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113TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
113–199

PLANNING FOR AMERICAN ENERGY ACT OF 2013

SEPTEMBER 10, 2013.—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. 1394]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1394) 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 without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1394 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 5 years, the Administration must submit to Congress a plan that will be the basis for the 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. 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 capitalize on resources to secure America's energy needs and advance 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 current Administration has made energy and minerals development on federal lands so burdensome and so undesirable that companies consistently seek out state and private lands for development rather than deal with the lengthy and uncertain federal regulatory process. 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.

ONSHORE OIL AND NATURAL GAS

Recent numbers show that the Administration's energy policies are being reflected 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 solely 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 leased decreasing numbers of acres for development, in some states choosing to lease zero acres for new development.

The Administration continues to take steps to decrease energy development on public lands. More specifically, it has proposed and implemented multiple sets of burdensome and duplicative regulations, withdrawn leases after they have been sold and paid for, and 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 no 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 119,000 Americans work in the solar energy industry, employed at 6,500 locations in every state. Currently, the U.S. has over 8,500 megawatts of cumulative installed solar electric capacity, enough to power more than 1.3 million American homes. Despite this growth, the solar industry is stifled by bureaucratic delays, conflicting agency decisions, and unclear regulations.

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. 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.

Wind

The U.S. wind industry currently totals 60,000 megawatts of installed wind capacity, or 45,100 utility-scale wind turbines, which power the equivalent of over 15 million American homes. In the past four years, the wind industry added over 35% of all new generating capacity in the United States. The U.S. is the world's largest wind market, as wind installations in 2012 grew by 12.3 percent compared with 2011, and the American continent represented 35.2 percent of the global wind market in 2012.

Unfortunately, due to unstable and unreliable policies, the United States has developed only a fraction of its wind energy potential. Wind farms have faced obstacles such as land-use laws, airspace regulations and competition with other uses for the land whose uses may be more highly valued than electricity generation. Regulatory uncertainty highlights the impacts and unpredictability of development on public lands which is discouraging developers from investing in such projects.

COMMITTEE ACTION

H.R. 1394 was introduced on March 21, 2013, 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 May 22, 2013, the Subcommittee held a hearing on the bill. On July 24, 2013, the full Natural Resources Committee met to consider the bill. The Subcommittee on Energy and Mineral Resources was discharged by unanimous consent. Congressman Jared Huffman (D–CA) offered an amendment designated .001 to the bill; the amendment was not adopted by a roll call vote of 16 to 25, as follows:

Committee on Natural Resources
U.S. House of Representatives
113th Congress

Date: July 24, 2013 Recorded Vote #: 4

Meeting on / Amendment on: H.R.1394 - HUFFMAN.001, Not agreed to by a vote of 16 yeas and 25 nays

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman		X		**Mr. Duncan of SC**		X	
Mr. Defazio, OR, Ranking	X			*Mr. Cardenas, CA*	X		
Mr. Young, AK		X		**Mr. Tipton, CO**	X		
Mr. Faleomavaega, AS				*Mr. Horsford, NV*			
Mr. Gohmert, TX		X		**Mr. Gosar, AZ**		X	
Mr. Pallone, NJ				*Mr. Huffman, CA*	X		
Mr. Bishop, UT		X		**Mr. Labrador, ID**		X	
Mrs. Napolitano, CA	X			*Mr. Ruiz, CA*	X		
Mr. Lamborn, CO		X		**Mr. Southerland, FL**		X	
Mr. Holt, NJ				*Ms. Shea-Porter, NH*	X		
Mr. Wittman, VA		X		**Mr. Flores, TX**		X	
Mr. Grijalva, AZ	X			*Mr. Lowenthal, CA*	X		
Mr. Broun, GA		X		**Mr. Runyan, NJ**		X	
Ms. Bordallo, GU	X			*Mr. Garcia, FL*	X		
Mr. Fleming, LA		X		**Mr. Amodei, NV**		X	
Mr. Costa, CA	X			*Mr. Cartwright, PA*	X		
Mr. McClintock, CA		X		**Mr. Mullin, OK**		X	
Mr. Sablan, CNMI				**Mr. Stewart, UT**		X	
Mr. Thompson, PA		X		**Mr. Daines, MT**		X	
Ms. Tsongas, MA	X			**Mr. Cramer, ND**		X	
Ms. Lummis, WY		X		**Mr. LaMalfa, CA**		X	
Mr. Pierluisi, PR	X			**Mr. Smith, MO**		X	
Mr. Benishek, MI		X		*Vacancy*			
Ms. Hanabusa, HI	X						
				TOTALS	16	25	

Congressman Peter DeFazio (D–OR) offered an amendment designated .002 to the bill; the amendment was not adopted by a bipartisan roll call vote of 14 to 27, as follows:

Committee on Natural Resources
U.S. House of Representatives
113th Congress

Date: July 24, 2013 Recorded Vote #: 5

Meeting on / Amendment on: H.R.1394 - DeFAZIO.002, Not agreed to by a vote of 14 yeas to 27 nays

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman		X		**Mr. Duncan of SC**		X	
Mr. Defazio, OR, Ranking	X			*Mr. Cardenas, CA*	X		
Mr. Young, AK		X		**Mr. Tipton, CO**		X	
Mr. Faleomavaega, AS				*Mr. Horsford, NV*			
Mr. Gohmert, TX		X		**Mr. Gosar, AZ**		X	
Mr. Pallone, NJ				*Mr. Huffman, CA*	X		
Mr. Bishop, UT		X		**Mr. Labrador, ID**		X	
Mrs. Napolitano, CA	X			*Mr. Ruiz, CA*	X		
Mr. Lamborn, CO		X		**Mr. Southerland, FL**		X	
Mr. Holt, NJ				*Ms. Shea-Porter, NH*	X		
Mr. Wittman, VA		X		**Mr. Flores, TX**		X	
Mr. Grijalva, AZ	X			*Mr. Lowenthal, CA*	X		
Mr. Broun, GA		X		**Mr. Runyan, NJ**		X	
Ms. Bordallo, GU	X			*Mr. Garcia, FL*	X		
Mr. Fleming, LA		X		**Mr. Amodei, NV**		X	
Mr. Costa, CA		X		*Mr. Cartwright, PA*	X		
Mr. McClintock, CA		X		**Mr. Mullin, OK**		X	
Mr. Sablan, CNMI				**Mr. Stewart, UT**		X	
Mr. Thompson, PA		X		**Mr. Daines, MT**		X	
Ms. Tsongas, MA	X			**Mr. Cramer, ND**		X	
Ms. Lummis, WY		X		**Mr. LaMalfa, CA**		X	
Mr. Pierluisi, PR	X			**Mr. Smith, MO**		X	
Mr. Benishek, MI		X		*Vacancy*			
Ms. Hanabusa, HI	X						
				TOTALS	14	27	

Congressman Peter DeFazio (D–OR) offered an amendment designated .003 to the bill; the amendment was not adopted by a bipartisan roll call vote of 14 to 27, as follows:

Committee on Natural Resources
U.S. House of Representatives
113th Congress

Date: July 24, 2013 Recorded Vote #: 6

Meeting on / Amendment on: H.R.1394 - DeFAZIO.003, Not agreed to by a vote of 14 yeas and 27 nays

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman		X		**Mr. Duncan of SC**		X	
Mr. Defazio, OR, Ranking	X			*Mr. Cardenas, CA*	X		
Mr. Young, AK		X		**Mr. Tipton, CO**		X	
Mr. Faleomavaega, AS				*Mr. Horsford, NV*			
Mr. Gohmert, TX		X		**Mr. Gosar, AZ**		X	
Mr. Pallone, NJ				*Mr. Huffman, CA*	X		
Mr. Bishop, UT		X		**Mr. Labrador, ID**		X	
Mrs. Napolitano, CA	X			*Mr. Ruiz, CA*	X		
Mr. Lamborn, CO		X		**Mr. Southerland, FL**		X	
Mr. Holt, NJ				*Ms. Shea-Porter, NH*	X		
Mr. Wittman, VA		X		**Mr. Flores, TX**		X	
Mr. Grijalva, AZ	X			*Mr. Lowenthal, CA*	X		
Mr. Broun, GA		X		**Mr. Runyan, NJ**		X	
Ms. Bordallo, GU	X			*Mr. Garcia, FL*	X		
Mr. Fleming, LA		X		**Mr. Amodei, NV**		X	
Mr. Costa, CA		X		*Mr. Cartwright, PA*	X		
Mr. McClintock, CA		X		**Mr. Mullin, OK**		X	
Mr. Sablan, CNMI				**Mr. Stewart, UT**		X	
Mr. Thompson, PA		X		**Mr. Daines, MT**		X	
Ms. Tsongas, MA	X			**Mr. Cramer, ND**		X	
Ms. Lummis, WY		X		**Mr. LaMalfa, CA**		X	
Mr. Pierluisi, PR	X			**Mr. Smith, MO**		X	
Mr. Benishek, MI		X		*Vacancy*			
Ms. Hanabusa, HI	X						
				TOTALS	14	27	

No further amendments were offered, and the bill was then adopted and ordered favorably reported to the House of Representatives by a bipartisan roll call vote of 27 to 14, as follows:

Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: July 24, 2013 Recorded Vote #: 7

Meeting on / Amendment on: H.R.1394 - To adopt and favorably report the bill to the House, agreed to by a vote of 27 yeas and 14 nays

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman	X			**Mr. Duncan of SC**	X		
Mr. Defazio, OR, Ranking		X		*Mr. Cardenas, CA*		X	
Mr. Young, AK	X			**Mr. Tipton, CO**	X		
Mr. Faleomavaega, AS				*Mr. Horsford, NV*			
Mr. Gohmert, TX	X			**Mr. Gosar, AZ**	X		
Mr. Pallone, NJ				*Mr. Huffman, CA*		X	
Mr. Bishop, UT	X			**Mr. Labrador, ID**	X		
Mrs. Napolitano, CA		X		*Mr. Ruiz, CA*		X	
Mr. Lamborn, CO	X			**Mr. Southerland, FL**	X		
Mr. Holt, NJ				*Ms. Shea-Porter, NH*		X	
Mr. Wittman, VA	X			**Mr. Flores, TX**	X		
Mr. Grijalva, AZ		X		*Mr. Lowenthal, CA*		X	
Mr. Broun, GA	X			**Mr. Runyan, NJ**	X		
Ms. Bordallo, GU		X		*Mr. Garcia, FL*		X	
Mr. Fleming, LA	X			**Mr. Amodei, NV**	X		
Mr. Costa, CA	X			*Mr. Cartwright, PA*		X	
Mr. McClintock, CA	X			**Mr. Mullin, OK**	X		
Mr. Sablan, CNMI				**Mr. Stewart, UT**	X		
Mr. Thompson, PA	X			**Mr. Daines, MT**	X		
Ms. Tsongas, MA		X		**Mr. Cramer, ND**	X		
Ms. Lummis, WY	X			**Mr. LaMalfa, CA**	X		
Mr. Pierluisi, PR		X		**Mr. Smith, MO**	X		
Mr. Benishek, MI	X			*Vacancy*			
Ms. Hanabusa, HI		X					
				TOTALS	27	14	

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. 1394—Planning for American Energy Act of 2013

H.R. 1394 would require the Secretary of the Interior, every four years, to prepare an onshore energy production strategy for developing resources owned by the federal government. The bill also would require the Secretary to develop a national programmatic environmental impact statement (PETS) for all onshore energy resources owned by the federal government. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would cost $15 million over the 2014–2018 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.

As part of the onshore energy production strategy, the Secretary would be directed 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 initial four-year strategy and commencing work on the subsequent strategy would cost $7 million over the 2014–2018 period, assuming appropriation of the necessary amounts.

Based on information provided by BLM regarding the cost of similar analyses, CBO estimates that completing the PETS would cost $8 million over the 2014–2015 period, assuming appropriation of the necessary amounts. Based on information from affected agencies, CBO expects that, while those agencies would continue to conduct site-specific environmental impact statements, they would use information obtained during preparation of the PEIS leading to a small savings when agencies prepare future environmental impact statements.

H.R. 1394 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 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, CBO estimates that implementing the legislation would cost $15 million over the 2014–2018 period, assuming appropriation of the necessary amounts.

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 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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish a program of the federal government known to be duplicative of another program. It also does not reauthorize a program of a federal government known to be duplicative of another program, but it will include in the four-year onshore public lands energy strategy under the bill elements of the Department of the Interior's renewable energy program for wind on public lands. This renewable energy program was included in a 2013 report from the Government Accountability Office (GAO) to Congress pursuant to section 21 of Public Law 111–139. The GAO identified program elements include the Bureau of Land Management's Recovery Act Renewable Energy Efforts, Renewable Energy Coordination Offices Implementation, Wind Energy Authorizations and Operations on Bureau of Land Management Public Lands; the Bureau of Reclamation's Desalination and Water Purification Research and Development Program and Science and Technology Program; the Bureau of Indian Affairs' Minerals and Mining Program: Renewable Energy Projects; and the Office of Insular Affairs' Insular Plan for Alternative and Renewable Energy. However, by including the wind energy program on a Department of the Interior-wide basis in this onshore energy plan, duplication and overlap should be reduced and efficiencies gained.

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 and national security of the United States in accordance with Bureau of Land Management's mission of promoting the multiple use of Federal lands as set forth in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(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;

(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; and

(G) the best estimate, based upon commercial and scientific data, of the expected increase in production of helium on Federal lands administered by the Bureau of Land Management and the Forest Service.

(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.

(h) STRATEGIC AND CRITICAL ENERGY MINERALS DEFINED.—For purposes of this section, 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.

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

This Act may be cited as the "Mineral Leasing Act".

DISSENTING VIEWS

The justifications for H.R. 1394 offered by the Majority are at odds with the facts and attempts to downplay the real harm this bill would do to our public lands are misleading. House Republicans have repeatedly offered these extreme drilling schemes and each time the Senate, the Administration and the public have rejected them; H.R. 1394 should fail as well.

The talking points used by House Republicans to justify this irresponsible legislation are willfully out of date. Domestic oil production, both on and off-shore, reached a 20-year high in 2012 and domestic production of natural gas reached an all-time high. More permits to drill on public lands were approved during the first four years of the Obama Administration than during the first term of the Bush Administration. Energy companies are warehousing nearly 7,000 approved permits to drill, covering more than 25 million acres of public land, waiting for energy prices to rise even further. Domestic energy production under the current Administration and governed by existing law is robust and responsible; the Majority is straining to distort that reality in an attempt to justify an unwise and unwarranted drilling frenzy on our public lands.

The alleged benefits of such a plan are non-existent. In response to the increase in our domestic energy production, OPEC nations have reduced output; the price of gasoline for American consumers continues to fluctuate beyond our ability to control it.

While the alleged benefits are not real, the danger this legislation poses to our public lands is very real. The federal government has managed public lands pursuant to a balanced, multiple-use mandate instituted by Congress in 1976 through the Federal Land Policy and Management Act (FLPMA). Land managers have used a flexible, public process to manage energy development on public lands pursuant to the National Environmental Policy Act (NEPA).

H.R. 1394 would gut NEPA and destroy FLPMA's multiple-use mandate. The bill would require that energy production trump all other uses of public lands, including conservation, hunting, fishing and gazing, and truncate NEPA reviews critical to balanced resource management. In testimony on the bill, the Department of Interior stated that H.R. 1394 "would direct Federal land managers to manage lands for the primary purpose of energy development rather than make thoughtful decisions on balanced multiple-use management through a public process based on site specific analysis and consideration." This "drilling above all" plan is short-sighted and would prevent sustainable, long-term stewardship of our public lands.

During consideration of H.R. 1394, the Majority rejected common-sense amendments from Ranking Member DeFazio to encourage development on idle leases and discourage speculation in en-

ergy markets. The Majority also rejected a reasonable proposal from Mr. Huffman to protect hunting and fishing on public lands.

H.R. 1394 is a reconstituted package of old, discredited ideas based on old, discredited arguments; this legislation has been repeatedly rejected and should be again.

PETER DEFAZIO.
RUSH HOLT.

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