

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1965) TO STREAMLINE AND ENSURE ONSHORE ENERGY PERMITTING, PROVIDE FOR ONSHORE LEASING CERTAINTY, AND GIVE CERTAINTY TO OIL SHALE DEVELOPMENT FOR AMERICAN ENERGY SECURITY, ECONOMIC DEVELOPMENT, AND JOB CREATION, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2728) TO RECOGNIZE STATES' AUTHORITY TO REGULATE OIL AND GAS OPERATIONS AND PROMOTE AMERICAN ENERGY SECURITY, DEVELOPMENT, AND JOB CREATION

NOVEMBER 18, 2013.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 419]

The Committee on Rules, having had under consideration House Resolution 419, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1965, the Federal Lands Jobs and Energy Security Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-26 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in part A of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amend-

ments printed in part A of this report. The rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2728, the Protecting States' Rights to Promote American Energy Security Act, under a structured rule. The resolution provides one hour of general debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-27 shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1965, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 1965, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 1965 printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 2728, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 2728, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 2728 printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

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

Rules Committee record vote No. 89

Motion by Mr. Polis to make in order and provide the appropriate waivers for amendment #11 to H.R. 1965, offered by Rep. Polis (CO) and Rep. Napolitano (CA), which requires the Director of the United States Geological Survey to study and prepare a report regarding the potential impacts of oil shale leasing on the quantity and quality of water available for agricultural and municipal use in Colorado, Utah, and Wyoming and amendment #6 to H.R. 2728, offered by Rep. Polis (CO), which eliminates a loophole in the Clean Air Act under which oil and gas exploration and production activities are exempt from complying with the Clean Air Act's aggregation requirement and adds hydrogen sulfide to the federal list of hazardous air pollutants. Defeated: 3-9.

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen	Nay		
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS TO H.R. 1965 IN PART A MADE IN
ORDER

1. Hastings, Doc (WA): MANAGER'S AMENDMENT Adjusts the amount of funds authorized to be made available to BLM field offices for energy permitting to ensure bill has a positive (deficit reducing) score. (10 minutes)

2. Jackson Lee (TX): Preserves First Amendment Right To Petition. (10 minutes)

3. Lowenthal (CA): Allows the Secretary of the Interior to continue to review actions that generally qualify for Categorical Exclusions to NEPA for possible Extraordinary Circumstances (e.g. Violations of a Federal law, or a State, local, or tribal law or requirement) which would then supersede the Categorical Exclusion and require further NEPA review. (10 minutes)

4. Jackson Lee (TX): Eliminates prohibition of award of attorney fees which otherwise would be recoverable under Equal Access to Justice Act. (10 minutes)

5. Hanabusa (HI): Requires the Secretary of the Interior in consultation with the Secretary of Agriculture to include in their Quadrennial Federal Onshore Energy Production Strategy, the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources on lands designated as Hawaiian Home Lands that the state agency or department responsible for the administration of these lands selects to be used for energy production. (10 minutes)

6. Marino (PA): Requires the Secretary of the Interior to include Federal lands as a part of its plan to address new demands for oil and gas pipelines. (10 minutes)

7. Polis (CO), Huffman (CA): Requires National Academy of Sciences to study and report to Congress about the impact of flood-

ing on oil and gas facilities and the resulting instances of leaking and spills from tanks, wells, and pipelines. (10 minutes)

8. DeFazio (OR): Authorizes \$10 million of the revenue generated by the underlying bill for the Commodity Futures Trading Commission to use existing authority to limit speculation in energy markets. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 2728 IN PART B MADE IN ORDER

1. Holt (NJ), Peters, Scott (CA), Polis (CO): Allows the Secretary of the Interior to issue regulations to reduce methane emissions from oil and gas drilling operations on public lands. (10 minutes)

2. Flores (TX): Requires states to submit a copy of their hydraulic fracturing regulations and chemical disclosure requirements to the BLM for public disclosure and provides other technical/clarifying changes. (10 minutes)

3. Reed (NY), Costa (CA): Directs the GAO to conduct a study on the economic benefits of domestic oil and gas production as result of hydraulic fracturing including job creation, energy prices and State and Federal revenues. (10 minutes)

4. DeFazio (OR): Prohibits the export of natural gas produced from public lands. (10 minutes)

5. Jackson Lee (TX): The Secretary shall conduct an annual review of any and all state hydraulic fracturing activity and submit a report to Congress. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 1965 MADE IN ORDER

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

Page 8, line 17, strike “\$10,000,000” and insert “\$5,000,000”.

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

Page 9, line 9, strike the closing quotation marks and the following period, and after line 9 insert the following:

“(C) RIGHT TO PETITION PRESERVED.—This paragraph shall not be construed to abridge the right of the people to petition for the redress of grievances, in violation of the first article of amendment to the Constitution of the United States.”.

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

Page 12, beginning at line 20, strike section 1132.

Beginning at page 16, line 24, strike “, except that” and all that follows through page 17, line 2 and insert a period.

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

Page 15, beginning at line 4, strike section 1147.

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

Page 25, on line 15, strike “and”, on line 20, strike the period and insert “; and”, and after line 20 insert the following:

“(H) the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources from ‘available lands’ (as such term is defined in section 203 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), and including any other lands deemed by the Territory or State of Hawaii, as the case may be, to be included within that definition) that the agency or department of the government of the State of Hawaii that is responsible for the administration of such lands selects to be used for such energy production.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARINO OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 26, after line 4, insert the following:

“(6) The Secretary shall include in the Strategy a plan for addressing new demands for transmission lines and pipelines for distribution of oil and gas across Federal lands to ensure that energy produced can be distributed to areas of need.

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

Add at the end the following:

TITLE _____ — MISCELLANEOUS PROVISIONS

SEC. 01. STUDY OF EFFECTS OF FLOODING ON OIL AND GAS FACILITIES.

The Secretary of the Interior shall enter into an arrangement with the National Academy of Sciences under which the Academy shall study and report to the Congress on the effect of flooding on oil and gas facilities, and the resulting instances of leaking and spills from tanks, wells, and pipelines.

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

At the end of the bill, add the following (and conform the table of contents accordingly):

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. CERTAIN REVENUES GENERATED BY THIS ACT TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION TO LIMIT EXCESSIVE SPECULATION IN ENERGY MARKETS.

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. REVENUES TO BE MADE AVAILABLE TO THE COMMODITY FUTURES TRADING COMMISSION.

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

“(b) DEPOSIT INTO ACCOUNT OF CERTAIN REVENUES GENERATED BY THIS ACT.—The Secretary shall deposit into the account established under subsection (a) the first \$10,000,000 of the total of the amounts received by the United States under leases issued under this Act or any plan, strategy, or program under this Act.

“(c) AVAILABILITY AND USE OF FUNDS.—

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

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

PART B—TEXT OF AMENDMENTS TO H.R. 2728 MADE IN ORDER

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

Page 1, line 14, strike “The” and insert “Except as provided in subsection (c), the”.

Page 2, line 4, strike “The” and insert “Except as provided in subsection (c), the”.

Page 2, after line 11, insert the following (and redesignate the subsequent quoted subsection accordingly):

“(c) METHANE EMISSIONS.—Nothing in this section limits the authority of the Secretary of the Interior to issue regulations to require the minimization of venting and flaring of methane from oil and gas drilling operations on public lands, and to issue regulations designed to reduce fugitive methane emissions.

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

Page 2, beginning at line 9, strike “regardless” and all that follows through line 11 and insert a period.

Page 2, after line 11, insert the following:

“(c) **TRANSPARENCY OF STATE REGULATIONS.**—

“(1) **IN GENERAL.**—Each State shall submit to the Bureau of Land Management a copy of its regulations that apply to hydraulic fracturing operations on Federal land.

“(2) **AVAILABILITY.**—The Secretary of the Interior shall make available to the public State regulations submitted under this subsection.

“(d) **TRANSPARENCY OF STATE DISCLOSURE REQUIREMENTS.**—

“(1) **IN GENERAL.**—Each State shall submit to the Bureau of Land Management a copy of any regulations of the State that require disclosure of chemicals used in hydraulic fracturing operations on Federal land.

“(2) **AVAILABILITY.**—The Secretary of the Interior shall make available to the public State regulations submitted under this subsection.

Page 2, beginning at line 23, strike “the” and all that follows through “process” and insert “the process of hydraulic fracturing (as that term is defined in section 44 of the Mineral Leasing Act, as amended by section 102 of this Act)”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE REED OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, after line 10, insert the following:

SEC. __. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study examining the economic benefits of domestic shale oil and gas production resulting from the process of hydraulic fracturing. This study will include identification of—

(1) State and Federal revenue generated as a result of shale gas production;

(2) jobs created both directly and indirectly as a result of shale oil and gas production; and

(3) an estimate of potential energy prices without domestic shale oil and gas production.

(b) **REPORT.**—The Comptroller General shall submit a report on the findings of such study to the Committee on Natural Resources of the House of Representatives within 30 days after completion of the study.

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

Add at the end the following:

TITLE __ — MISCELLANEOUS PROVISIONS

SEC. __01. REQUIREMENT TO OFFER FOR SALE ONLY IN THE UNITED STATES.

The Secretary of the Interior shall require that all gas produced under a lease issued pursuant to authorities granted by this Act shall be offered for sale only in the United States.

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

Add at the end the following:

**TITLE _____ — MISCELLANEOUS
PROVISIONS**

SEC. ____ . REVIEW OF STATE ACTIVITIES.

The Secretary of the Interior shall annually review and report to
Congress on all State activities relating to hydraulic fracturing.