in this subtitle reduces the amount of revenues received by the United States under oil and gas leases of areas of the Outer Continental Shelf that is available for deposit into the Land and Water Conservation Fund.

The Acting CHAIR. Pursuant to House Resolution 547, 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. HOLT. Mr. Chairman, this amendment comes from both sides of the aisle. I'm joined by Mr. MURPHY, Mr. BASS, Mr. GERLACH, Mr. DINGELL, Mr. KIND, and I see Mr. DOLD of Illinois here.

Almost five decades ago, the Land and Water Conservation Fund was created on a sound and fair principle: oil companies who drill on public lands and who therefore are taking a resource that belongs to all citizens of the United States should, in return, out of fairness, give Americans the protection of land so that as they take this resource and refine it and sell it, they preserve these resources—parks, recreation, direct preservation of cultural and land resources.

The bill before us today aims to increase the amount of oil and gas production in Federal waters as a means to raise revenue for transportation funding. These oil fields belong to all Americans. Just as the revenues generated from offshore oil drilling must be shared with all Americans, a portion of these revenues should be used towards conservation and preservation of public lands that belong to all of us. That has been the principle now for four decades, almost five decades, of the Land and Water Conservation Fund.

The LWCF enjoys strong bipartisan and popular support. The program has protected land in every State and has supported more than 41,000 State and local parks and other open-space parcels.

The Trust for Public Land recently conducted an analysis of the return on the investment from LWCF funds. In an 11-year, 12-year period, going up until about 1 year ago, for the \$537 million invested in conserving 131,000 acres, \$2 billion was generated in economic goods and services. In other words, for every dollar invested in LWCF funds, \$4 was returned in economic value. These are not taxpayer dollars that are invested. This is revenue that comes from the oil companies.

Our amendment would stipulate, simply, that nothing in the bill would reduce the amount of revenue from oil and gas receipts available for deposit into the LWCF.

I urge adoption of this amendment. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DOLD).

Mr. DOLD. Mr. Chairman, I certainly appreciate my friend and colleague from New Jersey yielding me some time.

Today I rise in strong support of this bipartisan amendment.

Since 1964, the Land and Water Conservation Fund has been our Nation's primary program for Federal land conservation. Using a portion of the leases

collected from energy production on the Outer Continental Shelf, this fund provides matching grants to State and local governments for the acquisition of land and ensures public land and water conservation projects can move forward.

In my home State of Illinois, the economic benefits of preserved public lands are indeed undeniable. Sportsmen, wildlife watchers, outdoorsmen, and others combine to spend over \$2 billion annually on outdoor recreation in Illinois.

Mr. Chairman, our amendment today is simple. We believe that this Congress should continue its commitment to conservation programs by ensuring that the underlying transportation bill will not reduce the amount of revenue available for the Land and Water Conservation Fund that has supported over 41,000 State and local projects over its 46-year history.

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

Mr. HASTINGS of Washington. Mr. Chairman, I rise to claim the time 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 really is not needed because you can look with a magnifying glass through this whole bill and you will see absolutely no mention whatsoever of the Land and Water Conservation Fund. There's nothing in here that impacts that.

I know the gentleman, my good friend from New Jersey, has a real passion for this particular fund—sometimes we don't agree on that, but, nevertheless, he has a real passion for it—but there is nothing in here at all that even talks about the Land and Water Conservation Fund.

I understand the gentleman wanted to make a statement—I appreciate that—and his desire would be to withdraw the amendment. So with that, I'll reserve my time pending his action.

Mr. HOLT. Mr. Chairman, although the Land and Water Conservation Fund is authorized to receive \$900 million annually from oil and gas leasing revenues, Congress must appropriate those funds after they have been deposited from the revenues.

Taxpayers aren't footing the bill for this program. Oil and gas companies fund the LWCF. The amount they pay is less than 1 percent of the massive profits these companies take each year. It's a small token of what we can do to preserve these other resources as the oil and gas resources are used. Preserving open space is more than a narrow environmental issue. It really is a quality of life issue.

As my friend, the chairman, has assured us, there is nothing in the underlying bill that would reduce the amount of revenue available for the Land and Water Conservation Fund. So with that assurance that the legisla-

tion here today will in no way harm the Land and Water Conservation Fund, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 15 OFFERED BY MS. HANABUSA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part A of House Report 112-398.

Ms. HANABUSA. 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 954, after line 19, add the following new section:

**SEC. 17603. SAFETY REQUIREMENTS.**

The Secretary of the Interior shall require that drilling operations conducted under each lease issued under this subtitle (including the amendments made by this subtitle) meet requirements for—

(1) third-party certification of safety systems related to well control, such as blowout preventers;

(2) performance of blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

(3) independent third-party certification of well casing and cementing programs and procedures;

(4) mandatory safety and environmental management systems by operators on the outer Continental Shelf (as that term is used in the Outer Continental Shelf Lands Act); and

(5) procedures and technologies to be used during drilling operations to minimize the risk of ignition and explosion of hydrocarbons.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Hawaii (Ms. HANABUSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Hawaii.

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

Mr. Chair, April 20, 2010, September 19, 2010, those dates may not mean much to a lot of people, but I will tell you, I was not a Member of this body at that time, but I remember when the BP oil spill started, April 20, 2010, and when we all cheered when it was supposed to be capped on September 19, 2010, almost 5 months of watching it daily, even in Hawaii, of the oil and the attempts and cheering and then being disappointed when they couldn't take care of this oil spill that was devastating, clearly, the coast.

Now, there was an independent BP spill commission that was appointed, and their conclusions were published. They said that it was preventable. They said that corners were cut, bad decisions were made, and stronger safety standards could have prevented the disaster. It also pointed out that the United States has a fatality rate in terms of offshore drilling that is four times that in Europe. They also found that the problems were systemic to this industry.

The amendment that I have before you is a simple one and a very commonsense amendment. It simply states that the Secretary of the Interior shall require, when he does leasing, that each lease must meet the requirements for a third-party certification of safety systems related to well control, such as blowout preventers. It must meet requirements for performance of blowout preventers, including the qualitative risk, as well as subsea testing. It also must meet requirements for an independent third-party certification of well casing and cementing programs and procedures. It must meet requirements for mandatory safety and environmental management system of the operators in the Outer Continental Shelf.

□ 1540

And it must meet requirements of procedures and technologies to be used during drilling operations to minimize the risk of igniting an explosion of hydrocarbons. Anyone who remembers the BP oil spill, watching it on television, as I did, every day, watching the news, all of these points are so relevant to what have occurred.

So, Mr. Chair, I ask that my colleagues vote along with me to pass this very commonsense amendment as we remember what happened in those 5 months, April 2010 to September 2010. We have the opportunity of being the safest offshore oil industry in the world, and this amendment would help us get there. That's what we owe the people. We owe those people who suffered through this, and we owe the rest of this Nation a sense of being secure and knowing that when we are drilling that we are drilling safely, and we will not see those fatalities again.

I 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 rise to oppose this amendment. We have seen amendments of this nature multiple times throughout the debates, both in the committee that I have the privilege to chair, the Natural Resources Committee, and here on the House floor. And every single time amendments of this nature have failed, often with bipartisan votes.

The amendment would write into law the imposition of strict safety requirements as part of the lease terms. This amendment would override the judgment of two agencies that have the authority to set and enforce safety regulations. Those agencies are the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement. I might add, these agencies within this administration have, on multiple occasions, testified that offshore drilling operations are being

done safely. This is post-BP, I might add.

It seems like the effort is to continue to try to divert attention away from the real issue of increasing American energy production, increasing American energy jobs, lowering energy costs, and improving our national security. How? By lessening our dependence on foreign oil.

Our good friends on the other side, they simply do not want to face the fact that this bill says that we can move forward with responsible oil and natural gas exploration and production here in America while, at the same time, ensuring that increased safety measures are undertaken. These are not mutually exclusive goals.

Republicans want to make U.S. offshore drilling the safest in the world so that we can produce more American energy, thus creating more American jobs and thus strengthening our national security.

As I mentioned, Mr. Chairman, amendments of this nature have repeatedly failed in the House. I hope it will do so again, and I urge opposition to this amendment.

I reserve the balance of my time.

Ms. HANABUSA. Mr. Chair, I yield myself the balance of my time.

Mr. Chair, it becomes quite troubling when we hear that, from the Republican side, the other side of the aisle, that the Obama administration is doing okay, or they're taking the representations of the Obama administration, when we know continually that that's not the case. So, if anything, this should send up a red flag for everyone to wonder, what is it that's really causing this concession to an agency?

The facts are the facts. We had the BP oil spill. It took five months. There's nothing that's been proposed in concrete as to how to prevent that from happening. That's why we're the Congress of the United States. That's why we're asked to pass laws, because it is only with the passage of laws that we can say, you know, you've got to do this. And if they are doing it, and if they can guarantee that, and they can say that these leases are, in fact, in compliance, it's up to them.

All that we're doing in the statute is giving a format and a framework to say, hey, make sure that these points are met in these leases. They're the ones who are going to determine whether it's met or not.

That's why I think we owe it to the people who died, we owe it to the people who suffered the economic losses, we owe it to everyone in this Nation to make sure that we do not suffer a BP oil spill again.

I yield back the balance of my time.

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

I just want to point out to my good friend from Hawaii, after the BP spill we had a committee hearing down in Louisiana, and part of that was to ascertain the economic impacts in that

part of the country, but also to work with or seek from the industry what would happen if there were, heaven forbid, another spill like this. The industry has responded by building a consortium, funding a consortium, I should say, in order to respond to a spill like this.

There were two of them that were testifying at the hearing that day. I said, In the event—and hopefully it doesn't happen—if there were an event like BP again, how quickly could you respond to something like that? Because that's what the issue is. You want to make sure that people respond if there is, in fact, another spill. And in both cases, both of them said they could respond immediately and probably cap it, something like this, in less than 3 weeks. That was over a year ago. I suspect now that that technology is even greater than that.

But my point is that we have the regulations. We have to have American energy and the ensuing jobs that that has created, and I'm afraid that adopting this amendment would hinder that. So I would urge my colleagues to reject this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HANABUSA).

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

Mr. HASTINGS of Washington. 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 gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part A of House Report 112-398.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XVII add the following:

**Subtitle D—Streamlining Federal Review To Facilitate Renewable Energy Projects**  
**SEC. 17801. SHORT TITLE.**

This subtitle may be cited as the “Cutting Federal Red Tape to Facilitate Renewable Energy Act”.

**SEC. 17802. ENVIRONMENTAL REVIEW FOR RENEWABLE ENERGY PROJECTS.**

(a) COMPLIANCE WITH NEPA FOR RENEWABLE ENERGY PROJECTS.—In complying with the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.) with respect to any action authorizing or facilitating a proposed renewable energy project, at the election of the applicant a Federal agency shall—

(1) consider only the proposed action and the no action alternative;

(2) analyze only the proposed action and the no action alternative; and

(3) identify and analyze potential mitigation measures only for the proposed action and the no action alternative.

(b) PUBLIC COMMENT.—In complying with the National Environmental Policy Act of 1969 with respect to a proposed renewable energy project, a Federal agency shall only consider public comments that specifically address the proposed action or the no action alternative (or both) and are filed within 30 days after publication of a draft environmental assessment or draft environmental impact statement.

(c) DEFINITIONS.—For purposes of this section:

(1) FEDERAL WATERS.—The term “Federal waters” means waters seaward of the coastal zone (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), to the limits of the exclusive economic zone or the Outer Continental Shelf, whichever is farther.

(2) OUTER CONTINENTAL SHELF.—The term “Outer Continental Shelf” has the meaning the term “outer Continental Shelf” has in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(3) RENEWABLE ENERGY PROJECT.—The term “renewable energy project” means a project on Federal lands or in Federal waters, including a project on the Outer Continental Shelf, using wind, solar power, geothermal power, biomass, or marine and hydrokinetic energy to generate energy, that is constructed encouraging the use of equipment and materials manufactured in the United States.

The Acting CHAIR. Pursuant to House Resolution 547, 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 as much time as I may consume.

Mr. Chairman, this amendment passed the House Natural Resources Committee last year in the form of stand-alone legislation on a bipartisan vote. My amendment would accelerate the development of clean, renewable energy projects on Federal lands by streamlining and simplifying government regulations while ensuring thorough environmental reviews.

House Republicans are committed to utilizing America's abundant and diverse energy resources to implement the all-of-the-above American-made energy strategy that we put forth last year. This includes utilizing our public lands for renewable energy projects. These projects have the potential to create thousands of American jobs, to generate economic benefits, and contribute to our energy security.

Unfortunately, renewable energy projects on Federal lands frequently get caught up in bureaucratic red tape. Regulatory roadblocks and burdensome lawsuits continue to plague and delay these projects, sometimes by many years.

This amendment will facilitate the development of clean, renewable energy on Federal lands by providing a clear, simple process for completing important environmental reviews.

The amendment would require an environmental review to be conducted

only for the specific location where the renewable energy project would be located, rather than requiring thousands of pages of environmental review for numerous different locations. This would significantly reduce the number of years it takes to develop clean, renewable energy projects.

So I want to stress that this amendment includes no subsidies, only the streamlining of government regulations. America has been blessed with an abundance of energy resources of all kinds. We all know that. And we should be actively looking to use these resources to create jobs and to improve American energy security.

So I urge my colleagues to support the renewable energy development regulatory relief plan I have, and support this amendment.

I reserve the balance of my time.

□ 1550

Mr. HOLT. I rise to claim time in opposition to this amendment.

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

Mr. HOLT. Mr. Chairman, you may think that the gentleman from Washington has suddenly decided that he's going to accelerate renewable energy deployment in the United States; but the fact is, no, he has not gotten religion. This is not intended to accelerate renewable energy. It is to remove protections for the environment.

The amendment really is highly problematic. It has very little upside and significant downside, both in terms of protecting the environment and in producing renewable energy. The measure fundamentally changes public lands policy in a way that could be extremely harmful.

Completely gutting bedrock environmental review processes is not something that should be done lightly. It shouldn't be done with a 10-minute debate on an amendment on a completely separate bill. This \$250 billion transportation bill is not the appropriate place to debate a fundamental shift of public lands policy. We spent nearly a day debating this in committee, and it deserves a debate at least that thorough here on the floor.

Right now, a renewable energy project that's proposed for Federal lands can get a green light, a yellow light, or a red light from the permitting agency. What the gentleman from Washington would do with his amendment is get rid of the yellow light.

By only allowing consideration of the proposed action and not allowing any no-action alternative, you know what that means, Mr. Chairman? Well, it means—and it should be obvious—it means that projects that could be viable will get a red light. The permitting agency requiring more data, requiring care, requiring additional conditions will have to say yes or no. They're going to say no. Let me state that again. Projects that can otherwise get built if their plans were tweaked would now, under this amendment, be killed.

That means fewer megawatts of renewable energy production on public lands.

No, the gentleman has not suddenly gotten religion about renewable energy.

We've heard from the Bureau of Land Management, we've heard it from the Renewable Energy Industry, the American Wind Association, the Solar Energy Industry Association, the Geothermal Industry Association. They have not endorsed this proposal.

The way to ensure that our public land managers are able to expeditiously permit renewable energy projects is not to handcuff them, like this amendment would do, but to make sure that they have the resources to do the job. Now, the Republicans last year did the opposite by trying to take \$1 billion out of the Interior Department's budget.

In addition to keeping the land management agencies from doing their job, this amendment would also reduce the ability of the public to participate in the process. If the public is not given meaningful opportunity, say through environmental hearings, you know what they're going to turn to? They're going to turn to the courts. So this amendment would actually lead to more lawsuits, more delays, less renewable energy on public lands.

This is not endorsed by any renewable energy industry group. That should give you reason to pause.

The representatives of the renewable energy industry have testified that this language could have a perverse effect of forcing agencies to reject projects, of sending projects into court, of preventing the actions we should be taking to develop renewable energies.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Chairman, I rise in support of the amendment of the committee chairman.

This amendment promotes the Republican all-of-the-above approach to energy policy in this country and will just streamline the NEPA process to ensure the efficient production of energy on public lands.

Right now we don't have a balance. We need to strike a balance. Yes, there are good environmental laws in place that are well-intended and that need to be followed to protect our air and water, but sometimes the threat of litigation or the burdensome application of regulations is used to simply slow down the production of energy, even renewable energy projects on public lands.

So this amendment will allow renewable energy developers to commit their limited resources to a single project and have some certainty that the project will actually take place. They will make the investment necessary, put in the dollars that are required to bring forth wind, solar, geothermal, even tidal types of renewable energy

projects that right now will otherwise be held up by burdensome regulations.

These projects have the potential to provide many thousands of American jobs and generate millions of dollars of benefits because right now we're not getting these projects built on public lands. We need some streamlining of the burdensome regulations.

The administration claims to have placed a priority on renewable energy development; and yet roadblocks keep popping up, litigation keeps coming forward, and we don't have anything really happening on public lands. We have to get the ball rolling. That's what this amendment does.

I'm sorry that my colleague from New Jersey doesn't see it that way, but this is intended to bring forth and actually see the realization for once of some of these renewable energy projects. So I would ask for support of this amendment.

Mr. HOLT. May I ask the amount, please, of remaining time.

The Acting CHAIR. Both sides have 1 minute remaining.

Mr. HOLT. I yield myself the balance of my time.

I hope I made it clear that this amendment would slow things down, would throw things into court, would result in rejected projects.

If the Republicans really want to help renewable energy, you don't need to gut environmental safeguards. Ensure Federal financing tools are available, establishing policies that create a market demand for renewable power in the regulated electricity industry, establish policies that create market demand for renewable power, and support smart-from-the-start policies.

If you really want to help renewable energy, don't raise taxes on the wind industry. Extend the production tax credit. That would save, well, let's say 30,000 to 40,000 jobs. Yes, the production tax credit. That would be the way to help the renewable industry, not to gut environmental protections.

Please, I ask my colleagues, don't support this amendment.

I yield back the balance of my time.

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

Mr. Chairman, this is a good amendment because part of the process of creating American energy jobs is to reduce regulation.

I was struck when my good friend from New Jersey said that this amendment would lead to more litigation. For goodness sakes, when we heard testimony on this issue in front of our committee, the Cape Wind Project off Massachusetts testified something to the effect, and I don't have the exact testimony in front of me, but they are the poster child of litigation. Why? Because that litigation covered a very, very broad area.

This specifies where, if somebody has a problem with it, the regulations would deal with the specific area. This really clarifies the whole process more than anything else. So I urge adoption of the amendment.

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 ayes 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 Washington will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part A of House Report 112-398.

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:

At the end of title XVII add the following:

Subtitle D—Miscellaneous Provisions

**SEC. 17801. PROHIBITION ON EXPORT OF GAS.**

Each oil and gas lease issued under this title (including the amendments made by this title) shall prohibit the export of gas produced under the lease.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1600

Mr. MARKEY. Mr. Chairman, this amendment is very simple. It prohibits the export of the natural gas produced from the leases that are going to be given to oil and gas companies under this bill.

The bottom line is, what the Republicans want to do is open up drilling for natural gas off of the beaches of Florida, off of the beaches of California, off of the beaches of Virginia, off of the beaches of New Jersey and Massachusetts. Then all they say is, Oh, we have to do this; it's for our national security. But right now, over at the Department of Energy, there are eight applications seeking to export 18 percent of our natural gas overseas—to China, to Europe, to Latin America.

Why is that? Well, it's very simple.

The price of natural gas in the United States is six times lower than in Asia. These companies want to make a big profit, not here in America, but by selling our natural gas—drilled for off of our beaches—to other countries. In Europe, it is four times more expensive for natural gas. That's where they want to sell it.

Now, why would we support that?

It's only if there is an oil and gas company agenda because, unlike natural gas, oil has a price which is set on the international marketplace. So, if it's \$100 a barrel in China, it's \$100 a barrel in the United States. Not so, ladies and gentlemen, with natural gas.

Natural gas is our greatest asset. It's what's fueling our economic recovery. Manufacturing new jobs have been the highest in the last 5 years. It's very low-priced natural gas which is fueling this revolution in creating new jobs because the price of energy is so low in America for natural gas.

What is the plan of the oil and gas companies?

It's to send this natural gas around the rest of the world.

What would the impact be?

It would increase prices for the American steel industry; increase prices for the chemical industry; increase prices for the plastics industry; increase prices for the utility industries, which generate electricity for American homes and businesses; and it would ultimately increase prices for consumers in our country.

This amendment, the Markey amendment, is aimed straight at the Strait of Hormuz, and it's saying to them, We've got the natural gas here in America. We're going to drill for it, but we're keeping it here because it's six times lower in price than it is in Asia and in Europe, and that's what we're going to keep here for our American citizens. We're not going to play this game of international markets so that the oil and gas industry can raise the price of natural gas up to the price of oil. They get rich, and ExxonMobil is reporting \$137 billion in profits even as we give them, through the Republicans, \$40 billion worth of tax breaks.

When do American consumers get a break? When do American manufacturers get a break? When do the plastics, the chemical, the steel industries get a break in low energy prices? Is it all a one-way street for ExxonMobil and these big multinationals?

The Markey amendment says that we drill for natural gas off the beaches of this country. That natural gas stays here in this country. It is not exported.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the gentleman's 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.

This amendment was offered in committee markup, and it failed on a bipartisan vote simply because it was a bad idea. This amendment, Mr. Chairman, has one goal—to stop the development of natural gas on Alaska's North Slope. This amendment is completely unnecessary and irrelevant.

Currently, there is no way to export natural gas out of ANWR. There are no liquefying gas facilities on the shore. There is also not a single natural gas pipeline out of ANWR to transport natural gas anywhere in the United States. In fact, there are limited ways to export Alaska natural gas.

One of the preferred methods, of course, would be to build a pipeline to cross the U.S.-Canada border and then

back into the United States; but under the gentleman's amendment, this wouldn't be possible. I might add, we all know how the gentleman feels about pipelines in general.

Another method would be to convert gas to LNG and ship it to the United States. I know the gentleman is well aware of this process because his home State gets about 40 percent of its natural gas from countries like Yemen, Egypt, or Trinidad. However, should Alaska choose to convert to LNG and try to ship it to California, this amendment would stop them from considering that because the import terminal in southern California is in Mexico, where they get their natural gas from Gazprom, which is in Russia.

The transportation of natural gas across Alaska is a tremendous challenge. As with any major pipeline in construction, the investment will be in the billions of dollars, but it would certainly employ tens of thousands of people. It is something that should and can happen. However, without a market for the natural gas, it is unlikely that this pipeline will ever be built. As mentioned, this amendment then would stop gas from reaching the U.S. markets both by pipeline and by ship.

On this side of the aisle, we hope that a pipeline like this can be built for all of the reasons that we have said in the past. We want the gas to come to America. Our hope is that this gas will displace the natural gas shipments from Russia coming into southern California and possibly even the Yemeni shipments to Boston. This is our hope, and that would be a challenge if this amendment were to be adopted.

This amendment goes against the main objective of the bill—American jobs, American energy and American energy security. So I urge my colleagues to vote “no” on the amendment.

I reserve the balance of my time.

Mr. MARKEY. May I ask how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 1 minute remaining. The gentleman from Washington has 2½ minutes remaining.

Mr. MARKEY. At this point, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. At this time, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, America is at its best when we're not hypocritical and when we don't shoot ourselves in the foot. This Markey amendment does both.

We insist that China play by the rules. In fact, they've been hoarding their raw materials and holding them back from export to America, which harms American companies. We just won an important ruling around the world that says China has to stop that. Yet here we are on the House floor, trying to do the exact same thing to our export of natural gas, and we're

going to be called on it just like we called it out on China.

Secondly, besides being hypocritical, this is going to kill American jobs. We need not just to buy American; we need to sell American around the world: our cars, our ag products, our electronics, computers, and, yes, our natural gas. That's how we grow America's economy.

I urge defeat.

Mr. MARKEY. I would inquire as to who has the right to close and if the majority is down to its last speaker.

The Acting CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. Mr. Chairman, I advise my friend from Massachusetts that I have requests from two other Members, so there are three including me.

Mr. MARKEY. Mr. Chair, through you, I would prefer to wait until the final speaker for the majority is about to take the podium.

I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased, Mr. Chairman, to yield 30 seconds to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I also rise in opposition to this amendment. As the chairman has pointed out, there is no market in Alaska, and we know how the other side feels about building pipelines through Canada.

Right now, we've got an historic low price of gas, which is great for America, but it's also great for the rest of the world. This is our opportunity to use our excess capacity. We're producing more than we can consume, hence the low price. We're flaring it through areas of Texas. This is an opportunity to lower our balance of trade and to make some money. Then, as the price goes up, the government gets more in royalties.

I would also like to point out, if we applied this same logic to other commodities—well, let's not export our food so our food prices go down. Let's not export our cars so our car prices go down.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 30 seconds to the gentleman from Texas (Mr. OLSON).

□ 1610

Mr. OLSON. Mr. Chairman, I rise in opposition to the Markey amendment. The gentleman from Massachusetts has displayed a clear lack of understanding of our great Nation's history with his amendment to restrict American exports of natural gas.

Exports have made America a world power. Our country grew stronger economically by providing the products the world demands. No one would get upset if Ford or GM were making enough cars so that they could supply domestic markets and also ship cars overseas. Nobody is proposing to restrict the export of Massachusetts lobsters.

I urge my colleagues to vote "no" on the Markey amendment.

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

The Republican slogan 2 years ago was, "Drill here, drill now, pay less." Today the slogan is, "Drill here, sell to China, pay more in the United States."

If all these terminals get built, the Energy Department says the price is going to go up by 54 percent for American consumers. Let me tell you what Boone Pickens says. Boone Pickens said something that is very, very clear about exporting natural gas. He said:

"If we do it, we're truly going to go down as America's dumbest generation. It's bad public policy to export natural gas." American energy for American jobs.

Oil and natural gas are not lobsters. They are not toothbrushes. They are our key to the strategic protection of our national security. This is a signal to OPEC that we mean business. We're going to drill for the natural gas. We're going to keep it here. And we're going to tell them we don't need their oil any more than we need their sand.

Vote for the Markey amendment. Keep the natural gas, which we drill for off of the beaches in this country, in our country, and tell them they can keep their sand. We'll keep our natural gas right here in America. Vote "aye" for the Markey amendment.

I yield back the balance of my time.

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

My friend from Massachusetts makes a great point with great, great passion. I thought that the gentleman was arguing in support of the underlying bill. And the reason I say that is because the underlying bill opens up areas on the Atlantic and Pacific coasts for drilling for oil and gas.

The gentleman said yesterday that he is very much in favor of natural gas. There is natural gas off the north shore of the Atlantic. Shipping costs would be very, very little. I'm somewhat confused. But I don't think that the gentleman's amendment will accomplish what he says. But his rhetoric—I can tell you, Mr. Chairman—will accomplish what the underlying bill says, and that will make us less dependent on foreign sources of energy and create American energy jobs.

With that, I urge rejection of the Markey amendment, and 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. 18 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part A of House Report 112-398.

Mr. MARKEY. 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 XVII add the following:

**Subtitle D—Miscellaneous Provisions**

**SEC. 17801. ELIGIBILITY FOR NEW LEASES AND THE TRANSFER OF LEASES.**

(a) ISSUANCE OF NEW LEASES.—

(1) IN GENERAL.—Beginning in fiscal year 2013, the Secretary of the Interior shall not accept bids on any new leases offered pursuant to this title (including the amendments made by this title) from a person described in paragraph (2) unless the person has renegotiated each covered lease with respect to which the person is a lessee, to modify the payment responsibilities of the person to require the payment of royalties if the price of oil and natural gas is greater than or equal to the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

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

(A) is a lessee that—

(i) holds a covered lease on the date on which the Secretary considers the issuance of the new lease; or

(ii) was issued a covered lease before the date of enactment of this Act, but transferred the covered lease to another person or entity (including a subsidiary or affiliate of the lessee) after the date of enactment of this Act; or

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

(3) MULTIPLE LESSEES.—

(A) IN GENERAL.—For purposes of paragraph (1), if there are multiple lessees that own a share of a covered lease, the Secretary may implement separate agreements with any lessee with a share of the covered lease that modifies the payment responsibilities with respect to the share of the lessee to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(B) TREATMENT OF SHARE AS COVERED LEASE.—Beginning on the effective date of an agreement under subparagraph (A), any share subject to the agreement shall not constitute a covered lease with respect to any lessees that entered into the agreement.

(b) TRANSFERS.—A lessee or any other person who has any direct or indirect interest in, or who derives a benefit from, a covered lease shall not be eligible to obtain by sale or other transfer (including through a swap, spinoff, servicing, or other agreement) any new lease offered pursuant to this title (including the amendments made by this title) or the economic benefit of any such new lease, unless the lessee or other person has—

(1) renegotiated each covered lease with respect to which the lessee or person is a lessee, to modify the payment responsibilities of the lessee or person to include price thresholds that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)); or

(2) entered into an agreement with the Secretary to modify the terms of all covered leases of the lessee or other person to include

limitations on royalty relief based on market prices that are equal to or less than the price thresholds described in clauses (v) through (vii) of section 8(a)(3)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)(C)).

(C) 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 title or the amendments made by this title.

The Acting CHAIR. Pursuant to House Resolution 547, 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 3 minutes.

Last year, ExxonMobil made \$41 billion in profits. Together, the top five oil companies made a combined \$137 billion in profits. You would think that every time these large oil companies extract oil from public lands offshore in the Gulf of Mexico that they would be required to pay the American people a fee, a royalty to do so, since the lands are owned by the people of the United States. Well, you would be wrong. As a result of an oil company court challenge to a 1995 law, oil companies are not paying any royalties to the American people on leases issued between 1996 and 2000 on public lands of our country.

The Republicans want to drill into the pensions of Federal workers to fund our highways. They want to drill in the Arctic National Wildlife Refuge, America's Serengeti, and off our beaches in California and Florida and New Jersey to fund this transportation bill. But if we are looking for revenue to fund our road projects, we should just start by ending this free ride Big Oil is getting on public land.

In recent years, the amount of free oil these companies have been pumping has gone through the roof as more of these free drilling leases have gone into production. In fact, right now more than 25 percent of all oil produced offshore on Federal lands is produced royalty free, tax free. They don't have to pay any taxes whatsoever. Let me say that again. These companies get a complete windfall profit by paying no taxes for drilling off of the coastline of the United States, owned by the American people. What kind of plan can that

be to make sure that we have sufficient funding in order to pay for Medicare, pay for kids going to college, pay for the research to find a cure for cancer? Of all the companies that should be kicking in their fair share of the dues to run this country, it should be the companies who made \$137 billion last year and are getting away scot-free and not paying taxes for drilling off of the coastlines of our country on public lands.

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

Mr. HASTINGS of Washington. Mr. Chairman, I claim time in opposition.

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

Mr. HASTINGS of Washington. Mr. Chairman, this amendment is virtually identical once again to amendments that have failed on the House floor by a bipartisan vote, and I'm speaking specifically of last year.

Let me give a little bit of a history. In 1995, a Democrat Senator and the Clinton White House negotiated the Deep Water Relief Act. The intent was to promote interest in deepwater leases. According to the 1995 law, the royalty relief is on the volume of oil and gas produced on a lease. While other royalty-relief provisions are dependent upon economic hardship, these are solely dependent on volume produced.

While the gentleman's amendment aims to fix the problem by including price thresholds, this issue has been repeatedly settled in courts of law and the courts have determined that including price thresholds to this law would be a violation of the contract law. The U.S. Supreme Court found that the Department did not have the authority to include price thresholds on lease agreements issued under the 1995 law. In fact, the Department of Interior has lost this issue in the district court, the appellate court, and the Supreme Court. Simply stated, including price thresholds on these leases would be illegal. If this amendment passed, the issue would almost certainly be challenged in court, where the Department would again use taxpayer dollars to lose again. Ultimately, this amendment seeks to force U.S. companies to break a contract negotiated under government law or else be denied the opportunity to do business in the United States.

The ranking member aims to back companies into a corner and force them to break an unbreakable contract. I think this is a bad amendment. The House has rejected it in the past, and I would urge the House and my colleagues to again reject it this time.

I reserve the balance of my time.

Mr. MARKEY. May I inquire once again as to how much time is remaining on either side?

The Acting CHAIR. The gentleman from Massachusetts has 2¾ minutes remaining. The gentleman from Washington has 3 minutes remaining.

Mr. MARKEY. I yield myself a minute and three-quarters.

The amendment that I'm offering would give these oil companies a strong incentive to renegotiate their leases and to pay their fair share of royalty taxes. My amendment would offer these oil companies a choice. They can choose to either continue to produce royalty tax-free in the Gulf of Mexico on public lands but not be able to receive any new leases on public lands, or they can agree to pay their fair share and be able to bid on new areas. They can't have it both ways. With oil prices at \$100 a barrel, this free drilling is absolutely unacceptable.

The Congressional Research Service has repeatedly found that this amendment would not be an abrogation of contract or constitute a taking. In 2010, the Congressional Research Service wrote of my amendment:

To reiterate, the amendment imposes no legal compulsion. Just as in Ruckelshaus, Congress simply would be posing an election.

□ 1620

This amendment does not require these companies to renegotiate their leases to pay their fair share; it just gives them an incentive to do so. And this amendment would not force companies to give up their leases; it would just impose a condition in issuing future leases.

As CRS has stated, as a general matter, the United States has broad discretion in setting the qualifications of those with whom it contracts. These companies would be perfectly free to choose to continue producing this free windfall oil even if prices climbed well past \$100 a barrel and gas prices go past \$4 a gallon—they can do that. They can hang on to these windfall leases if they want. But if they do, they will not get any new leases from the American people on the public lands of our country.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, this amendment has been defeated so many times on the House floor, it's like one of those bad “American Idol” tryouts. And there is good reason for it. It is as Chairman HASTINGS said. In the 1990s, we wanted to encourage more American-made energy, not importing it from the Middle East. So we encouraged companies to explore in deepwater. They did.

American companies invested hundreds of millions of dollars in leases paid to the American Government in new investment, in new equipment, and it worked. They found oil and gas. They pumped it, and they paid billions of dollars in revenue in royalties to us based on how much they pumped. The more they pumped, the more they paid to the American taxpayer.

This outraged our Democrat friends. They've tried to break those American contracts, force the government to go back on its word. Four times the

courts have said, including the Supreme Court, No, the American Government's word means something.

Today, they want to break that word on the House floor, extort our American companies into breaking those contracts.

We're going to say no. The American Government's contract and the words mean something, and we're going to create the jobs that come from American-made energy.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 1 minute.

Mr. BRADY of Texas. Mr. Chairman, I just want to reiterate the point we've been making. The goal of this amendment is not simply to break America's contract, it's really to stop American companies from investing here in America, and creating jobs from clean natural gas, from oil, from traditional energy that fuels so much of America's economy, to make sure that we are reliant on our energy, not on the Middle East or Venezuela.

And so the goal of this amendment, the reason it has been killed so many times, is it works against America's energy interests. It works against American energy jobs, and it breaks the rule of law. America is not a banana republic. Our contracts mean something, and we're going to uphold them.

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

These oil giants are the most profitable companies in the history of the world. Yet the Republicans are going to give them \$40 billion in tax breaks over the next 10 years. And rather than reclaiming them for our soldiers or for Medicare recipients, they say no, you can't touch that.

And so I turn to them and I say: What about all of the royalty tax-free drilling they're doing? Twenty-five percent of all oil drilled for off of the coastlines of our country on public lands, no taxes. No royalties. No contribution to America. They're not paying their fair share of the dues.

And the gentleman from Texas just said the more they drill, the more they pay. Absolutely not true. The more they drill, the bigger their profits. They don't have to pay a nickel in royalty taxes. They get off scot-free. Everyone else gets tipped upside down by the tax man on April 15 to pick up what they're not willing to pay. It's time for them to pay their fair share of the dues.

That's what the Markey amendment says. Either start renegotiating those leases or you're not drilling any longer on the public lands of the United States of America. Vote "aye."

I yield back the balance of my time.

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

Mr. Chairman, there is a very important principle here, and that is a con-

tract is a contract. You abide by what you negotiate under the existing law. And this existing law has worked its way through the courts all of the way to the Supreme Court. And in every case, the 1995 law in these leases was upheld. Why would we want to jeopardize and send the wrong message to those who would want to take the risk and make the investments under this law? It would send a very, very wrong signal, in my view.

Once again, this amendment has been defeated on this floor a number of times. I urge my colleagues to vote "no" one more time to defeat this 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 ayes appeared to have it.

Mr. HASTINGS of Washington. 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. 19 OFFERED BY MR. LABRADOR

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part A of House Report 112-398.

Mr. LABRADOR. 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 XVII add the following:

**Subtitle D—Promotion of Timely Exploration for Geothermal Resources**

**SEC. 17801. SHORT TITLE.**

This subtitle may be cited as the "Exploring for Geothermal Energy on Federal Lands Act".

**SEC. 17802. GEOTHERMAL EXPLORATION NOTICE AND EXCLUSION.**

(a) DEFINITION OF GEOTHERMAL EXPLORATION TEST PROJECT.—In this section the term "geothermal exploration test project" means the drilling of a well to test or explore for geothermal resources on lands leased by the Department of the Interior for the development and production of geothermal resources, that—

- (1) is carried out by the holder of the lease;
- (2) causes—

(A) less than 5 acres of soil or vegetation disruption at the location of each geothermal exploration well; and

(B) not more than an additional 5 acres of soil or vegetation disruption during access or egress to the test site;

(3) is developed—

(A) no deeper than 2,500 feet;

(B) less than 8 inches in diameter;

(C) in a manner that does not require off-road motorized access other than to and from the well site along an identified off-road route for which notice is provided to the Secretary of the Interior under subsection (c);

(D) without construction of new roads other than upgrading of existing drainage crossings for safety purposes; and

(E) with the use of rubber-tired digging or drilling equipment vehicles;

(4) is completed in less than 45 days, including the removal of any surface infrastructure from the site; and

(5) requires the restoration of the project site within 3 years to approximately the condition that existed at the time the project began, unless the site is subsequently used as part of energy development on the lease.

(b) 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 a project that the Secretary of the Interior determines under subsection (c) is a geothermal exploration test project.

(c) NOTICE OF INTENT; REVIEW AND DETERMINATION.—

(1) REQUIREMENT TO PROVIDE NOTICE.—A leaseholder intending to carry out a geothermal exploration test project shall provide notice to the Secretary of the Interior not later than 30 days prior to the start of drilling under the project.

(2) REVIEW OF PROJECT.—The Secretary shall by not later than 10 days after receipt of a notice of intent under paragraph (1) from a leaseholder—

(A) review the project described in the notice and determine whether it is a geothermal exploration test project under subsection (a); and

(B) notify the leaseholder—

(i) that under subsection (b) of this section, section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) does not apply to the project; or

(ii) that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project, including clear and detailed findings on any deficiencies in the project that preclude the application of subsection (b) of this section to the project.

(3) OPPORTUNITY TO REMEDY.—If the Secretary provides notice under paragraph (2)(B)(ii) that section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) applies to the project, the Secretary shall provide the leaseholder an opportunity to remedy the deficiencies described in the notice prior to the date the leaseholder intended to start of drilling under the project.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Idaho (Mr. LABRADOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. LABRADOR. Mr. Chairman, for far too long, the Federal Government has imposed regulatory burdens that have impeded economic growth and limited our access to domestic energy. This legislation, which passed out of the Natural Resources Committee on a bipartisan basis, establishes a common-sense, streamlined policy for the development of clean geothermal energy resources that will create jobs and provide low-cost energy to American families.

In Idaho, we have an abundance of geothermal energy potential that is unavailable due to Federal bureaucratic impediments. Idaho has a unique history of developing geothermal energy. I served for 4 years in the Idaho legislature, where our 100-year-old statehouse is entirely heated by geothermal energy, as are many of our downtown Boise office buildings, old and new. The annual operating costs

for generating this abundant heat are essentially zero.

Current law requires each geothermal exploration hole to go through an individual environmental review and approval process, discouraging energy companies from investing in projects and curtailing our access to geothermal energy. Each individual environmental review process can take between 10 months to 2 years to complete.

Now, more than ever, we should encourage private enterprise by removing the regulatory burdens that stall our economic growth. My amendment does just that.

What the legislation does: number one, it improves regulations that hamper geothermal exploration and allows projects to be done without the construction of new roads and without the use of off-road motorized vehicles to ensure minimal environmental damage.

Number two, it protects the environment by requiring the removal of any surface infrastructure to minimize surface impact.

Number three, it sets firm deadlines for permitting to occur, providing the geothermal companies the certainty they need to make appropriate business decisions. This is important.

What my amendment does not do: it does not subsidize geothermal energy. It merely eliminates a regulatory hurdle that is unique to the geothermal development process, allowing increased deployment without a tax credit or other cost to the taxpayers.

It also does not allow geothermal development to occur in any of our pristine areas that are currently off limits to exploration. The bill simply removes bureaucratic layers that companies must endure after they obtain a lease.

I urge my colleagues to support this bipartisan amendment.

I reserve the balance of my time.

Mr. GARAMENDI. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GARAMENDI. Thank you.

We're all for geothermal. There's nobody on this side that's opposed to geothermal. We think it is a really good resource. In fact, in my own history way back in California, the first geothermal wells were drilled when I was on the Resources Committee in the State. We did it well. We required an upfront review of the potential wells, and we continued to do that in California. And it turns out that this particular law would waive the NEPA requirements, simply a categorical exemption for geothermal test wells. It's not necessary, and not wise.

□ 1630

Already the Bureau of Land Management rapidly approves thermal test wells with a very quick environmental review to determine if there's any potential problem in that particular area

from that particular well. In fact, about 72 applications had been made, and 47 had been done very quickly. Why were the others not done? There was a potential problem. Perhaps they were near somebody else's resource, perhaps they were in an area that was environmentally sensitive, perhaps they were in an area where you could draw down a naturally occurring hot spring or a geyser.

So there are reasons for the review, and there is no reason for a categorical exemption unless, of course, you want to somehow, bit by bit, terminate NEPA, which seems the strategy of the Republicans here, just nibble away enough so that NEPA has no meaning.

I would draw the attention to the majority here that the natural gas industry obtained an exemption for natural gas fracking from the EPA regulations. The result, at least in Pennsylvania and in New York, was extraordinary trouble for the natural gas industry.

So let's not rush forward here. There's a process in place that provides for an exemption, a very quick process to determine if that particular well is appropriate and allowed to go forward. Where there's trouble, don't do it.

I reserve the balance of my time.

Mr. LABRADOR. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. I thank my colleague from Idaho.

I rise in strong support of this amendment. It would streamline the geothermal exploration process to expedite the development of geothermal energy on Federal lands. Being from Colorado, I know well the potential for geothermal energy development. In fact, just last year, the National Renewable Energy Laboratory, NREL, teamed up with IKEA to build the first IKEA store in the United States that is partially powered by geothermal energy.

As our Nation heads down the path of energy security, we should be facilitating the development of renewable energy on Federal land. This is a good amendment that could potentially shave years off the process of geothermal energy exploration and contribute to our increasing domestic energy portfolio in the United States.

I urge your support of the Labrador amendment.

Mr. GARAMENDI. May I ask the remaining time.

The Acting CHAIR. The gentleman from California has 3 minutes remaining.

Mr. GARAMENDI. It sounds good, doesn't it? Until the well happens to destroy the neighbor's well or until the well happens to destroy one of the many hot springs or geysers that exist in public parks, national parks. It sounds good until you begin to understand the implications of what happens when there is no environmental review.

Oh, yeah, it sounds good. But I will guarantee you this, that if this exemp-

tion goes forward, it will only be a matter of time before there is a major controversy over the exploration of a well and the effect on surrounding resources. If that's what the majority wants, then go ahead. The result will be a huge blow-up such as we now see with fracking.

We don't need that. What we need to do is rapidly expand our geothermal production in America, and there are many different resources available to us. I would just remind my friend from Colorado that the kind of geothermal he's talking about is not the deep well, hot geothermal, but rather a geothermal that uses the ambient temperature of the soil several feet deep into the ground. That's a different kind of geothermal situation.

What we're talking about here is tapping a hot portion of the Earth and extracting from that the energy that's possible. Do it with care, because there is the potential for very serious problems if you do it incorrectly. Take a look.

And, by the way, to our knowledge, the geothermal industry is not interested in this exemption. There may be some company out there; but in testimony before the committee, it was clear that the geothermal industry said, We don't need this; things are moving along the way we want them to move along.

Understand that there is competition between geothermal companies. One person may be on this side of the geothermal resource, another on the other side, a third entity comes in and tries to extract the oil, the energy in a test well, and, voila, now we've got conflict. Without a review, those things will happen. There is no need for a categorical exemption.

I reserve the balance of my time.

Mr. LABRADOR. Mr. Chairman, may I inquire how much time remains.

The Acting CHAIR. The gentleman has 1½ minutes remaining.

Mr. LABRADOR. I yield 1 minute to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I want to congratulate my friend and colleague from Idaho for this amendment. And let me correct just one statement that was made just a moment ago. The geothermal industry testified in our committee in favor of this bill. But there seems to be a pattern here when we talk about activity on Federal land, which, of course, is under the jurisdiction of the committee that I have the privilege to chair. And if I hear it once, I hear it dozens of times, and we hear it virtually in all the testimony when we hear of issues that come before our committee, and that is the red tape that you have to go through to utilize our public lands for multiple-purpose use.

Let me just say this, Mr. Chairman. Our public lands were designed, unless Congress sets aside specifically, for multiple use. That means commercial

activity and that means recreational activity, a wide variety of activities. But when we have these other laws that inhibit that use, then I think it works against what the American people are trying to accomplish.

This is a very simple process that says, goodness, if you have a lease in an area, why do you have to have so much redundancy to do the same thing over and over again? I think this amendment is a good amendment. As I mentioned, it passed out of committee on a bipartisan vote, and I urge adoption.

Mr. GARAMENDI. I suppose it's time to just finish up this debate, so I yield myself the balance of my time.

A quick quote from Paul Thomsen of Ormat Technologies in committee representing the geothermal industry at the legislative hearing June 23, 2011:

If we can get to an implementation that is consistent with what the current policy currently is, we would be very happy with that and I don't think this necessarily requires a total exemption from NEPA.

Let it be that. We'll go on. They don't need an exemption. And it was just stated that if you've got an area, a resource area, what difference does it make if somebody drills within that area. I can tell you what difference it makes. In California, regarding the geysers—a huge resource, one of the very first in the United States—it makes a great deal of difference where somebody else drills in your neighborhood, because that drilling can dry up your resource.

It is exceedingly important to understand the geology and understand the environmental risks associated with exploratory and then the development. No need for an exemption unless, of course, you want to, once again, nibble away at NEPA until it's not worth having at all, which apparently is the strategy we're seeing from this committee and these numerous amendments.

I yield back the balance of my time.

Mr. LABRADOR. Mr. Chairman, in conclusion, let's correct two statements that were just made. Number one, the Chamber of Commerce and the geothermal industry testified in our committee that they're for this, and I have letters from them saying that they're for this amendment. And, number two, the bogeyman that they keep using is geyser holes and other things. The EIS for geothermal leasing in the western United States expressly states that the BLM is prohibited from issuing leases on the following lands: lands contained within a unit of the National Park System or that are otherwise administered by the National Park System. They continue to use Yellowstone and all these other bogeymen, and we know that is not true because we cannot do any leasing or any geothermal activity in any of those lands.

I yield back the balance of my time.

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

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

Mr. GARAMENDI. Mr. Chair, 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 Idaho will be postponed.

□ 1640

AMENDMENT NO. 20 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part A of House Report 112–398.

Mr. SCALISE. 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 the bill, add the following (and conform the table of contents accordingly):

#### TITLE XVIII—RESTORE ACT

##### SECTION 18001. SHORT TITLE.

This title may be cited as the “Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012”.

##### SEC. 18002. FINDINGS.

Congress finds that—

(1) as a result of decades of oil and gas development in the Gulf of Mexico, producing and nonproducing States in the Gulf Coast region have borne substantial risks of environmental damage and economic harm, all of which culminated with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon*;

(2) the discharge of oil in the Gulf of Mexico that began following the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* has caused substantial environmental destruction and economic harm to the people and communities of the Gulf Coast region;

(3)(A) in the report entitled “America’s Gulf Coast—A Long Term Recovery Plan after the Deepwater Horizon Oil Spill”, the Secretary of the Navy stated, “Together, the Gulf’s tourism and commercial and recreational fishing industries contribute tens of billions of dollars to the [United States] economy. More than 90 percent of the [N]ation’s offshore crude oil and natural gas is produced in the Gulf, and the [F]ederal treasury receives roughly \$4.5 billion dollars every year from offshore leases and royalties. And it is in the Gulf of Mexico that nearly one third of seafood production in the continental [United States] is harvested. America needs a healthy and resilient Gulf Coast, one that can support the diverse economies, communities, and cultures of the region.”;

(B) to address the needs of the Gulf Coast region, the Secretary of the Navy stated, “It is recommended that the President urge Congress to pass legislation that would dedicate a significant amount of any civil penalties recovered under the [Federal Water Pollution Control Act] from parties responsible for the *Deepwater Horizon* oil spill to those directly impacted by that spill.”; and

(C) to mitigate local challenges and help restore the resiliency of communities adversely affected by the spill, the Secretary of the Navy stated that the legislation described in subparagraph (B) should “[b]uild economic development strategies around community needs, and take particular efforts to address the needs of disadvantaged,

underserved, and resource constrained communities”;

(4) in a final report to the President, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling—

(A) stated, “Estimates of the cost of Gulf restoration, including but not limited to the Mississippi Delta, vary widely, but according to testimony before the Commission, full restoration of the Gulf will require \$15 billion to \$20 billion: a minimum of \$500 million annually for 30 years.”; and

(B) like the Secretary of the Navy, recommended that, to meet the needs described in subparagraph (A), a substantial portion of applicable penalties under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) be dedicated to long-term restoration of the Gulf of Mexico;

(5) taking into account the risks borne by Gulf Coast States for decades of oil and gas development and the environmental degradation suffered by the Gulf Coast region, the amounts received by the United States as payment of administrative, civil, or criminal penalties in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* should be expended—

(A) to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, coastal wetlands, and economy of the Gulf Coast; and

(B) to address the associated economic harm suffered by the people and communities of the region;

(6) the projects and programs authorized by this title and the amendments made by this title should be carried out pursuant to contracts awarded in a manner that provides a preference to individuals and entities that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State; and

(7) Federal, State, and local officials should seek—

(A) to leverage the financial resources made available under this title; and

(B) to the maximum extent practicable, to ensure that projects funded pursuant to this title complement efforts planned or in operation to revitalize the natural resources and economic health of the Gulf Coast region.

##### SEC. 18003. GULF COAST RESTORATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Gulf Coast Restoration Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited in the Trust Fund under this section or any other provision of law.

(b) TRANSFERS.—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this title in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) EXPENDITURES.—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall be available, pursuant to a future Act of Congress enacted after the date of enactment of this Act—

(1) for expenditure to restore the Gulf Coast region from the *Deepwater Horizon* oil spill for undertaking projects and programs in the Gulf Coast region that would restore

and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region; and

(2) solely to Gulf Coast States and coastal political subdivisions to restore the ecosystems and economy of the Gulf Coast region.

(d) INVESTMENT.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this section.

(e) DEFINITIONS.—In this section:

(1) COASTAL POLITICAL SUBDIVISION.—The term “coastal political subdivision” means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico.

(2) DEEPWATER HORIZON OIL SPILL.—The term “Deepwater Horizon oil spill” means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(3) GULF COAST REGION.—The term “Gulf Coast region” means—

(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) that border the Gulf of Mexico;

(B) any adjacent land, water, and watersheds, that are within 25 miles of those coastal zones of the Gulf Coast States; and

(C) all Federal waters in the Gulf of Mexico.

(4) GULF COAST STATE.—The term “Gulf Coast State” means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

The Acting CHAIR. Pursuant to House Resolution 547, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

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

As we approach the 2-year anniversary of the *Deepwater Horizon* disaster, my amendment sets up the Gulf Coast Restoration Trust Fund and requires that 80 percent of the Clean Water Act fines will be directed to the fund for the purposes of restoring the ecosystems and economies that were directly impacted by the oil spill.

This amendment shares strong bipartisan support and is the first step in ensuring that the Gulf Coast States have the ability to recover from the largest environmental disaster in our country's history.

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

Ms. CASTOR of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. CASTOR of Florida. Mr. Chairman, I yield myself 3 minutes.

In the aftermath of the BP *Deepwater Horizon* disaster, a consensus was reached that 80 percent of the Clean Water Act fines and penalties that BP is required to pay because of the damage go to the gulf coast. President

Obama has proposed this, a bipartisan group of lawmakers—lawmakers on both sides of the aisle—agreed to this, a national commission recommended it, another national task force recommended it, businesses, environmentalists, we've all reached consensus that 80 percent of the fines and penalties that BP will be required to pay for violating the Clean Water Act go to Gulf of Mexico recovery and research. But, see, Congress must pass a law to do this.

Everyone has urged the Congress to act on this, but the Congress has not done so, unfortunately. As the cochair of the bipartisan Gulf Coast Caucus, I asked my colleagues not to let the effort languish any longer. The House should act expeditiously to do so and devote 80 percent of the *Deepwater Horizon* fines and penalties to the Gulf of Mexico.

Unfortunately, the Scalise amendment could be interpreted as an endorsement of a particular piece of legislation, the RESTORE Act. And while the RESTORE Act does devote 80 percent of the fines and penalties to the gulf coast, it is flawed in its current form and does not achieve meaningful recovery for the Gulf of Mexico. So while I urge my colleagues, reluctantly, to defeat this amendment, the time is now for the Congress to pass an 80 percent bill and focus on the economic and environmental recovery of the Gulf of Mexico.

I reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, I would remind my colleague from Florida that this legislation actually is the only instrument available that is germane to this legislation, that does direct 80 percent of those BP fines to the Gulf Coast States, as the President's commission and many others have called for who support our legislation, the RESTORE Act, by the way.

With that, I yield 45 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman from Louisiana for the time and for all he has done to bring this forward. I also want to thank all my colleagues from the gulf coast who fought so hard to make sure that this legislation came to the floor.

I would say that, given the time that I have, this amendment is vital. It's important to not only the State of Florida but the entire gulf coast area because it will return a great portion of the fines that will ultimately be paid for the oil spill back to the gulf coast.

The amendment is the first step in a very long process to make sure that BP and the other responsible parties are held responsible, and would start to restore the gulf coast from the damages that were suffered as a result of the worst oil spill in the history of the world. So I urge all my colleagues to support this amendment.

Ms. CASTOR of Florida. Mr. Chairman, at this time I'm pleased to yield 2 minutes to our colleague from Louisiana (Mr. RICHMOND).

Mr. RICHMOND. I thank the gentlewoman from Florida.

I rise today in support of the amendment from my colleague from Louisiana (Mr. SCALISE).

I'd like to just remind the Chair that it was a little less than 2 years ago that the *Deepwater Horizon* occurred and we lost 11 Americans. We lost the lives of 11 Americans, and over 200 million gallons of oil were spilled into the Gulf of Mexico.

Also, when you look at the damage that occurred, you have to remember that the year of the spill our shrimp supply was down 37 percent, crab was down 39 percent. Every day, when a waitress or a waiter or a bartender went to work, they made less money, business owners were making less money to make ends meet, all because of the *Deepwater Horizon* oil spill.

So what we want to make sure with this amendment is that those who suffered actually recoup the benefit of it so that they can protect their coast and make sure that they protect their citizens from future hurricanes—not only their citizens, but protect a big investment of this country.

When we talk about our ports, when we talk about the oil and gas industry, I would just remind my colleagues that when Katrina happened, gas prices went up 48 cents around the country. That's because Louisiana was suffering, and we could not produce the oil and gas we normally produce.

So this bill allows us to protect the coast, protect America's energy investment, and also make sure that we can save the lives of Louisiana citizens.

The last thing that I will add is that we should not let the 200 million gallons of oil and the 11 lives that were lost open up an opportunity for a windfall for the American treasury. We should make sure that these funds go exactly where they should go so that we can help the gulf coast, which is so vital to this country's energy independence and the seafood that we all enjoy.

So I would again just say, Mr. Chairman, that I rise in support of the amendment. It's not perfect, it's not the end all, but this is the best way right now to make sure that the sentiment is established that 80 percent of the fines should go to those coastal communities so that they can help their own recovery.

Mr. SCALISE. Mr. Chairman, I yield 45 seconds to the distinguished gentleman from Alabama (Mr. BONNER).

Mr. BONNER. I thank the gentleman for yielding.

I'm pleased to join my colleagues today in support of this amendment.

Let's be clear: Today's amendment, even if adopted, is not the end of our efforts to make the gulf coast whole after the tragic BP *Deepwater Horizon* oil spill almost 2 years ago. But make no mistake: This amendment is critically important as a step toward that end.

The creation of the Gulf Coast Restoration Trust Fund is absolutely essential if we're going to ensure that

the penalties paid by BP and the other responsible parties are set aside for future expenditure to remediate the long-term environmental and economic damage done to each of the five Gulf Coast States.

Mr. Chairman, the Federal Government should not benefit from the tragedy that occurred in our backyard. And I can't say enough, thanks to Chairman HASTINGS and his leadership for giving us this opportunity with this amendment for this broader effort.

I urge adoption of the amendment.

Ms. CASTOR of Florida. I reserve the balance of my time.

Mr. SCALISE. At this point, Mr. Chairman, I would like to yield 45 seconds to the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. I thank my colleague from Louisiana for yielding.

Mr. Chairman, nearly 2 years ago, the *Deepwater Horizon* explosion took the lives of 11 Americans—and four of those were Mississippians—and caused an oil spill of epic proportions. For 86 days, millions of barrels of oil gushed into the waters of the Gulf of Mexico, washed up on our beaches, and threatened the ecosystems and the economic stability of an entire region of the country.

The road to recovery for the gulf coast has been a long one, and it's not over. With this amendment, we take a huge step forward in making things right for those most devastated by this spill. These fines are not taxpayer funds. The Federal Government, as my colleague from Alabama said, should not profit from the gulf coast's pain and suffering.

At a time when Congress agrees on so little, this effort has broad bipartisan support in both Houses of Congress, and external, too—conservation and sportsmen. Many agree that restoring and replenishing the gulf coast is more than a responsible decision; it is the right thing to do.

Ms. CASTOR of Florida. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, at this time I would like to yield 45 seconds to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I'd like to thank the gentleman from Louisiana for yielding. I also would like to commend him on his leadership regarding the work that we have performed on this bipartisan effort to really restore the Gulf of Mexico.

The five States that were affected most, their Representatives here—many who have already spoken today—have worked extremely hard to make sure that the Federal Government never profits from the pain and suffering of those who call the Gulf of Mexico and the gulf coast their home.

This has been a wonderful experience to work across the aisle with many who understand how critical it is that we take care of the hardworking men and women along the gulf coast. I just

urge approval and passage of this amendment.

□ 1650

Ms. CASTOR of Florida. I continue to reserve the balance of my time.

Mr. SCALISE. Can I inquire the balance of the time, Mr. Chairman.

The Acting CHAIR. The gentleman has 1¼ minutes remaining.

Mr. SCALISE. I yield 45 seconds to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Chairman, I rise in support of the amendment introduced by my friend and colleague on the Energy and Commerce Committee, the gentleman from Louisiana.

In April of 2011, the *Deepwater Horizon* rig exploded, killing 11 workers and starting the worst oil spill in U.S. history.

While the whole Nation suffered, the five Gulf States were particularly hard hit. Each of our five States suffered differing damages. A moratorium was ordered that sent U.S. jobs overseas with the rigs that went overseas. Tourism on some of our most pristine beaches was lost; the shrimping and fishing industries were unable to bring their catches home.

While the RESTORE Act will not replace the lives lost, it will ensure that the five States most impacted by the spill get their fair share of the compensation for our damages.

I urge my colleagues to support this amendment and come back to the gulf.

Ms. CASTOR of Florida. I continue to reserve the balance of my time.

Mr. SCALISE. I am prepared to close, Mr. Chairman, so I would reserve and allow the gentlelady from Florida to close.

Ms. CASTOR of Florida. Mr. Chairman, I am very pleased to see so much bipartisan support for legislation to devote 80 percent of the fines and penalties under the Clean Water Act from the BP *Deepwater Horizon* disaster to the Gulf of Mexico. And I reluctantly have to oppose this amendment because the amendment is entitled RESTORE, and that is one of the pieces of legislation that, on the one hand, does devote 80 percent but, on the other, is completely flawed; and so for that reason, I'm going to have to urge everyone to vote "no."

But let's not lose momentum here. Let's redouble our efforts in this Congress as soon as possible to pass legislation that does devote 80 percent of the fines and penalties to the Gulf of Mexico.

The problems with the RESTORE Act are many. It does not focus on gulf-wide research and recovery. It does not devote the kind of resources to long-term monitoring in the Gulf of Mexico that many other areas in America enjoy. It potentially will duplicate the natural resource damage-assessment billions flowing to the impacted areas.

For those reasons, I urge a "no" vote. I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, I want to thank the chairman of the Natural

Resources Committee, Mr. HASTINGS, for his support and help on this.

Despite the gentlelady from Florida's comments, the RESTORE Act actually has a broad range of support, not only from over 30 Members of Congress from both sides of the aisle, but also from numerous outside groups, both on the environmental side and on the business side.

I will include in the RECORD all of these letters from various business and environmental groups in support of the RESTORE Act.

This amendment is a crucial first step towards ensuring that 80 percent of the BP Clean Water Act fines will be dedicated to help Gulf Coast States, and especially our fragile ecosystems along coastal Louisiana, to fully recover from the *Deepwater Horizon* disaster.

Just the other day, parish president Billy Nungesser from Plaquemines Parish brought me these pictures that were taken just 2½ weeks ago from south Plaquemines' inner marsh where you can still see clearly dead turtles and oil in the marsh. We're going to be dealing with these impacts for years to come, Mr. Chairman, and we've seen from other disasters that the proper way to do this is by setting aside those funds to make sure that BP, the responsible parties, not the Federal Government, pay to restore that damage.

THE ASSOCIATED GENERAL

CONTRACTORS OF AMERICA,

Arlington, VA, October 17, 2011.

Re H.R. 3096, the Gulf Coast Restoration Act.

The Hon. STEVE SCALISE,

House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE SCALISE: The Associated General Contractors of America (AGC) would like to thank you for supporting the recovery of the Gulf Coast region by introducing H.R. 3096, the Gulf Coast Restoration Act. This legislation will ensure that the penalties the federal government is owed are distributed in the best interest of the coastal communities.

Under current law, the penalties acquired from BP and other responsible parties would go into the U.S. Treasury and the needed Gulf Coast restoration would receive no direct relief from these penalties. This legislation would ensure the vast majority of all civil penalties paid by BP or any other responsible party in connection with the *Deepwater Horizon* spill would be divided among the five Gulf Coast states most impacted by the spill.

AGC is encouraged this legislation would promote the long-term ecological and economic recovery of the Gulf Coast region through the funding of infrastructure projects, including coastal flood protection, directly affected by coastal wetland losses, beach erosion, or the impacts of the *Deepwater Horizon* oil spill.

Once again, thank you for your efforts to address the environmental and economic impacts of the *Deepwater Horizon* oil spill, by providing recovery funds to ensure the restoration of the natural resources in the Gulf Coast region.

Sincerely,

MARCO A. GIAMBERARDINO,

Senior Director, Federal and  
Heavy Construction Division.

## PARTNERS FOR STENNIS,

Bay St. Louis, MS, October 26, 2011.

Re Support for S. 1400 and H.R. 3096, the RESTORE Act.

Senate Majority Leader HARRY REID,  
522 Hart Senate Office Bldg, Washington, DC.  
Speaker JOHN BOEHNER,  
H-232, U.S. Capitol, Washington, DC.  
Majority Leader ERIC CANTOR,  
H-329, U.S. Capitol, Washington, DC.  
Chairman DOC HASTINGS,  
Committee on Natural Resources, Washington,  
DC.

Chairman JOHN MICA,  
Committee on Transportation and Infrastructure,  
Washington, DC.

Senate Minority Leader MITCH MCCONNELL,  
317 Russell Senate Office Building, Washington,  
DC.

Minority Leader NANCY PELOSI,  
H-204, U.S. Capitol, Washington, DC.  
Minority Whip STENY HOYER,  
1705 Longworth House Office Building, Wash-  
ington, DC.

Ranking Member ED MARKEY,  
Committee on Natural Resources, Washington,  
DC.

Ranking Member NICK RAHALL,  
Committee on Transportation and Infrastruc-  
ture, Washington, DC.

DEAR SENATE MAJORITY LEADER HARRY REID, SENATE MINORITY LEADER MITCH MCCONNELL, SPEAKER JOHN BOEHNER, MINORITY LEADER NANCY PELOSI, MAJORITY LEADER ERIC CANTOR, MINORITY WHIP STENY HOYER, CHAIRMAN DOC HASTINGS, RANKING MEMBER ED MARKEY, CHAIRMAN JOHN MICA, AND RANKING MEMBER NICK RAHALL: The undersigned organization enthusiastically support S. 1400 and H.R. 3096, also known as the RESTORE Act, authored by Senator Mary Landrieu, Senator Thad Cochran, Senator Kay Bailey Hutchison, Senator Bill Nelson, Senator Marco Rubio, Senator Jeff Sessions, Senator Richard Shelby, Senator David Vitter, Senator Roger Wicker, Congressman Steve Scalise, Congressman Jo Bonner, Congressman Jeff Miller, Congressman Steve Southerland, Congressman Steven Palazzo, Congressman Pete Olson and other Gulf Coast members. While we recognize that the bills have minor differences, the concept of dedicating at least 80% of BP penalties paid under the Clean Water Act to Gulf Coast states to invest in the long-term health of the coastal ecosystem and its economies provides targeted environmental and economic recovery to the region affected most by the BP Deepwater Horizon Oil Spill.

The penalties that will be assessed exist because of damage inflicted on the Gulf Coast states by the responsible parties. When these penalties and the Oil Spill Liability Trust Fund were created years ago, a spill the magnitude of the BP Deepwater Horizon Oil Spill could not have been anticipated. It only makes sense that the majority of the fines that will be assessed should be directed to the Gulf Coast to help these states recover as they deal with the long-term impacts of the oil spill.

It is not an exaggeration to say that our region's future—economic and otherwise—depends on the restoration of our ecosystems. But even more importantly, the Gulf Coast provides this nation with economic and energy security. Between hosting some of the highest producing ports, a large majority of the oil and gas production in America, and many of the nation's fisheries and top tourism destinations, the Gulf Coast and its sustainability is clearly crucial to the strength of the nation's economy. The Gross Domestic Product (GDP) of the five states of the Gulf Coast region was almost \$2.4 trillion in 2009, representing 30% of the nation's GDP. The Gulf Coast states, if con-

sidered an individual country, would rank 7th in global GDP. Failure to restore the Gulf Coast puts our national economy at risk, and with the region still recovering from the effects of the oil spill, we urge you to move the RESTORE Act forward as quickly as possible.

In fact, NASA's Stennis Space Center on the Mississippi Gulf Coast is a federal city uniquely suited to host coastal restoration and recovery efforts. Many of the key federal players involved in response to the Deepwater Horizon oil spill are located at Stennis including the Naval Oceanographic Office, NOAA, EPA Gulf of Mexico Program, USGS along with several state universities. The synergy realized from the multiagency arrangement coupled with the resident technical expertise and geographic location, make Stennis Space Center the best choice to serve as the Headquarters to insure a healthy and resilient Gulf of Mexico.

We believe that enacting the RESTORE Act is vital to the environmental and economic recovery of a region still dealing with the devastating impact of this disaster. We urge Members in the House and Senate to join our support of the RESTORE Act and look forward to working with you to move this legislation forward.

Sincerely,

TISH H. WILLIAMS,

Executive Director Partners for Stennis.

U.S. CHAMBER OF COMMERCE,  
CONGRESSIONAL AND PUBLIC AFFAIRS,  
Washington, DC, February 15, 2012.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports the transportation infrastructure reauthorization legislation that the House has begun to consider. This package of bills, H.R. 7, H.R. 3408 and H.R. 3813, would reinvest in domestic transportation infrastructure, and would help enhance U.S. energy policy by expanding domestic energy production; long term revenues from increased exploration would help ensure long term transportation funding. The Chamber urges you to strongly support this legislation, and urges you to oppose any amendments that would weaken it.

H.R. 7 is a responsible infrastructure investment bill that would extensively reform transportation programs, would make states more accountable for how federal funds are spent, would speed project delivery to reduce overall costs, would provide greater opportunities for private sector investment, and does not contain earmarks. Specifically, the bill would provide for:

Modernization and maintenance of highway, transit and intermodal assets identified as being in the national interest;

Continuing a federal role in ensuring a comprehensive, results-oriented approach to safety;

Focusing on freight to ensure adequate capacity, reduce congestion and increase throughput at key choke points;

Supporting congestion mitigation and improved mobility in urban areas;

Supporting rural connectivity to major economic and population centers;

Speeding project delivery;

Consolidating and simplifying the federal program structure;

Increasing accountability for investment of public funds and expanding performance management;

Supporting research and development toward application of improved technologies; and

Enhancing opportunities for the private sector to partner with the public sector on infrastructure projects.

Although the Chamber believes that the necessary revenues for transportation infra-

structure projects should come from a user-fee based source structured to ensure that the purchasing power of revenue sources keeps pace with inflation and is sustainable and predictable, the Chamber recognizes that such an approach lacks consensus in this Congress.

Therefore, the Chamber believes it would be appropriate for Congress to employ general fund resources, including spending reductions, rescissions of authority and other savings measures, to move forward with a multi-year bill and the much needed policy and funding certainty to the states, locals and the private sector provided in this legislation.

The Chamber remains very concerned with provisions of the bill that would make changes to how transit programs are funded. Unfortunately, such provisions of the bill would create uncertainty and put current and future public transportation investments in jeopardy. We look forward to working with the House, Senate and Administration as the legislative process continues to ensure that transit is provided sustainable and dedicated long term funding levels.

The energy components of the legislation would create long-term jobs and help expand long-term domestic energy security and energy production. These provisions fully restore access to America's offshore oil and gas resources, a move that could provide hundreds of thousands of additional new jobs, hundreds of billions of dollars in cumulative additional revenue for the government, and several million additional barrels oil equivalent per day. The legislation would establish clear rules for the production of domestic oil shale and would remove regulatory barriers that are preventing development of one of America's greatest strategic and economic assets. Furthermore, by opening less than three percent of the North Slope of Alaska to environmentally responsible oil and gas exploration, this legislation would help prolong the life of the Trans-Alaska Pipeline System by ensuring that oil continues to flow through the pipeline while creating important jobs in Alaska and throughout the country. In all, the energy provisions of the legislation would create jobs while adding more stability to energy supplies, a true "win-win" scenario for American consumers.

The Chamber strongly supports efforts by Congress to undo President Obama's rejection of the vital Keystone XL project. This legislation would be an important step towards approval of the proposed 1,600-mile Keystone XL pipeline, which would deliver more than 700,000 barrels of oil per day from Alberta, Canada, through Cushing, Oklahoma, to Gulf Coast refineries. The \$7 billion project is expected to create a more than 20,000 jobs during the manufacturing and construction phases of the project. The pipeline would also reduce need for foreign oil imports from less stable regions of the world. In addition, Keystone XL would provide much need supply distribution infrastructure for American domestic energy producers in the Upper Northwest/Bakken region and in the Southwest.

The Chamber strongly opposes any amendment that would bar exports of petroleum that would pass through the Keystone XL pipeline, or any product refined from such crude. First, such an amendment is unnecessary. Virtually all of the crude that would travel through the Keystone XL pipeline would be refined at American refineries by American workers. Congress should support—not hamper—these American energy workers. Second, such a law would violate commitments the United States has undertaken as a member of the World Trade Organization (WTO). In fact, the United States recently challenged China's export restraints

on certain raw materials at the WTO, and the United States won a clear victory in the case. Restricting the re-export of crude or refined product from Keystone XL would violate the same WTO rules.

The U.S. has just begun reversing a two-decade-long decline in energy independence by increasing the proportion of demand met by utilizing all domestic energy sources. America needs a comprehensive energy policy that takes advantage of all domestic energy resources. The Chamber applauds the House for considering legislation that expands production and transmission of oil and natural gas in this infrastructure legislation. At the same time, we encourage the House to also focus on legislation that expands the development of all other domestic energy sources, including coal and renewables.

The Chamber strongly opposes any amendment to the transportation and energy portions of this legislation that would seek to impose "Buy America" like provisions. Such provisions would have the unintended consequence of delaying the implementation of job-creating projects and greatly diminish competition and efficiency in the contracting process. The direct result would be delayed projects, fewer projects funded, and fewer Americans put back to work. The United States already imposes significant "Buy America" requirements at the federal level that restrict access to procurement markets for countries that have not opened their procurement markets to our exporters, in accordance with the multilateral Government Procurement Agreement. There is no need to expand "Buy America" provisions—doing so would be highly counterproductive, particularly for industry sectors hard hit by the recession.

Additionally, the Chamber supports an amendment offered by Rep. Scalise, which is based on the bipartisan RESTORE Act. This amendment would provide much needed funding to economic and ecosystem restoration efforts in the Gulf Coast solely through the dedication of Clean Water Act penalties collected from the parties responsible for the Deepwater Horizon oil spill.

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million members and organizations of every size, sector, and region, strongly supports H.R. 7, H.R. 3408 and H.R. 3813. The Chamber will consider including votes on, or in relation to, this legislation in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

To: Member of Congress.

From: Environmental Defense Fund, National Audubon Society, National Wildlife Federation, The Nature Conservancy, Oxfam America, Coalition to Restore Coastal Louisiana, Lake Pontchartrain Basin Foundation.

Date: February 16, 2012.

Re Urgent information regarding Gulf Coast Restoration.

DEAR MEMBER OF CONGRESS: A very important vote is scheduled this afternoon that could begin critical restoration needed on the Gulf Coast. Reps. Scalise (R-La.) Richmond (D-La.), Bonner (R-Ala.), Miller (R-Fla.), Palazzo (R-Miss.), Olson (R-TX) and Southerland (R-Fla.) will introduce an amendment that sets aside Deepwater Horizon penalty money that is necessary for restoring the Gulf Coast's fragile and damaged ecosystems. We urge you to vote YES on this amendment.

Gulf Coast ecologies are unique and support a wide range of valuable economic activities. After decades of damage—coupled

with the impacts of the Deepwater Horizon oil spill—restoration in the Gulf is essential. The Scalise amendment would dedicate penalty money from the oil spill to a trust fund, subject to further legislation directing the expenditure of these funds. Separating and securing the money is an important first step.

Subsequent legislation will need to establish an effective governance structure which will dedicate significant funds specifically for restoration, protect vulnerable communities and place appropriate limits on the use of funds beyond ecological restoration. Further, restoration funds will be subjected to appropriate operational and spending roles for federal, state, and local partners.

We look forward to working to ensure that the implementing legislation achieves these goals. In the meantime, please establish the trust fund that will allow the Gulf Coast to begin critical restoration. Vote YES on the Scalise amendment.

Sincerely,

ENVIRONMENTAL DEFENSE  
FUND.  
NATIONAL AUDUBON  
SOCIETY.  
NATIONAL WILDLIFE  
FEDERATION.  
THE NATURE CONSERVANCY.  
LAKE PONTCHARTRAIN  
BASIN FOUNDATION.  
OXFAM AMERICA.  
COALITION TO RESTORE  
COASTAL LOUISIANA.

THE AMERICAN SHORE AND BEACH  
PRESERVATION ASSOCIATION,  
*Caswell Beach, NC, February 16, 2012.*

Hon. JOHN A. BOEHNER,

*Speaker, House of Representatives,  
Washington, DC.*

Hon. NANCY PELOSI,

*Minority Leader, House of Representatives,  
Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The American Shore and Beach Preservation Association (ASBPA) is composed of elected officials from coastal communities throughout the nation, as well as a large contingent of coastal engineers, researchers, scientists, and regulators. Together, we are committed to promoting the health of our country's coastal resources, which play a critical role in perpetuating a robust economy, job creation, and environmental well-being. On behalf of our members, I ask that you support the timely passage of the RESTORE the Gulf Coast States Act (H.R. 3096).

By allocating eighty percent of the Clean Water Act penalties to the five Gulf Coast States, the RESTORE Act creates an essential framework to manage and finance the economic and ecological recovery for years to come. Many communities and businesses are still struggling nearly two years after the spill began and experts fear that the total damage from the spill will not be known for at least a decade. Like the rest of our nation's coastline, the Gulf Coast is comprised of vibrant and productive communities, as well as sensitive ecosystems that have been severely damaged. We believe that this bill balances both the ecological and economic interests of comprehensive restoration.

ASBPA recognizes that the RESTORE Act does not affect collected tax dollars because the Act will only use fines paid by BP and other responsible parties. We do not think that the federal government should profit off of the suffering of the Gulf Coast region, especially when many communities and businesses are not yet back on their feet. A recent study by Duke University shows that the funds from the RESTORE Act will ben-

efit at least 140 firms with 400 employees in thirty-seven states.

Recent news reports indicate that BP and the federal government are likely to settle litigation addressing the 2010 Gulf oil spill. If Congress does not immediately take decisive action before any potential settlement occurs, the economic opportunities created by RESTORE Act could be lost entirely. We urge you to take immediate steps to pass the RESTORE Act, so that the BP oil spill penalties can go where they belong: to ecosystem and economic recovery for the States and communities harmed by the worst environmental disaster in U.S. history.

Sincerely,

HARRY SIMMONS,

*President.*

I urge support 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 Louisiana (Mr. SCALISE).

The amendment was agreed to.

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. DENHAM) having assumed the chair, Mr. WOODALL, 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. 3408) to set clear rules for the development of United States oil shale resources, to promote shale technology research and development, and for other purposes, had come to no resolution thereon.

#### CONFERENCE REPORT ON H.R. 3630, MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

Mr. CAMP submitted the following conference report and statement on the bill (H.R. 3630) to provide incentives for the creation of jobs, and for other purposes:

CONFERENCE REPORT (H. REPT. 112-399)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3630), to provide incentives for the creation of jobs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Middle Class Tax Relief and Job Creation Act of 2012".

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

Sec. 1. Short title; table of contents.

#### TITLE I—EXTENSION OF PAYROLL TAX REDUCTION

Sec. 1001. Extension of payroll tax reduction.

#### TITLE II—UNEMPLOYMENT BENEFIT CONTINUATION AND PROGRAM IMPROVEMENT

Sec. 2001. Short title.