

PLANNING FOR AMERICAN ENERGY ACT OF 2012

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JUNE 15, 2012.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 4381]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4381) to direct the Secretary of the Interior to establish goals for an all-of-the-above energy production plan strategy on a 4-year basis on all onshore Federal lands managed by the Department of the Interior and the Forest Service, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. ONSHORE DOMESTIC ENERGY PRODUCTION STRATEGIC PLAN.**

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

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

“(a) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

“(c) EXECUTION OF THE STRATEGY.—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.

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

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

“(f) PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.—Not later than 12 months after the date of enactment of this section, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Secretary shall complete a programmatic environmental impact statement. This programmatic environmental impact statement will be deemed sufficient to comply

with all requirements under that Act for all necessary resource management and land use plans associated with the implementation of the strategy.

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

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

#### SEC. 3. DEFINITIONS.

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

#### PURPOSE OF THE BILL

The purpose of H.R. 4381, as ordered reported, is to direct the Secretary of the Interior to establish goals for an all-of-the-above energy production plan strategy on a 4-year basis on all onshore Federal lands managed by the Department of the Interior and the Forest Service.

#### BACKGROUND AND NEED FOR LEGISLATION

Under current law, every five years the Administration must write and submit to Congress a “5-year plan” that will be the basis for the federal offshore oil and gas leasing program over the next five years. It identifies the areas to be leased during that period and establishes the schedule for individual lease sales. While this has been effective in ensuring a continuous forward path for offshore energy development, plans for definitive onshore energy development have been largely ignored.

Historically, there has been no clear path towards increasing energy production on public land or ensuring production advances to meet the energy needs of the United States. Despite having an abundance of natural resources, and with emerging technologies providing a variety of new sources of energy, the Department of the Interior has failed to harness these resources into a firm plan for securing America’s energy needs and advancing the production of energy on public lands. Furthermore, irregular leasing programs, permitting backlogs, sky-rocketing costs and unreliable and inconsistent development policies have significantly stifled companies’ ability to produce energy on federal land.

The Obama Administration has made energy and mineral development on federal lands so burdensome and so undesirable that companies consistently seek out state and private lands for development or go overseas rather than deal with the lengthy and uncertain federal regulatory process—with some companies developing exclusively on private land. The Administration has consistently taken steps to delay and halt production on federal lands—such as delaying the issuing of a permit by months or even years, removing swaths of land from previously announced lease sales, restricting areas prospective for solar and wind energy development, and withdrawing areas prospective for economic mineral deposits

from mineral entry. As a result, federal onshore production has been decreasing every year.

The Department of the Interior is to promote a “multiple use policy” for federal lands. This policy allows federal lands to be enjoyed by all citizens and used for a variety of purposes—recreation, hunting, ranching, grazing, and energy development. These land uses have historically been compatible on public lands and this legislation does not impact the multiple land use policy under the Federal Land Management and Policy Act (FLPMA). It gives the Secretary of the Interior the flexibility under FLPMA to continue to manage federal lands in a way that accommodates all activities Americans have come to enjoy on these lands.

#### ONSHORE OIL AND NATURAL GAS

Recent numbers show that the harmful effect of the Administration’s energy policies as total fossil fuel production has dropped by 7 percent since President Obama took office and 13 percent since 2003. From 2010 to 2011, total federal onshore oil and natural gas production is down 13 percent and 10 percent, respectively. While the Administration claims that production is increasing, this is attributed to increased production on state and private lands. Since 2000, oil production on private and state lands has risen by 11 percent and natural gas production has risen by 40 percent.

Each year, thousands of acres of federal land are nominated for energy development. It is the responsibility of the Administration to lease those lands consistent with the goal of expanding American energy production. The current Administration has consistently leased decreasing numbers of acres for development—in some states choosing to lease zero acres for new development.

The Administration continues to take other steps to decrease energy development on public lands. It has proposed and implemented multiple sets of burdensome and duplicative regulations and withdrawn leases after they have been sold and paid for. Delays and backlogs continue to stifle development, sometimes by years.

Additionally, with fluctuating gas prices that have nearly reached five dollars a gallon, the Administration has not announced a plan to increase American oil and natural gas production to decrease our dependence on foreign oil and ease gas prices for Americans.

#### RENEWABLE ENERGY

##### *Solar*

The United States has some of the most promising areas for solar energy development in the world. More than 100,000 Americans work in the solar energy industry, double the number in 2009. Currently, solar power in the U.S. exceeds 3,650 megawatts, enough to power 730,000 American homes. Despite this growth, industrial scale solar projects are stifled by bureaucratic delays, conflicting agency decisions, and unclear regulations. Recently, in an attempt to “clarify” areas available for solar energy development, the Bureau of Land Management proposed seventeen solar energy zones in six western states where solar energy development would ideally be directed with minimal environmental impact. Many in

the solar energy industry have expressed concerns regarding the limitations these zones place on solar energy development and the transmission that is required to support solar energy deployment.

While opponents argue that the Obama Administration has opened wide swaths of land for renewable energy development, in reality, the exact opposite is true. The Bureau of Land Management (BLM) is responsible for 245 million acres of surface estate. However, the solar energy zones encompass .1 percent of BLM land—or 285,000 acres. Although the BLM contends there is the potential for 20 million acres of solar energy development outside of the solar energy zones—a mere 8 percent—significant questions remain regarding permitting times, transmission availability and obstacles in the development process outside BLM’s proposed solar energy zones.

#### *Wind*

The U.S. wind industry currently totals 48,611 MW of capacity through the end of the first quarter of 2012. In the past five years, the wind industry added over 35 percent of all new generating capacity in the United States, and U.S. wind power capacity represents more than 20 percent of the world’s installed wind power.

Unfortunately, due to unstable and unreliable policies, while the capacity of wind farms has almost doubled, since 2009 the wind industry has lost 10,000 jobs according to a recent report by Reuters. Industrial wind farms have faced additional obstacles, from land-use laws to airspace regulations and competition with other uses for the land whose uses may be more highly valued than electricity generation. Regulatory uncertainty, unpredictability with the Endangered Species Act, and continuous lawsuits filed against projects highlight the impacts and unpredictability of development on public lands, which is discouraging developers from investing in such projects.

#### COMMITTEE ACTION

H.R. 4381 was introduced on April 18, 2012, by Congressman Scott Tipton (R-CO). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On April 26, 2012, the Subcommittee held a hearing on the bill. On May 16, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Energy and Mineral Resources was discharged by unanimous consent. Congressman Tipton offered amendment designated #1 to the bill; the amendment was adopted by voice vote. Congressman Raúl Grijalva (D-AZ) offered amendment designated .001 to the bill; the amendment was not adopted by a bipartisan roll call vote of 16 to 22, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: May 16, 2012

Recorded Vote #: 3

Meeting on / Amendment: **HR 4381** – An amendment offered by Mr. Grijalva.001 was NOT AGREED TO by a roll call vote of 16 yeas and 22 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>		X		<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>	X			<b>Mr. Benishke, MI</b>		X	
<b>Mr. Young, AK</b>				<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>				<b>Mr. Rivera, FL</b>			
<b>Mr. Duncan of TN</b>		X		<i>Ms. Sutton, OH</i>	X		
<i>Mr. DeFazio, OR</i>	X			<b>Mr. Duncan of SC</b>		X	
<b>Mr. Gohmert, TX</b>				<i>Ms. Tsongas, MA</i>	X		
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>	X		
<b>Mr. Bishop, UT</b>		X		<i>Mr. Pierluisi, PR</i>	X		
<i>Mr. Pallone, NJ</i>	X			<b>Mr. Gosar, AZ</b>		X	
<b>Mr. Lamborn, CO</b>		X		<i>Mr. Garamendi, CA</i>	X		
<i>Mrs. Napolitano, CA</i>	X			<b>Mr. Labrador, ID</b>			
<b>Mr. Wittman, VA</b>				<i>Ms. Hanabusa, HI</i>	X		
<i>Mr. Holt, NJ</i>	X			<b>Ms. Noem, SD</b>		X	
<b>Mr. Broun, GA</b>		X		<i>Mr. Tonko, NY</i>			
<i>Mr. Grijalva, AZ</i>	X			<b>Mr. Southerland, FL</b>		X	
<b>Mr. Fleming, LA</b>		X		<b>Mr. Flores, TX</b>		X	
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>		X	
<b>Mr. Coffman, CO</b>		X		<b>Mr. Landry, LA</b>		X	
<i>Mr. Costa, CA</i>	X			<b>Mr. Runyan, NJ</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Johnson, OH</b>		X	
<i>Mr. Boren, OK</i>		X		<b>Mr. Amodei, NV</b>		X	
<b>Mr. Thompson, PA</b>		X					
<i>Mr. Sablan, CNMI</i>	X						
<b>Mr. Denham, CA</b>		X					
				<b>TOTALS</b>	16	22	

Congressman Rush Holt (D-NJ) offered amendment designated .002 to the bill; the amendment was not adopted by a bipartisan roll call vote of 14 to 24, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: May 16, 2012

Recorded Vote #: 4

Meeting on / Amendment: **HR 4381** – An amendment offered by Mr. Holt.002 was NOT AGREED TO by a roll call vote of 14 yeas and 24 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>		X		<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>	X			<b>Mr. Benishek, MI</b>		X	
<b>Mr. Young, AK</b>				<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>				<b>Mr. Rivera, FL</b>			
<b>Mr. Duncan of TN</b>		X		<i>Ms. Sutton, OH</i>	X		
<i>Mr. DeFazio, OR</i>	X			<b>Mr. Duncan of SC</b>		X	
<b>Mr. Gohmert, TX</b>				<i>Ms. Tsongas, MA</i>	X		
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>		X	
<b>Mr. Bishop, UT</b>		X		<i>Mr. Pierluisi, PR</i>	X		
<i>Mr. Pallone, NJ</i>	X			<b>Mr. Gosar, AZ</b>		X	
<b>Mr. Lamborn, CO</b>		X		<i>Mr. Garamendi, CA</i>	X		
<i>Mrs. Napolitano, CA</i>	X			<b>Mr. Labrador, ID</b>			
<b>Mr. Wittman, VA</b>				<i>Ms. Hanabusa, HI</i>	X		
<i>Mr. Holt, NJ</i>	X			<b>Ms. Noem, SD</b>		X	
<b>Mr. Broun, GA</b>		X		<i>Mr. Tonko, NY</i>			
<i>Mr. Grijalva, AZ</i>	X			<b>Mr. Southerland, FL</b>		X	
<b>Mr. Fleming, LA</b>		X		<b>Mr. Flores, TX</b>		X	
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>		X	
<b>Mr. Coffman, CO</b>		X		<b>Mr. Landry, LA</b>		X	
<i>Mr. Costa, CA</i>		X		<b>Mr. Runyan, NJ</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Johnson, OH</b>		X	
<i>Mr. Boren, OK</i>		X		<b>Mr. Amodei, NV</b>		X	
<b>Mr. Thompson, PA</b>		X					
<i>Mr. Sablan, CNMI</i>	X						
<b>Mr. Denham, CA</b>		X					
				<b>TOTALS</b>	14	24	

Congressman Edward Markey (D-MA) offered amendment designated .003 to the bill; the amendment was not adopted by a bipartisan roll call vote of 14 to 24, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: May 16, 2012

Recorded Vote #: 5

Meeting on / Amendment: **HR 4381** – An amendment offered by Mr. Markey.003 was NOT AGREED TO by a roll call vote of 14 yeas and 24 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>		X		<i>Mr. Heinrich, NM</i>	X		
<i>Mr. Markey, MA Ranking</i>	X			<b>Mr. Benishek, MI</b>		X	
<b>Mr. Young, AK</b>				<i>Mr. Lujan, NM</i>	X		
<i>Mr. Kildee, MI</i>				<b>Mr. Rivera, FL</b>			
<b>Mr. Duncan of TN</b>		X		<i>Ms. Sutton, OH</i>	X		
<i>Mr. DeFazio, OR</i>	X			<b>Mr. Duncan of SC</b>		X	
<b>Mr. Gohmert, TX</b>				<i>Ms. Tsongas, MA</i>	X		
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>		X	
<b>Mr. Bishop, UT</b>		X		<i>Mr. Pierluisi, PR</i>	X		
<i>Mr. Pallone, NJ</i>	X			<b>Mr. Gosar, AZ</b>		X	
<b>Mr. Lamborn, CO</b>		X		<i>Mr. Garamendi, CA</i>	X		
<i>Mrs. Napolitano, CA</i>	X			<b>Mr. Labrador, ID</b>			
<b>Mr. Wittman, VA</b>				<i>Ms. Hanabusa, HI</i>	X		
<i>Mr. Holt, NJ</i>	X			<b>Ms. Noem, SD</b>		X	
<b>Mr. Broun, GA</b>		X		<i>Mr. Tonko, NY</i>			
<i>Mr. Grijalva, AZ</i>	X			<b>Mr. Southerland, FL</b>		X	
<b>Mr. Fleming, LA</b>		X		<b>Mr. Flores, TX</b>		X	
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>		X	
<b>Mr. Coffman, CO</b>		X		<b>Mr. Landry, LA</b>		X	
<i>Mr. Costa, CA</i>		X		<b>Mr. Runyan, NJ</b>		X	
<b>Mr. McClintock, CA</b>		X		<b>Mr. Johnson, OH</b>		X	
<i>Mr. Boren, OK</i>		X		<b>Mr. Amodei, NV</b>		X	
<b>Mr. Thompson, PA</b>		X					
<i>Mr. Sablan, CNMI</i>	X						
<b>Mr. Denham, CA</b>		X					
				<b>TOTALS</b>	14	24	

The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 24 to 14, as follows:

**Committee on Natural Resources**  
U.S. House of Representatives  
112<sup>th</sup> Congress

Date: May 16, 2012

Recorded Vote #: 6

Meeting on / Amendment: **HR 4381** – Adopted and favorably reported to the House of Representatives, as amended, by a roll call vote of 24 yeas and 14 nays.

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
<b>Mr. Hastings, WA Chairman</b>	X			<i>Mr. Heinrich, NM</i>		X	
<i>Mr. Markey, MA Ranking</i>		X		<b>Mr. Benishek, MI</b>	X		
<b>Mr. Young, AK</b>				<i>Mr. Lujan, NM</i>		X	
<i>Mr. Kildee, MI</i>				<b>Mr. Rivera, FL</b>			
<b>Mr. Duncan of TN</b>	X			<i>Ms. Sutton, OH</i>		X	
<i>Mr. DeFazio, OR</i>		X		<b>Mr. Duncan of SC</b>	X		
<b>Mr. Gohmert, TX</b>				<i>Ms. Tsongas, MA</i>		X	
<i>Mr. Faleomavaega, AS</i>				<b>Mr. Tipton, CO</b>	X		
<b>Mr. Bishop, UT</b>	X			<i>Mr. Pierluisi, PR</i>		X	
<i>Mr. Pallone, NJ</i>		X		<b>Mr. Gosar, AZ</b>	X		
<b>Mr. Lamborn, CO</b>	X			<i>Mr. Garamendi, CA</i>		X	
<i>Mrs. Napolitano, CA</i>		X		<b>Mr. Labrador, ID</b>			
<b>Mr. Wittman, VA</b>				<i>Ms. Hanabusa, HI</i>		X	
<i>Mr. Holt, NJ</i>		X		<b>Ms. Noem, SD</b>	X		
<b>Mr. Broun, GA</b>	X			<i>Mr. Tonko, NY</i>			
<i>Mr. Grijalva, AZ</i>		X		<b>Mr. Southerland, FL</b>	X		
<b>Mr. Fleming, LA</b>	X			<b>Mr. Flores, TX</b>	X		
<i>Ms. Bordallo, GU</i>				<b>Mr. Harris, MD</b>	X		
<b>Mr. Coffman, CO</b>	X			<b>Mr. Landry, LA</b>	X		
<i>Mr. Costa, CA</i>	X			<b>Mr. Runyan, NJ</b>	X		
<b>Mr. McClintock, CA</b>	X			<b>Mr. Johnson, OH</b>	X		
<i>Mr. Boren, OK</i>	X			<b>Mr. Amodei, NV</b>	X		
<b>Mr. Thompson, PA</b>	X						
<i>Mr. Sablan, CNMI</i>		X					
<b>Mr. Denham, CA</b>	X						
				<b>TOTALS</b>	24	14	

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

The title of the bill is the “Planning for American Energy Act of 2012.”

*Section 2. Onshore domestic energy production strategic plan*

Section 2 requires the Secretary of the Interior to develop and publish a comprehensive onshore energy production strategy every four years. The Secretary will consider energy demand, national security, and energy dependence in creating this strategy and provide estimates of expected increases in oil, natural gas, coal, mineral, and renewable energy production. The Secretary has the authority to expand the plan to include other emerging energy technologies and will ensure proper amounts of land will be available to ensure increasing energy production. The Secretary will report to Congress prior to publishing the strategy.

*Section 3. Definitions*

Section 3 provides definitions for terms used in the bill.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 4381—Planning for American Energy Act of 2012*

H.R. 4381 would require the Secretary of the Interior to develop an onshore energy production strategy every four years. The bill also would require the Secretary to develop a national programmatic environmental impact statement (PEIS) for all onshore minerals. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would cost \$15 million over the 2013–2017 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4381 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The bill would require the Secretary to develop and publish every four years a strategy for the development of onshore federal energy and mineral resources. The bill would direct the Secretary to establish production objectives for oil, natural gas, coal, oil shale, and certain other minerals, as well as energy from wind, solar, biomass, hydropower, and geothermal resources. Based on information provided by the Department of the Interior about the cost of similar reports, CBO estimates that developing the four-year strategy would cost \$7 million over the 2014–2015 period, assuming appropriation of the necessary amounts.

The bill also would direct the Secretary to complete a PEIS for any activities associated with energy production on federal lands. Based on information from the affected agencies, CBO expects that those agencies would continue to conduct site-specific environmental impact statements (EIS); however, we expect that analyses completed as part of the PEIS could result in some small savings when agencies prepare future EIS reports. Based on information provided by BLM regarding the cost of similar analyses, CBO estimates that completing the PEIS would cost \$8 million over the 2013–2014 period, assuming appropriation of the necessary amounts.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would cost \$15 million over the 2013–2017 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to direct the Secretary of the Interior to establish goals for an all-of-the-above energy production plan strategy on a 4-year basis on all onshore Federal lands managed by the Department of the Interior and the Forest Service.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

## PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**MINERAL LEASING ACT**

\* \* \* \* \*

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

(a) *IN GENERAL.*—

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

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

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

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

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

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

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

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

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

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

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

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

(c) EXECUTION OF THE STRATEGY.—The relevant Secretary shall have all necessary authority to make determinations regarding which additional lands will be made available in order to meet the production objectives established by strategies under this section. The Secretary shall also take all necessary actions to achieve these production objectives unless the President determines that it is not in the national security and economic interests of the United States to increase Federal domestic energy production and to further decrease dependence upon foreign sources of energy. In administering this section, the relevant Secretary shall only consider leasing Federal lands available for leasing at the time the lease sale occurs.

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

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

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

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

**SEC. [44.] 45. SHORT TITLE.**

This Act may be cited as the “Mineral Leasing Act”.

## DISSENTING VIEWS

We oppose H.R. 4381 because it would overturn the multiple-use principle established in the Federal Land Policy and Management Act of 1976 (FLPMA). By elevating energy production above hunting, fishing, recreation, grazing, conservation and the many other ways that the American people enjoy our public lands, H.R. 4381 seeks to undermine the basic principal which has guided management of public lands for 35 years.

In 2010, more than 58 million people visited BLM lands, generating \$7.4 billion dollars to the economy. Nationwide it is estimated that 1.2 million jobs are provided annually by the outdoor industry, many hunting and fishing related. Yet, the plan that would be mandated by this bill would threaten that tremendous economic engine. The Interior Department submitted testimony stating that H.R. 4381 “would override the BLM’s statutory direction that the public lands be managed for multiple uses . . . H.R. 4381 would direct Federal land managers to manage lands for the primary purpose of energy development rather than make thoughtful decisions on multiple use management through a public process based on site specific analysis and consideration.”

Moreover, it is not necessary to elevate energy production above these other uses of federal lands when the U.S. produced more oil from federal lands onshore last year than at any point going back to 2003. The Department of the Interior has approved more permits to drill, and industry has begun drilling more wells in the first three years of the Obama Administration than during the first three years of the Bush Administration. Yet oil and gas companies still hold more than 25 million acres of public land onshore—an area roughly the size of the state of Kentucky—on which they are not producing oil or gas. These companies are sitting on nearly 6,700 drilling permits that have been approved by the Interior Department that they are not using. It is not the Obama administration that is holding up production on these leases; it is oil and gas companies who are not using these thousands of approved drilling permits.

The Majority rejected an amendment from Parks, Forests and Public Lands Subcommittee Ranking Member Grijalva (D-AZ) largely along party lines that would have ensured that nothing in the bill affects the multiple use requirements of FLPMA. The Majority also rejected an amendment from Energy and Mineral Resources Subcommittee Ranking Member Holt (D-NJ) that would have required the Secretary, as part of the plan established under the bill, to reduce the number of leases oil companies already have on public land on which they are not producing oil or gas. Finally, the Majority rejected an amendment from Ranking Member Markey (D-MA) that would have required the Secretary to take into

account the impact that Wall Street speculation is having on oil markets in developing the plan required under the bill.

The Interior Department's "all-of-the-above" energy strategy has helped us reduce our dependence on foreign oil from 57 percent at the end of the Bush Administration to 45 percent last year. Oil production from federal lands onshore is higher than during the Bush Administration. Yet despite these facts, H.R. 4381 would threaten hunting, fishing, grazing and the many other uses of our public lands by elevating energy production above all other uses.

EDWARD J. MARKEY.  
RUSH D. HOLT.  
PAUL TONKO.  
GRACE F. NAPOLITANO.  
MADELEINE Z. BORDALLO.  
RAÚL M. GRIJALVA.  
BEN RAY LUJÁN.

