

for a more dangerous Iranian regime in the near-term.

We must be ready for the possibility that Iran will intensify its pursuit of nuclear weapons to overcome the embarrassment of the recent elections.

For this reason, I applaud the House Foreign Affairs Committee and the Senate Banking Committee on yesterday's announcement that they had reached an agreement on the Iran sanctions conference report agreement. This long-awaited sanctions package is absolutely necessary to persuade Iran to change its conduct and its course on its nuclear program.

Madam Speaker, I urge the House of Representatives to condemn the authoritarian Iranian regime and to stand with the millions of Iranians who rushed to the streets not only to defend their right to vote, but also to defend the very ideals of democracy and free and fair societies. I call on my colleagues to support this resolution.

Mr. COSTA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and agree to the resolution, H. Res. 1457.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. COSTA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

Mr. RAHALL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBPOENA POWER OF THE NATIONAL COMMISSION ON THE BP "DEEPWATER HORIZON" OIL SPILL AND OFFSHORE DRILLING.

(a) SUBPOENA POWER.—The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling established by Executive Order No. 13543 of May 21, 2010 (in this section referred to as the "Commission"), may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, and other documents.

(b) ISSUANCE.—

(1) AUTHORIZATION.—A subpoena may be issued under this section only by—

(A) agreement of the Co-Chairs of the Commission; or

(B) the affirmative vote of a majority of the members of the Commission.

(2) JUSTICE DEPARTMENT COORDINATION.—

(A) NOTIFICATION.—The Commission shall notify the Attorney General or his or her designee of the Commission's intent to issue a subpoena under this section, the identity of the witness, and the nature of the testimony sought before issuing such a subpoena. The form and content of such notice shall be set forth in the guidelines to be issued under subparagraph (D).

(B) CONDITIONS FOR OBJECTION TO ISSUANCE.—The Commission may not issue a subpoena under authority of this Act if the Attorney General objects to the issuance of the subpoena on the basis that the taking of the testimony is likely to interfere with any—

(i) Federal or State criminal investigation or prosecution; or

(ii) pending investigation under sections 3729 through 3732 of title 31, United States Code (commonly known as the "Civil False Claims Act") or other Federal statute providing for civil remedies, or any civil litigation to which the United States or any of its agencies is or is likely to be a party.

(C) NOTIFICATION OF OBJECTION.—The Attorney General or relevant United States Attorney shall notify the Commission of an objection raised under this paragraph without unnecessary delay and as set forth in the guidelines to be issued under subparagraph (D).

(D) GUIDELINES.—As soon as practicable, but no later than 30 days after the date of the enactment of this Act, the Attorney General, after consultation with the Commission, shall issue guidelines to carry out this subsection.

(3) SIGNATURE AND SERVICE.—A subpoena issued under this section may be—

(A) issued under the signature of either Co-Chair or any member designated by a majority of the Commission; and

(B) served by any person designated by the Co-Chairs or a member designated by a majority of the Commission.

(c) ENFORCEMENT.—

(1) REQUIRED PROCEDURES.—In the case of contumacy of any person issued a subpoena under this section or refusal by such person to comply with the subpoena, the Commission shall request the Attorney General to seek enforcement of the subpoena. Upon such request the Attorney General shall seek enforcement of the subpoena in a court described in paragraph (2). The court in which the Attorney General seeks enforcement of the subpoena shall issue an order requiring the subpoenaed person to appear at any designated place to testify or to produce documentary or other evidence, and may punish any failure to obey the order as a contempt of that court.

(2) JURISDICTION FOR ENFORCEMENT.—Any United States district court for a judicial district in which a person issued a subpoena under this section resides, is served, or may be found, or where the subpoena is returnable, shall have jurisdiction to enforce the subpoena as provided in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes. The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and in-

clude extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last month President Obama issued Executive Order 13543 establishing the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. The measure we are considering today, introduced by our colleague, Representative LOIS CAPPs, would authorize the commission to issue subpoenas, if necessary, to gather information and compel testimony.

With it, we are giving the commission some teeth. The commission should be demanding and receiving a full and fair accounting to carry out its important mission. Without subpoena power, the commission runs the risk of allowing BP to write its own history of what happened in the gulf.

As amended, H.R. 5481 includes language worked out with the Justice Department to ensure that any commission subpoena does not interfere with any present or future criminal investigation or prosecution or civil litigation involving the United States.

I want to commend the bill's sponsor and a valued member of our Committee on Natural Resources, Representative LOIS CAPPs, a valued member not only on our Resources Committee but in this body who has experienced oil spills in her history as many of our colleagues are today. Having lived through the Santa Barbara oil spill which was in her congressional district in 1969, Representative CAPPs has a deep understanding and a commitment to oil spill prevention and mitigation.

Madam Speaker, H.R. 5481 is just one of a number of actions that this Congress will need to take to help gather information on the causes of the BP Deepwater Horizon disaster and develop safety and environmental measures to prevent such a disaster from occurring again.

I urge my colleagues to support the passage of H.R. 5481, a commonsense bill that will help shed some light on what happened the night of this tragic explosion.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, at this very moment, oil continues to flow into the Gulf of Mexico, and the urgency to address this crisis should not be forgotten or dismissed. It is important that we get to the bottom of the causes of this terrible tragedy. We need to know what went wrong and who did precisely what wrong. At the same time, we should not lose sight of the most immediate priorities.

Those priorities are, first, the leak must be stopped. Second, the oil must

be cleaned up because the livelihood of families and communities all along the gulf coast need help and support, and the well-being of wildlife and the environment must be cared for. And third, BP must be held 100 percent accountable and pay all the costs associated with this disaster.

This bill, as the distinguished chairman said, simply grants subpoena authority to the seven-member commission established and appointed by the President to look into the causes of the Deepwater Horizon accident, the resulting spill, and the response.

I support this bill and the commission having subpoena power to compel the disclosure of documents and the testimony of witnesses. Congress has passed laws to give subpoena power to similar commissions in the past, and it is fully appropriate to do so here.

To be clear, the authority granted in this bill allowing the commission to issue subpoenas covers BP and the companies involved in the drilling of this well, but it also fully covers the agencies and departments of the Federal Government. Not only must we get to the bottom of what these companies did and the failures that occurred, but we also must know what failures occurred by the government in their regulatory oversight and in responding to this spill.

□ 1450

But there is one concern with the wording of this bill, Madam Speaker, and the impact that it could have in prolonging the work of the commission beyond its 6-month timeframe set out by the President.

The bill allows the Attorney General to object to the commission issuing subpoenas for certain specified situations. Those situations are when criminal investigations and certain civil litigation may be harmed by the taking of testimony. That's understandable, Madam Speaker. Under the wording of the bill, however, the Attorney General must act to make known such an objection to a commission's subpoena "without unnecessary delay." This vague term places no real time frame on the Attorney General to act.

When the commission itself is supposed to complete its work within 180 days of its first meeting, an open-ended delay that could occur due to the inaction of the Attorney General must be highlighted. This is particularly important, Madam Speaker, because the administration has partly justified its deepwater drilling moratorium upon allowing the commission to complete its investigation.

Under the way this bill is drafted, the moratorium—which I might add suffered a serious legal blow yesterday by a Federal judge in Louisiana—could drag on much longer than publicly promised by the President. The economic toll that a prolonged commission and a prolonged deepwater moratorium could have on the economy of the gulf and the jobs of tens of thou-

sands is very, very real. A stricter timeline for the Attorney General to review subpoenas could have prevented such a scenario. This was not done, and there is no opportunity, obviously, to offer amendments to this suspension bill. So Madam Speaker, I raise this as an issue because the Commission and the Attorney General need to be diligent to avoid such a scenario.

This oil spill has unleashed a tragedy on the people and the environment in the gulf, but the Federal Government must not take actions that exacerbate this tragedy by not completing their work in a timely manner. The power to issue subpoenas is necessary to the commission's technical abilities to do their investigative work, but I must point out that questions are being raised about the seven persons selected and appointed by the President to his commission. So Madam Speaker, I would like to enter into the RECORD a selection of three pieces covering the commission.

The first is an Associated Press article entitled, "Obama Spill Panel Big on Policy, Not Engineering." Another news article from The Times-Picayune entitled, "Oil Spill Commission Coordinator Has Represented Environmental Groups." And third, a Wall Street Journal editorial entitled, "The Antidrilling Commission: The White House choices seem to have made up their minds."

The questions posed in these pieces and in other venues include: Do the past statements made and positions taken by several commission members in opposition to expanded offshore drilling affect their ability to act fairly and impartially? Will the general lack of engineering expertise among the commission members hinder their ability to fully grasp and get to the bottom of what happened in this accident? Will the absence of any drilling expertise among all seven commission members affect their pace of work or understanding of the matters they are charged with investigating? Will the pro cap-and-trade positions of several commission members transform this from an investigation into what went wrong with this incident into a pitch for a national energy tax? Will the commission's report ultimately be credible to all or be compromised due to the personal perspective of the members that the President appointed? Madam Speaker, only time will answer these questions.

I hope the commission is able to fully and fairly conduct its investigation into this incident and the government's response to it. We do need to know what went wrong so that reforms can be made to ensure American drilling is the safest in the world. We've got to have the facts in order to develop informed, effective solutions to make certain an accident like this never happens again.

So, Madam Speaker, the President's commission isn't the only entity looking into these questions. Congress too

has a responsibility, and Congress should act when the facts are known. As subpoena power is necessary for this commission to undertake its work, I encourage my colleagues to support this bill.

[From the Associated Press]

OBAMA SPILL PANEL BIG ON POLICY, NOT ENGINEERING

(By Seth Borenstein)

WASHINGTON.—The panel appointed by President Barack Obama to investigate the Gulf of Mexico oil spill is short on technical expertise but long on talking publicly about "America's addiction to oil." One member has blogged about it regularly.

Only one of the seven commissioners, the dean of Harvard's engineering and applied sciences school, has a prominent engineering background—but it's in optics and physics. Another is an environmental scientist with expertise in coastal areas and the after-effects of oil spills. Both are praised by other scientists.

The five other commissioners are experts in policy and management.

The White House said the commission will focus on the government's "too cozy" relationship with the oil industry. A presidential spokesman said panel members will "consult the best minds and subject matter experts" as they do their work.

The commission has yet to meet, yet some panel members had made their views known.

Environmental activist Frances Beinecke on May 27 blogged: "We can blame BP for the disaster and we should. We can blame lack of adequate government oversight for the disaster and we should. But in the end, we also must place the blame where it originated: America's addiction to oil." And on June 3, May 27, May 22, May 18, May 4, she called for bans on drilling offshore and the Arctic.

"Even as questions persist, there is one thing I know for certain: the Gulf oil spill isn't just an accident. It's the result of a failed energy policy," Beinecke wrote on May 20.

Two other commissioners also have gone public to urge bans on drilling.

Co-chairman Bob Graham, a Democrat who was Florida governor and later a senator, led efforts to prevent drilling off his state's coast. Commissioner Donald Boesch of the University of Maryland wrote in a Washington Post blog that the federal government had planned to allow oil drilling off the Virginia coast and "that probably will and should be delayed."

Boesch, who has made scientific assessments of oil spills' effects on the ecosystem, said usually oil spills are small. But he added, "The impacts of the oil and gas extraction industry (both coastal and offshore) on Gulf Coast wetlands represent an environmental catastrophe of massive and underappreciated proportions."

An expert not on the commission, Granger Morgan, head of the engineering and public policy department at Carnegie Mellon University and an Obama campaign contributor, said the panel should have included more technical expertise and "folks who aren't sort of already staked out" on oil issues.

Jerry Taylor of the libertarian Cato Institute described the investigation as "an exercise in political theater where the findings are preordained by the people put on the commission."

When the White House announced the commission, Interior Secretary Ken Salazar and others made compared it with the one that investigated the 1986 Challenger accident. This one, however, doesn't have as many technical experts.

The 13-member board that looked into the first shuttle accident had seven engineering

and aviation experts and three other scientists. The 2003 board that looked into the Columbia shuttle disaster also had more than half of the panel with expertise in engineering and aviation.

Iraj Ersahaghi, who heads the petroleum engineering program at the University of Southern California, reviewed the names of oil spill commissioners and asked, "What do they know about petroleum?"

Ersahaghi said the panel needed to include someone like Bob Bea, a prominent petroleum engineering professor at the University of California, Berkeley, who's an expert in offshore drilling and the management causes of manmade disasters.

Bea, who's conducting his own investigation into the spill, told The Associated Press that his 66-member expert group will serve as a consultant to the commission, at the request of the panel's co-chairman, William K. Reilly, Environmental Protection Agency chief under President George H.W. Bush.

Adm. Hal Gehman, who oversaw the Columbia accident panel, said his advice to future commissions is to include subject matter experts. His own expertise was management and policy but said his engineering-oriented colleagues were critical to sorting through official testimony.

"Don't believe the first story; it's always more complicated than they (the people testifying) would like you to believe," Gehman said. "Complex accidents have complex causes."

The oil spill commission will not be at a loss for technical help, White House spokesman Ben LaBolt said.

For one, he said the panel will draw on a technical analysis that the National Association of Engineering is performing. Also, members will "consult the best minds and subject matter experts in the Gulf, in the private sector, in think tanks and in the federal government as they conduct their research."

That makes sense, said John Marburger, who was science adviser to President George W. Bush.

"It's not really a technical commission," Marburger said. "It's a commission that's more oriented to understanding the regulatory and organizational framework, which clearly has a major bearing on the incident."

[From Times-Picayune, Tuesday, June 22, 2010]

OIL SPILL COMMISSION COORDINATOR HAS REPRESENTED ENVIRONMENTAL GROUPS (By Bruce Albert)

The commission created by President Barack Obama to investigate the Gulf of Mexico oil spill appointed a Georgetown University environmental law professor Tuesday as its executive staff director.

Bob Graham, a Democrat, and William Reilly, a Republican, lead the seven-member commission to investigate the Gulf of Mexico oil spill.

Richard Lazarus, a graduate of Harvard University Law School where he was the roommate of Supreme Court Chief Justice John Roberts, has been given the task of coordinating the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, which will determine what new regulations will govern future deepwater drilling operations.

The appointment was announced by the commission's co-chairs Bob Graham, a former Democratic governor and U.S. senator from Florida, and Republican William Reilly, a former Environmental Protection Agency Administrator.

The Obama administration established a six-month moratorium on deepwater drilling to give the seven-member commission time

to make recommendations, although a federal judge in New Orleans issued a temporary injunction Tuesday to block the order, saying it lacked justification and was doing economic harm to businesses and workers.

Reilly told the New York Times Monday that the panel won't meet until mid-July and probably won't complete its recommendations until early next year, signaling that, if an appeals court reverses the temporary injunction, the moratorium will be extended past the six-month deadline.

Lazarus, a former associate solicitor general, has represented the United States, state and local governments and environmental groups in 37 cases before the U.S. Supreme Court.

His primary areas of legal scholarship are environmental and natural resources law. For the past three summers, he has taught a course on Supreme Court history with his old roommate, Chief Justice Roberts.

"As staff director I would expect him to be exceedingly thorough, ask a lot of questions, seek probative answers, and reduce the chaos of the unknown to manageable proportions," said Oliver Houck, who teaches environmental law at Tulane University and co-authored a book with Lazarus. "I also expect him, as a lawyer and former associate solicitor, to be quite aware that he is a staff member and aide and not a decision-maker."

His appointment, though, led some to question whether the commission is too heavily weighted with those who favor strong environmental regulation and have been critical of the oil industry.

"The vast majority of those on the oil spill commission, as well as the staff, appear to have a predisposed bias against drilling, and it appears their conclusions will be based more on politics than on safety, which is disappointing," Rep. Steve Scalise, R-Jefferson, said.

But White House spokeswoman Moira Mack said the commission has "broad and diverse representation," including environmentalists, academics, scientists, a former EPA administrator and former governor and senator.

"The National Association of Engineering is conducting a technical analysis that the commission will draw upon," she said. "The commission will consult with the best minds and subject matter experts in the Gulf, in the private sector, in think tanks and in the federal government as they conduct their research."

The oil and gas industry needs a thorough examination, Mack said.

"There's no doubt that Minerals Management Service has been too cozy with the oil and gas industry and there are many instances in which it has allowed the industry to dictate regulations," Mack said. "No more. The commission will bring a set of fresh eyes to conduct a top to bottom review of offshore drilling regulation and the assumptions that have guided it, to ensure that the BP Deepwater Horizon Spill will never be repeated."

Obama has asked Congress to provide \$15 million to finance the commission's work.

Sen. Mary Landrieu, D-La., said she wasn't surprised when Reilly said the commission won't be able to meet the six-month deadline established by Obama. She said that federal commissions "often extend their timeline, and their jurisdiction," though she said it's important the panel complete its work fairly and expeditiously.

[From the Wall Street Journal, June 22, 2010]
THE ANTIDRILLING COMMISSION

The President has appointed a seven-person commission to take what he says will be an objective look at what caused the Gulf

spill and the steps to make offshore drilling safe. But judging from the pedigree of his commissioners, we're beginning to wonder if his real goal is to turn drilling into a partisan election issue.

Mr. Obama filled out his commission last week, and the news is that there's neither an oil nor drilling expert in the bunch. Instead, he's loaded up on politicians and environmental activists.

One co-chair is former Democratic Senator Bob Graham, who fought drilling off Florida throughout his career. The other is William Reilly, who ran the Environmental Protection Agency under President George H.W. Bush but is best known as a former president and former chairman of the World Wildlife Fund, one of the big environmental lobbies. The others:

Donald Boesch, a University of Maryland "biological oceanographer," who has opposed drilling off the Virginia coast and who argued that "the impacts of the oil and gas extraction industry . . . on Gulf Coast wetlands represent an environmental catastrophe of massive and underappreciated proportions."

Terry Garcia, an executive vice president at the National Geographic Society, who directed coastal programs in the Clinton Administration, in particular "recovery of endangered species, habitat conservation planning," and "Clean Water Act implementation," according to the White House press release.

Fran Ulmer, Chancellor of the University of Alaska Anchorage, who is a member of the Aspen Institute's Commission on Arctic Climate Change. She's also on the board of the Union of Concerned Scientists, which opposes nuclear power and more offshore drilling and wants government policies "that reduce vehicle miles traveled" (i.e., driving in cars).

Frances Beinecke, president of the Natural Resources Defense Council, who prior to her appointment blogged about the spill this way: "We can blame BP for the disaster and we should. We can blame lack of adequate government oversight for the disaster and we should. But in the end, we also must place blame where it originated: America's addiction to oil."

On at least five occasions since the accident, Ms. Beinecke has called for bans on offshore and Arctic drilling.

Rounding out the panel is its lone member with an engineering background, Harvard's Cherry A. Murray, though her specialties are physics and optics.

Whatever their other expertise, none of these worthies knows much if anything about petroleum engineering. Where is the expert on modern drilling techniques, or rig safety, or even blowout preventers?

The choice of men and women who are long opposed to more drilling suggests not a fair technical inquiry but an antidrilling political agenda. With the elections approaching and Democrats down in the polls, the White House is looking to change the subject from health care, the lack of jobs and runaway deficits. Could the plan be to try to wrap drilling around the necks of Republicans, arguing that it was years of GOP coziness with Big Oil that led to the spill?

White House Chief of Staff Rahm Emanuel took this theme for a test drive on Sunday when he said that Republicans think "the aggrieved party here is BP, not the fisherman." He added that this ought to remind Americans "what Republican governance is like." The antidrilling commission could feed into this campaign narrative with a mid-September, pre-election report that blames the disaster on the industry and Bush-era regulators and recommends a ban on most offshore exploration. The media

would duly salute, while Democrats could then take the handoff and force antidrilling votes on Capitol Hill.

Even as this commission moves forward, engineering experts across the country have agreed that there is no scientific reason for a blanket drilling ban. The Interior Department invited experts to consult on drilling practices, but as we wrote last week eight of them have since said their advice was distorted to justify the Administration's six-month drilling moratorium.

Judging from that decision and now from Mr. Obama's drilling commission, the days of "science taking a back seat to ideology" are very much with us.

Madam Speaker, I reserve the balance of my time.

Mr. RAHALL. Madam Speaker, I yield myself 30 seconds.

I appreciate the gentleman's listing and submitting for the RECORD the backgrounds of this commission appointed by the President. I will not at this time, although I almost feel compelled to, ask for submission into the RECORD the financial and political background of the Federal judge that just issued a decision against the administration's moratoria this week, but I won't do that; nor the fact that the commission had some 150 scientists at their disposal as well, but I won't submit their backgrounds and history at this time.

Instead, I will yield 5 minutes to the gentlewoman from California (Mrs. CAPPs).

Mrs. CAPPs. Madam Speaker, I rise in strong support of this legislation to give the National Commission on the BP Oil Spill the power to issue subpoenas.

I want to thank three chairmen—Chairman RAHALL, Chairman OBERSTAR and Chairman CONYERS—for expediting the consideration of my bill, and I really appreciate the tireless effort of Chairman MARKEY, who has worked with me on this bill and our earlier bill which was the basis for the President's order to set up the commission in the first place. I also appreciate the Speaker and the majority leader for bringing H.R. 5481 before us today.

As we witness the continued destruction affecting the livelihood of gulf residents and the environment, a full and thorough investigation must be conducted. The American people want answers from those responsible for the devastating gulf oil spill. Providing subpoena power to the commission will ensure that no stone goes unturned, and it will enable the American people to get the truth about how and why this disaster occurred.

While the President has committed the full cooperation of the Federal Government to the commission, he does not have the authority to give it subpoena power; congressional action is required. With the investigation expected to start soon, it's vital the commission has the tools and the resources it needs to get the job done.

As I've said repeatedly on the House floor, oil drilling is never without risk, but if we're going to make it as safe as possible, we need to provide the com-

mission with every means available to find out exactly what caused the BP disaster so we can do everything possible to prevent such a disaster from ever happening again. Arming the commission with subpoena power will help us accomplish these goals and will help the affected communities to recover.

Madam Speaker, the need for subpoena power is certainly indicated by BP's wholly unsatisfactory response to this crisis. Unlike the gush of oil, BP has tightly controlled the flow of information following its spill. It has regularly stonewalled requests by Members of Congress, independent researchers, and the public to provide accurate and timely information.

BP has failed to tell us the amount of oil it's spilling into the gulf waters every day. BP has failed to provide health and safety data to the public, to the scientists, and the Federal Government. And BP has failed to prepare for the capture of all the oil being siphoned up from the well. Simply put, BP's behavior raises major doubts about its willingness to provide a full accounting of what went wrong when they appear before the commission.

The only way to get the information we all need from BP, Transocean, Halliburton and other private entities is for the commission to have the power to compel its disclosure. The commission just won't be able to do its work without complete access to the information it needs. So passing this bill is the appropriate and responsible thing to do. It's also consistent with Federal commission investigations that followed previous disasters, such as that on Three Mile Island.

Madam Speaker, the people of the Gulf of Mexico and the Nation deserve an explanation for all the circumstances and the decisions that led up to this disaster. Only a comprehensive, independent review with subpoena power will ensure the necessary lessons to be learned, practices changed, and future disasters averted.

So I urge my colleagues to join me in supporting this important legislation. Subpoena power is critical to hold all the parties accountable, protect taxpayers, and successfully clean up the disaster in the gulf.

□ 1500

Mr. HASTINGS of Washington. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 13 minutes remaining, and the gentleman from West Virginia has 14 minutes remaining.

Mr. HASTINGS of Washington. At this time, Madam Speaker, I am very pleased to yield 5 minutes to a member of the Natural Resources Committee, the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentleman from Washington for the time.

Madam Speaker, I stand in favor of H.R. 5481, which gives subpoena power

to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

As we stand here today, oil is still pouring into the Gulf of Mexico off the coast of Louisiana, and 242 miles of Louisiana shoreline are impacted by this oil. The highest priority for us must be to stop this leak and to get this mess cleaned up. BP must be held 100 percent accountable for their actions, and the administration must be accountable for their role in the response and oversight. Many questions are still without answers, the most pressing being what went wrong.

The bill we have before us today would provide subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. This commission has been tasked by the President with providing recommendations on how we can prevent and mitigate the impact of any future spills that result from offshore drilling. Future tragedies that we are currently experiencing can only be prevented if we know what went wrong. We must find out who made the mistakes, who made the erroneous judgment, what failed, and just exactly what went wrong.

I will also interject, Madam Speaker, that, in operations like this, there are many backup systems; there are many redundancies. So, for a tragedy and a disaster like this to happen, there had to be gross error and gross negligence. This sort of thing just doesn't happen out of whole cloth.

I will support the bill today, but I share the concerns raised by my colleagues on the scope of the subpoena authority. I will voice my own concern and will urge Congress, this commission, and the administration to keep their eye on the ball to resolve the crisis affecting my State and our country and not to use this as an opportunity to advance an agenda, to shut down offshore drilling, or to impose a national energy tax.

The people of Louisiana have been hurt enough by BP's failures and by the inability of the administration to timely and effectively deal with this disaster. The last thing we need is the Federal Government's adding to this disaster by crippling one of the largest economic drivers in my State of Louisiana. The moratorium imposed by the administration would do just that. A Federal judge recently temporarily stayed the moratorium, affirming that it would cause irreparable harm. Any action by the administration, by this commission, and by this Congress must be based on science and not politics. Let's get the answers to what happened in order to stop the oil, to clean up the gulf, and to help Louisiana.

Also, I want to point out a couple of things on this bill about the actors in this situation. First of all, I want to say that I condemn BP and its actions. It is very clear that BP was negligent, if not criminal, in its actions by putting profits ahead of safety.

Let's talk about the administration for a moment. The administration failed to address well-known problems with the Minerals Management Service even well into the first 18 months of the administration. It held off high-volume skimmers from other countries that were offered within 3 days of the disaster. They barely acknowledged the spill for 9 days. They did not give permission for berm construction for almost 60 days in my home State of Louisiana. They repeatedly stopped emergency cleanup operations for trivial or unknown reasons, and that is happening even today. They repeatedly slapped moratoria, as I mentioned before, on offshore drilling that is over 500 feet, which is not, truly, deep water, and when all of the experts on this panel said that it was perfectly safe to do so.

I would like to say there is one silver lining in this entire situation, and that is my own Governor, Governor Jindal. Governor Jindal has been standing point each day in this process, doing everything that a Governor should do and must do while our President is on the golf course and while, of course, the CEO of BP is out on a yacht.

So I just want to say, in summary, Madam Speaker, that I do support H.R. 5481. This is one step in many toward finding out what happened here. We do need subpoena power to find out every bit of this, which will be going on for years, but so will the cleanup and so will the impact on my State of Louisiana, which at this point means that our tourism industry and our fisheries will be devastated, and now that the moratorium is shutting down 33 rigs, it is devastating our economy and our jobs.

Mr. RAHALL. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY of Massachusetts. I thank the chairman very much. I thank him for his excellent work and for his timely hearings on this catastrophic event.

I thank the gentlewoman from California (Mrs. CAPP) for her excellent work on this indispensable piece of legislation and for working together in a bipartisan fashion with the minority to ensure that we have an historically accurate assessment of what has happened in the Gulf of Mexico.

Madam Speaker, President Obama established a bipartisan National Commission to investigate the causes of the BP disaster through Executive order. However, the President does not have the authority to give the commission subpoena power. That requires the Congress to act.

BP's response continues to be marked by catastrophic failures. Just today, an accident with an underwater recovery at the bottom of the sea has forced BP to remove the containment cap, and oil is now gushing into the ocean at a rate of 25,000 to 50,000 barrels per day. BP's mistakes seem to be without end.

BP said the rig couldn't sink. It did. BP said they could respond to an Exxon Valdez-sized spill every day. They couldn't. BP initially claimed that the oil spill was 1,000 barrels a day. It wasn't. BP knew it. Internal BP documents show that, in the first week of the disaster, BP estimated the size of the spill could be as high as 14,000 barrels per day. It took BP 23 days to finally agree to release video footage of the oil spill. Even then, BP initially only released video of one of the 12 remote operating vehicles on the ocean floor.

All along, it seems that BP has been much more concerned about its own liability—they pay a fine per barrel of oil per day—than they have been with the livability of the Gulf of Mexico and with the livelihoods of the people who are dependent upon the Gulf of Mexico for their livings.

BP's actions raise significant concerns about whether it will fully cooperate with the commission. We need to ensure that neither BP, Halliburton, Transocean nor any other party could prevent the commission from getting to the bottom of what went wrong at the bottom of the ocean on April 20, 2010, when the Deepwater Horizon exploded.

Congress has granted subpoena power to Presidential commissions investigating national crises in the past, including the Kemeny Commission, which investigated the disaster at Three Mile Island, and the 9/11 Commission.

As the worst environmental disaster in our Nation's history continues to unfold in the gulf, the American people and the people of the gulf coast deserve answers so that we can prevent similar disasters in the future. This legislation will ensure that the National Commission has the power it needs to get those answers for the American people.

We have to make sure that this never happens again. We have to make sure that the lessons learned are implemented. If the oil industry is going to drill in ultradeep waters, we have to ensure that it is ultrasafe and that there is an ultrafast response that can, in fact, ensure that there is a minimization of the harm done to the residents of the gulf. Every oil company now says they have no capacity to respond ultrafast to a catastrophic event the size of what is happening in the gulf right now. We have to make sure that none of this occurs again. Only with the subpoena power can we understand everything that happened—only with the passage of that today.

Again, I urge all Members to cast an "aye" vote.

Mr. HASTINGS of Washington. Madam Speaker, may I inquire again as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 8 minutes remaining, and the gentleman from West Virginia has 9½ minutes remaining.

□ 1510

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 4 minutes to the gentleman from Louisiana (Mr. CASSIDY), a member of the Natural Resources Committee.

Mr. CASSIDY. Madam Speaker, it's been 64 days since the Deepwater Horizon exploded, sank, killed 11 rig workers, and began spilling oil into the Gulf of Mexico. So I think we all agree that, first and foremost, we must stop the leak, clean up the spill, protect our coast, and hold BP accountable for damages.

Next, though, we've got to get to the bottom of what happened. And like my colleague just said, if we're going to go ultra-deep, make sure that it's ultra-safe. Now, for that to happen, we have to know the facts—a detailed account informed by understanding of what did take place, and then put in these ultra-safe safety and enforcement measures to make the United States the safest place to drill to get the resources to power our economy.

Now this was supposed to be the purpose of the National Oil Spill Commission. Instead, the members of this do not appear to be up to the challenge. Instead of appointing independent experts with knowledge and expertise of deepwater drilling, the President has packed the commission with people who lack expertise in the issues we're confronting.

First, let me say, Madam Speaker, I am for this commission having subpoena power. I am for them learning as much as they can learn. My concern is they do not have the members capable of understanding what they need to understand. There are no petroleum engineers in this commission, nor anyone else with experience in deepwater drilling.

Now, if you're going to have a commission to figure out what went wrong in a petroleum engineering circumstance in deepwater drilling, you need members who have expertise in those issues. And if we don't learn from this, if we don't figure out how not to repeat these mistakes, then we're dooming ourselves to either repeat these accidents or to have an energy future which is far less secure.

Now, Candidate Obama pledged to put science before politics, but it appears the President is rejecting science and professional expertise in responding to this. He recently imposed a moratorium that his handpicked experts said should not be put in place. These experts stated this moratorium "will have a lasting impact on the Nation's economy which may be greater than that of the oil spill." They specifically said that the moratorium should not be blanket, but rather targeted to those rigs at risk.

Madam Speaker, I speak as someone from Louisiana. We have over 150,000 jobs at stake here. These are jobs in the energy production field, fisheries, wetlands, and our ecosystem. At stake is not only these jobs, though, but the

ability of our country to provide the energy we need to power our vehicles and our businesses, to provide jobs, in a sense, to make our economy go.

Now, this spill is a disaster for the gulf coast and especially for my State. The citizens have had their lives and livelihoods upended by this spill, but the commission we're debating here today is a disappointment. To get to the bottom of what happened, we need people who are up to the task. We need to put science before politics for the sake of the gulf, our Nation, and for those whose jobs are at risk.

Mr. RAHALL. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a member of our Committee on Natural Resources.

Mr. HOLT. I thank the chair of our committee for yielding.

Madam Speaker, I rise in support of H.R. 5481, which Mrs. CAPPS has brought before us, that would grant subpoena powers to the Presidential Commission on the BP Deepwater Horizon Oil Spill. Our Nation is in the midst of a great environmental disaster of historic scale—tens of thousands of barrels gushing into the gulf, hundreds of miles of coast line contaminated, thousands of people suffering from the economic impact. With today's news that the cap has been removed, this environmental catastrophe continues only to get worse.

BP has not been forthcoming over the past months—not forthcoming in what they were doing or how it was done or how much oil was gushing out and on and on and on. We owe it to the American people that they have an answer for what has happened; why it has happened; how it will be brought under control; what actions are being taken to prevent future spills. We can't let corporate prevarication and delay and feigned ignorance stand in the way.

I support the President's action in creating a commission to determine the answers to these questions. And as the commission begins to investigate the spill in the coming weeks, we must ensure that it has the tools necessary to succeed. Granting the commission subpoena powers will ensure that they undertake a complete inquiry on the causes of the spill and make meaningful recommendations on how to prevent similar disasters. I urge support.

I also want to point out that we need to ensure that the responsible parties are held accountable for the economic damages they've caused. The Big Oil Bailout Prevention Act, which has the support of nearly a fifth of this body, would raise the liability limit for economic damages from the laughably small \$75 million. It's my hope that Congress will also act on this important legislation in the near future.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), a member of the Energy and Commerce Committee.

Mr. SCALISE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the legislation to give subpoena powers to the commission. I would hope the commission would be an objective commission that actually looks into and helps us find out just what went wrong because I think we all need to know what went wrong on that rig to lead to the explosion that, unfortunately, took the lives of 11 people and has led to not only this human loss but this environmental loss.

I would hope that they would be objective in their deliberations. I think I do have concerns that some of the members appear to maybe come to this with a predisposed outcome. And they would be well served and the country would be well served if they put their political agendas on the side and actually focused on finding out what went wrong and coming up with real recommendations.

Now, if we look at the legislation not only here before us but also some of the problems we're dealing with on the ground, we continue to have problems and we seem to be spending more of our time fighting against this administration rather than fighting the oil because we're not getting the leadership we need from the President. Just yesterday, the sand barrier plan brought forward by our Governor that the President himself bragged about helping approve last week was stopped, halted by the Federal Government. Yet again, this kind of administrative red tape is something that's holding us back from properly responding to this disaster.

But if you look at what's happening with this ban on drilling in general, Secretary Salazar had initially put a commission together to come up with recommendations. They had a 30-day report that they issued. And these were scientists that were put together on recommendation by the National Academy of Engineers, and they came up with some solid recommendations to improve safety; but they opposed a ban on drilling. Unfortunately, Secretary Salazar set that ruling on the side, set that report on the side, and ignored the reports of scientists and put politics over safety and science and went forward with the ban that yesterday a judge ruled was not legal, not proper.

And so as this commission moves forward, I would hope that they would actually follow the rule of law and come up with objective decisions. But I think the Secretary would be well served and the President would be well served to go back to the report that was issued by his own scientific panel that came up with suggestions to improve safety on rigs without shutting down an entire industry.

Unfortunately, the President and the Secretary continue to set those kinds of scientific recommendations on the side and allow politics to trump the science by continuing to pursue this ban, even though the judge said that their decision was arbitrary and capricious; that they did not have the legal

authority to have a complete ban on drilling. In fact, the scientists recommended and suggested that a complete ban, as this moratorium that's in effect would currently have, would actually decrease safety on rigs.

So, again, I would urge the President and the Secretary to go back and read that report and follow the recommendations of his own scientists.

Mr. RAHALL. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), the sponsor of the pending resolution.

□ 1520

Mrs. CAPPS. I thank the chairman for recognizing me.

I just want to give some information about the nature of the commission for the RECORD and to clear up some misinformation that apparently is being circulated. The truth is that the commission is not designed to be technical in nature. It is more oriented to understanding the regulatory and organizational framework, which clearly has a major bearing on the incident.

The commission is going to consult the very best minds and subject matter experts as they do their work. The commission members bring expertise in a range of relevant fields, from oil drilling to engineering to environmental science. The appointment of the commission is another step from the Obama administration to hold the oil industry accountable by ensuring that independent experts review the facts of the spill and recommend necessary environmental and safety precautions to address this disaster and to prevent future disasters. At the request of co-chair William Riley, there is a 66-member expert panel led by Robert Bea that will serve as a consultant to the commission. These technical experts are critical to sorting through all of the information that's presented, and the commission is required to draw on the technical analysis that the National Association of Engineering is currently performing.

I just want to add that Congress is also providing oversight on efforts to contain the spill and to mitigate the devastation. There are thorough investigations into what led to this tragedy, with dozens of House hearings in the past 2 weeks alone in order to hold responsible parties accountable, as well as to inform what changes must be made so that it never happens again. Although Republican leaders have scoffed at these efforts, Democrats will continue to provide the necessary oversight to hold responsible parties accountable and to ensure that every measure is taken to ensure that a disaster like this never occurs again.

Mr. HASTINGS of Washington. Madam Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Madam Speaker, let us note that this catastrophe could well have been avoided in a number of ways. What we are talking about

now is the fact that standards that already are in place were not followed, and we had best practices that, of course, are required of the industry that were not being followed. And I think we're going to find that out. So the last thing we want to do is cripple the United States' production of domestic energy in order to find out and hold a certain group of people accountable for the fact that they did not follow the practices or the standards.

But let's put it this way: Congress has not done its job as well. We have spent billions of dollars on research and development for the Department of Energy. That money has been channeled into nonsense, like proving global warming rather than spending some money—which we have—spending money on research and development to make the technology that we need to have safe oil and gas production, which our country currently depends upon for our standard of living.

So we haven't done our job here. We haven't set our priorities here. And on top of that, we did not develop the technology necessary to deal with a spill of this magnitude. Kevin Costner came to our office and testified at a hearing. He's put his own money into this. So we need to set our own priorities. We need to deal with this crisis.

Mr. RAHALL. Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, this commission is necessary so the commission has subpoena power. I think everybody understands that and supports that. But we need to do the three things that I had mentioned earlier. And that is to cap the well, to clean up all of the oil that has spilled out, and to hold BP accountable. Those things I think have very, very strong bipartisan support.

The only issue is what has been addressed a few times at least from my perspective and in print about the objectivity of this commission. And of course, Madam Speaker, we all know that only time will tell when that judgment will be made. But if they work in an objective way, look at the facts, and come to a decision based on the facts rather than a political point of view, I think we'll all be better served by that.

And with that, I urge support of this legislation.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H.R. 5481, as amended, to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

On April 20, 2010, the Deepwater Horizon, a mobile offshore drilling unit (MODU) operating in the Gulf of Mexico off Louisiana, suffered a blowout and an uncontrollable release of gas and oil. This touched off an explosion and fire that claimed the lives of 11 men, injured many others, and resulted in the loss of the rig.

This casualty has also resulted in the release of millions of gallons of gas and oil into the Gulf of Mexico, the destruction of critical shoreline and ocean habitats, impacts to the

health of potentially hundreds of workers engaged in the clean up, and catastrophic economic losses that will not be known for some time for the people of the Gulf Coast region. Gas and oil continue to gush out of control from the well nearly 65 days since the explosion.

On May 22, President Obama issued Executive Order 13543 to establish the BP Deepwater Horizon Oil Spill and Offshore Drilling Commission. The Commission's mission is to:

1. examine the facts and circumstances concerning the Deepwater Horizon oil spill disaster;

2. develop options for preventing and mitigating the impact of oil spills associated with offshore drilling including: improvements to Federal laws, regulations, and industry practices and reforms to federal agencies; and

3. submit a public report to the President with findings and options for consideration within six months of the Commission's first meeting.

There are many serious questions that need to be answered surrounding this catastrophe. The President's Executive Order establishes a framework for pursuing these questions and providing needed policy improvements regarding offshore oil drilling. However, the Commission lacks a critical tool: subpoena power.

Unfortunately, it is in the interests of certain parties to withhold important information, rather than to provide it voluntarily. I know from our own oversight work on the Committee that subpoena power is absolutely necessary to identify and to get the information required to make better policies and to protect public health, the environment, and to prevent the mistakes of the past. For the Commission to fulfill its critical mission, it must have the power to compel parties to provide it with information. Congress has provided similar powers to prior commissions and provided this same investigatory power to the Offices of Inspector General pursuant to the Inspector General Act of 1978.

The gentlewoman from California (Mrs. CAPPS) has introduced legislation (H.R. 5481) to ensure that the BP Deepwater Horizon Commission has the ability to pursue critical questions and lines of inquiry wherever they may lead. The bill allows the Commission to issue subpoenas to compel the attendance and testimony of witnesses, and produce records and correspondence, among other items.

Passage of this legislation will give the BP Deep Horizon Oil Spill and Offshore Drilling Commission a central tool that it needs to get to the truth.

I thank the gentlewoman from California (Mrs. CAPPS) for introducing this important bill and for her unwavering commitment to this issue.

I urge my colleagues to join me in supporting H.R. 5481.

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

Mr. RAHALL. I yield back the balance of my time, Madam Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 5481, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RAHALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF THE INTERIOR

Mr. RAHALL, from the Committee on Natural Resources, submitted a privileged report (Rept. No. 111-510) on the resolution (H. Res. 1406) directing the Secretary of the Interior to transmit to the House of Representatives certain information relating to the potential designation of National Monuments, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1617

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 4 o'clock and 17 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5481, by the yeas and nays;

H.R. 3993, by the yeas and nays;

H. Res. 1388, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

GRANTING SUBPOENA POWER TO COMMISSION INVESTIGATING BP DEEPWATER OIL SPILL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5481) to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, as amended.