

XXI from the waiver of all points of order against consideration of the bill; so the bill is exposed to this point of order.

Accordingly, Mr. Speaker, I insist on my point of order.

The SPEAKER pro tempore. Does the gentleman from West Virginia seek to argue the point of order?

Mr. RAHALL. No, Mr. Speaker.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from Washington makes a point of order that the bill violates clause 9(a) of rule XXI. Under clause 9(a) of rule XXI it is not in order to consider a bill or a joint resolution unless the committee report on the measure includes a list of congressional earmarks, limited tax benefits, or limited tariff benefits contained in the measure, or a statement that the measure contains no such earmarks or benefits.

The Chair has examined the relevant committee report, House Report 111-575, and finds that it contains on page 125 a statement with regard to another measure, H.R. 3435, but not a statement with regard to this bill, H.R. 3534.

Accordingly, the point of order is sustained. Consideration of the bill is not in order.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that during proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of Rule XX or under clause 6 of rule XVIII.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). A supplemental report on H.R. 3534 has just been filed pursuant to the authority granted by clause 3(a)(2) of rule XIII. This supplemental report contains a statement regarding congressional earmarks, limited tax benefits, or limited tariff benefits with regard to H.R. 3534 that now satisfies clause 9 of rule XXI.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1574 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3534.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3534) to provide greater efficiencies, transparency, returns, and accountability in the administration of Federal mineral and energy resources by consolidating administration of various Federal energy minerals management and leasing programs into one entity to be known as the Office of Federal Energy and Minerals Leasing of the Department of the Interior, and for other purposes, with Mr. JACKSON of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes. The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

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

Mr. Chairman, I understand the typographical error made by somebody has been corrected in the supplemental report just filed and we are now on line for consideration of this bill.

Today the House is considering H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010, better known as the CLEAR Act. This legislation is aimed at shedding light on longstanding inadequacies in the management of our Federal oil and gas resources and to address the lessons learned in the aftermath of the Deepwater Horizon disaster.

On the afternoon of January 29, 1969, an environmental nightmare began in Santa Barbara, California. A Union Oil platform stationed 6 miles off the coast suffered a blowout. For 11 days, oil workers struggled to cap the rupture. During that time, around 5,000 barrels of crude oil bubbled to the surface and was spread into an 800-square-mile slick by winds and swells. Incoming tides brought thick tar to beaches, marring 35 miles of coastline. At the time, it was the worst environmental disaster this country had experienced and heralded the beginning of the environmental movement, but that paled in comparison to the events in the aftermath of the tragic explosion that occurred in the Gulf of Mexico on the evening of April 20, 2010.

□ 1320

The explosion of the Deepwater Horizon took the lives of 11 brave workers, unleashed up to 5 million barrels of oil over nearly 100 days, wreaking havoc on the gulf. It soiled over 600 miles of pristine gulf coast shoreline, and enforced the largest fishery closure in history. The souls of those 11 men cannot be recouped, but we, in part, can redeem them by taking action on this legislation.

Prior to this incident, I led the Committee on Natural Resources in the vigorous oversight of America's flawed oil and gas program. We uncovered billions of dollars that were never paid to the American people, countless examples of agency regulators sleeping around with, instead of keeping an eye on, the oil and gas industry, and the flagrant mismanagement of America's public energy resources. We had amassed a mountain of evidence that something was wrong. The American people were being cheated. The environment was being degraded, and Big Oil was writing their own rules.

As a result of a decade of investigations by the inspector general and the GAO, as well as holding countless oversight hearings held by my committee, we crafted a comprehensive package to completely overhaul and reform America's oil and gas leasing program. The CLEAR Act was introduced last September, and it seeks to make several important changes to current law in an effort to create greater efficiencies, transparency, and accountability in the development of our Federal energy resources.

Since April 20, our Committee on Natural Resources has led congressional efforts to investigate this tragedy, which was clearly a game changer for the way we manage our public energy resources. Through the work of the Natural Resources Committee and other committees, it became obvious that additional reasonable reforms were necessary to protect and prevent against such a catastrophe in the future.

While we may not know the exact cause of the incident at this time, we clearly know what contributed to it—a culture of cozy relationships that had regulators interviewing for jobs on the same rigs they were supposed to be inspecting, drilling plans that were rubber-stamped in a matter of minutes with only the most cursory environmental reviews, a “trust but don't verify” attitude towards safety standards, and an agency in charge that was spending too much time on the sidelines as the oil and gas industry wrote their own rules.

The CLEAR Act addresses these issues. It directly responds to the Deepwater Horizon disaster while also looking forward and attempting to prevent the next catastrophe. It will create strong new safety standards for offshore drilling and the revolving door between government and industry. It

will require real environmental reviews, hold BP accountable, help restore the gulf coast, and ensure that the American people get the best bang for their buck for the use of their resources.

The CLEAR Act will dismantle and reorganize a dysfunctional Minerals Management Service so that conflicts of interest between leasing, policing, and review collecting are permanently abolished. It establishes a new training academy for Federal oil and gas inspectors who will be required to adhere to strict new ethical guidelines. Thanks to Chairman OBERSTAR and his Transportation and Infrastructure Committee, the bill before us today also ensures that oil companies are held fully accountable and that drilling rigs meet strict U.S. safety standards.

Finally, the CLEAR Act fulfills a 45-year-old promise to the Land and Water Conservation Fund, which was based on the premise that money obtained from the sale of the public's resources should be used to protect and conserve our natural, historical, and recreational resources. The bill establishes a new Ocean Restoration and Conservation Assistance Fund, known as ORCA, so that funds raised from drilling in our oceans will also go toward protecting and improving our oceans. We take so much from our oceans, Mr. Chairman, that it is about time we gave something back.

We will, undoubtedly, hear horror stories today from the oil and gas industry about what they allege this bill will do to them. It happens every time, but this is sheer hyperventilation from an industry that has had its way with the public lands for 8 years. The industry should take a look at the spill in the gulf to see how an overly permissive attitude can turn into a real horror story for the entire industry and for the American people.

The Deepwater Horizon explosion and the subsequent damage that has occurred over the past 102 days is, indeed, a game changer. It is time that we act to protect America's families, America's workers and businesses, to rebuild the gulf coast, to hold oil companies accountable, to work to ensure that a spill of this kind never happens again, and to secure our domestic energy resources.

In this day and age, in this America, whether it is a coal mine in the congressional district that I am honored to represent or an oil rig deep in the Gulf of Mexico, there is no room for an environment where working men and women leave their homes in the morning and do not know if they will return in the evening. This is what this legislation is about.

I reserve the balance of my time.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Chairman, this bill is being sold as the

response to the ongoing gulf oil crisis. Though what has not been mentioned until right now is that it is stuffed with page after page of provisions that are totally unrelated to the spill. This legislation, if passed, will kill jobs. It will raise taxes, and it will increase Federal spending and cause even greater economic pain to the gulf coast and their families and communities.

Republicans believe the Federal Government should be focused on permanently stopping the leak, cleaning up the oil, holding BP and those responsible for the spill fully accountable, and then finding out, Mr. Chairman, what went wrong. Republicans believe educated reforms are needed to make American deepwater energy production the safest in the world, but these reforms must be based on the full facts of what caused and contributed to this tragedy.

Here in Washington, though, Democrats are exploiting the oil spill as an excuse to impose a job-killing combination of tax increases, government spending, and greater bureaucratic regulations. Democrats are pushing ahead of the facts to enact unrelated policies that wouldn't stand on their own merits if they weren't hitched to this vehicle and to this tragedy. They are not even waiting for the results of the many ongoing investigations, including the President's own hand-picked commission on this matter. This tragic oil spill and the President's arbitrary deepwater drilling moratorium have already cost thousands of jobs in the gulf and across the Nation.

Congress should not be passing a law that will inflict deeper economic and unemployment pain. The unlimited liability in this bill will devastate small operators and lead to, it is estimated, 300,000 lost jobs. The budgets of States and the Federal Government, because of this action, could face a \$147 billion deficit in their budgets from lost revenue. The new \$22 billion energy tax in this bill will not only cause more lost jobs; it will raise energy and gas prices on American families and businesses.

Mr. Chairman, this is what is very interesting:

This tax is imposed on just American oil and gas from Federal leases. Foreign countries won't pay this tax. So the argument can be made that this tax actually hurts American workers and gives advantages to foreign competitors.

Now, if what I have detailed is not bad enough, this bill includes over \$30 billion in new mandatory spending—spending on programs totally unrelated to the oil spill. To make matters worse, Democrat leaders have inserted specific language in the bill allowing every single dollar to be earmarked. This makes this bill a giant earmark ATM that automatically hands out over \$1 billion a year from now until the year 2040.

□ 1330

This bill is supposed to be about the gulf oil spill, yet it goes far, far beyond

offshore drilling. It imposes taxes and restrictions for onshore energy production. But the impact is not just on natural gas and oil onshore. It also affects renewable energy like wind, solar and geothermal; and I will say, it affects it in a negative way.

But it doesn't stop there. In response to the Federal Government's failure to regulate Deepwater Horizon in Federal waters, this bill requires a Federal takeover of permitting in State waters. In what bizarre world, Mr. Chairman, does this make sense? It is a gross violation, in my view, of the Tenth Amendment and is opposed by an association of 38 States who regulate energy production on their land and waters.

Now let's take two steps back and consider what the Democrats are doing with this bill. I believe, and I think all Americans believe, that BP is responsible for the gulf oil spill, and they should be held 100 percent accountable for paying the costs of the cleanup and repairing the damages. I believe that Chairman RAHALL agrees with that. I believe everyone in the House agrees that it is BP's responsibility to pay for this and not the taxpayers.

So, Mr. Chairman, why does this supposed "oil spill response bill" impose a \$22 billion energy tax on Americans and increase unrelated spending by over \$30 billion? BP is supposed to pay, not the taxpayers. There shouldn't be a new energy tax or billions in new spending in this bill. The fact is, the Democrats are using this oil spill tragedy as an excuse for unrelated tax and spending increases.

While this bill will cost billions in new taxes and higher spending, Mr. Chairman, the real toll is the potential lost jobs because of the actions of this bill. American jobs will be lost, and many will be sent overseas because of this bill. Why is this being done, I wonder, to the people of the gulf coast? The gulf coast has already taken a terrible economic hit. By what measures, Mr. Chairman, do they deserve this Democrat Congress taking action on a bill that will inflict even greater economic pain and suffering?

So, Mr. Chairman, I urge my colleagues to oppose the CLEAR Act and insist on a bill which we can all agree on regarding the safety and soundness of drilling in the gulf.

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

Mr. RAHALL. I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 4 minutes.

I rise in strong support of the amendment in the nature of a substitute to the Consolidated Land, Energy, and Aquatic Resources Act of 2010, and I want to congratulate my good friend and Transportation Committee colleague, Mr. RAHALL, the chairman of the Natural Resources Committee, for the splendid work that his committee has done, for the bill that he, personally, has championed, and the hours of

work put into this legislation in crafting a true comprehensive response to the oil spill in the gulf, the causes of that failure and the cleanup that is necessary.

I was going to be rather brief; but after listening to the gentleman from Washington, I didn't recognize the bill that is before us. I have never considered cleanup responsibilities to be a tax. I don't know where that confection has been created, but it is certainly not in my vocabulary.

The blowout from the mobile offshore drilling unit, the Deepwater Horizon, killed 11 people on the crew—at least none of them have been found. They are all presumed dead. There were 116 people injured in one way or another. Millions of gallons, millions of barrels of oil spilling from a source that is unknowable, a resource whose volume is unknown, and it continued relentlessly until just a few days ago. Our committee held three hearings to investigate the causes of this disaster, and I particularly appreciate the splendid work done by subcommittee Chairman ELIJAH CUMMINGS, the chair of the Coast Guard and Maritime Subcommittee.

While the causes of that disaster are still under investigation, there are some elements that are clearly known and that we must and can deal with and that we do deal with in this legislation that emerge also from our hearings. We received extensive testimony on how the Deepwater Horizon was built in South Korea, registered in that great maritime nation of the Republic of the Marshall Islands, and the registry is held by a foreign entity maintained in Reston, Virginia. No accountability, no oversight, no responsibility, and no rigorous laws of the country of registry to govern the MODU, the drilling unit. And the vessel itself, because it was registered in the Marshall Islands, was not subject to the rigorous safety inspection standards of the U.S. Coast Guard that a U.S. flagged vessel would be subject to.

We also learned that shortcuts were taken in the development, approval, and implementation of the oil spill response plans for the Deepwater Horizon drilling operation. Those response plans were totally inadequate to address the worst-case scenario. We also learned that in May of 2008, the Minerals Management Service of the previous administration exempted BP from filing an oil spill response plan—exempted because they're a big worldwide multibillion-dollar corporation with experience in deep-water drilling. In their permit, they filed a 52-page document that said: In the unlikely event of a surface or subsurface spill, we are capable of handling with existing industry technology up to 175,000 barrels a day. They couldn't handle what came out of that, and they couldn't measure what came out of that oil reservoir. That gulf has been seriously injured and damaged for generations because of that failure.

It also demonstrated the inadequacy of the limits of liability, including financial responsibility for the responsible parties, inadequate, insufficient to address a worst-case scenario for a release of oil in an offshore operation. The expected cost will be in the tens of billions. And even though BP agreed to set aside \$20 billion in an agreement with President Obama as an escrow to cover potential costs, the \$75 million cap that exists in current law is grossly, grossly inadequate and must be repealed; and it is repealed in our version of this legislation.

We also investigated the unprecedented use of 1.5 million gallons of chemical dispersants. Our witnesses called into question the potential short-term and long-term impacts that increased use of these dispersants, such as COREXIT, would have on the waters, the water column and the aquatic creatures and the plants in the Gulf of Mexico. Dr. Sylvia Earle, a world-renowned ocean biologist who spent 50 years of her career studying and evaluating and understanding the Gulf of Mexico, said, There never was any testing of COREXIT on underwater creatures in the water column, that COREXIT itself was determined to be toxic to the human respiratory system. It had adverse effects on the kidney and lungs and heart, and yet it was used extensively, well over a million gallons of it, as a dispersant in the response to the oil spill. We will have the burden of decades to understand what the effect of this chemical is on the water column and on the creatures whose livelihood depends on this water.

Our bill has several provisions to address liability, financial responsibility, improvements in safety, increased oversight of oil spill responses, improvements in environmental protection. We repeal or adjust existing liability limitations for offshore facilities to ensure that the responsible party or parties will be responsible for 100 percent of the cleanup costs and damage to third parties and will extend the provisions of OPA '90, the Oil Pollution Act of 1990, which has very rigorous provisions in it, to protect even the migratory waterfowl which come from northern regions, from Canada and from northern Minnesota and other northern-tier States and winter in the gulf.

□ 1340

Our State bird, the loon, winters in those marshes that are now oil-infested. And I want to be sure that BP pays for every oiled loon, which are the joy of Minnesotans in the summer as we recreate outside and enjoy our great outdoors.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, before I yield to the gentleman from California, I would just like to tell my friend, the chairman of the Transportation Committee, that the taxes that I referred to are on page 224 of the bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. I thank the gentleman for yielding.

Before we add more bureaucracies to the equation, shouldn't we be asking how did the existing ones do? This administration ignored the oil spill contingency plan that NOAA's former response coordinator says could have burned off 95 percent of the oil spill from day one. It took them 8 days just to do a test burn.

In the 2 weeks after the spill, 13 countries offered the assistance of their surface oil skimmers. The administration told them, "Thanks, but no thanks." As the oil approached shore, the administration shut down oil skimming barges for lack of life jackets. Apparently, it never occurred to them to simply bring out more life jackets. Skimmers that could have removed 95 percent of the surface oil were blocked by the EPA for a month because they didn't remove 99.9985 percent. For more than a month, the governors of the States begged the administration for permission to take emergency action to protect their shorelines, to no avail. And now we want more bureaucrats?

The problem is not a lack of bureaucracy. The problem is a tangled mess of rigid regulations, political posturing, contradictory edicts, and administrative incompetence that produced an emergency response worthy of the Keystone Kops. More of the same is not the answer.

My advice to this administration and its congressional majority is this: If you can't lead and won't follow, then get out of the way.

Mr. MICA. Mr. Chairman, I inquire as to how much time is remaining on each side of the aisle.

The CHAIR. The gentleman from Florida has 10 minutes remaining. The gentleman from Washington has 12 minutes remaining. The gentleman from West Virginia has 12½ minutes remaining. The gentleman from Minnesota has 2½ minutes remaining.

Mr. MICA. I yield 1 minute to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I rise in opposition to this bill. Obviously, I am not opposed to improving safety and regulation in the OCS. But I do want OCS drilling to continue.

I want to thank Chairman WAXMAN and Subcommittee Chairman MARKEY. The Energy and Commerce bill that was reported out, I believe 48-0, did improve safety, but it did allow drilling to continue domestically. In my opinion, with the taxes in this bill, with the punitive nature of this bill, if it were to pass and become law we would not have OCS drilling, and it would lessen the ability to develop our domestic resources, would increase costs to the American consumer, and make us more dependent, not less dependent, on foreign oil.

There are some good things in the bill. Some of the safety provisions from the Energy and Commerce bill that are included on CEO certification and things of this sort are worthwhile. But overall, it is a bad bill, and I would ask for a "no" vote.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Energy and Commerce Committee, a gentleman with whom we have worked very closely in the development of this legislation, and who has conducted a number of investigations and hearings on his own, Mr. WAXMAN.

Mr. WAXMAN. I thank the gentleman for yielding.

Just over 3 months ago, the Macondo well exploded in the Gulf of Mexico, causing the largest environmental disaster in U.S. history. Eleven workers on the oil rig died.

The Energy and Commerce Committee has held nine hearings into the chain of events that caused the blowout of BP's well and its impact on the gulf coast. These hearings revealed that BP and its partners made a series of risky decisions that undermined well safety. Our committee then passed the Blowout Prevention Act, H.R. 5626, 48-0, to strengthen Federal drilling regulations. This bill before us today contains key provisions from our legislation. I want to thank Natural Resources Committee Chairman RAHALL for working with us to include these provisions.

BP chose a risky well design on the Macondo well that provided minimal barriers to prevent dangerous gases from flowing to the wellhead. They ignored their contractors' urgent warnings about how to cement the well safely. This legislation will ban these dangerous practices. It's too late to stop the explosion, but this legislation can hold the appropriate parties accountable and make sure this type of catastrophic blowout never happens again.

Just over three months ago, BP's Macondo well exploded in the Gulf of Mexico, causing the largest environmental disaster in U.S. history. Eleven workers on the oil rig died. The well poured thousands upon thousands of barrels of oil into the Gulf of Mexico, threatening an entire way of life along the Gulf Coast. While BP has capped the well, the well has still not been permanently sealed.

The Committee on Energy and Commerce has held nine hearings into the chain of events that caused the blowout of BP's Macondo well and its impacts on the Gulf Coast. The hearings revealed that BP and its partners made a series of risky decisions that undermined well safety. These decisions saved time and money for BP, but increased the risks of a catastrophic blowout.

And based on what we found in our investigation, it is time for Congress to act. Investigations are ongoing and will continue to provide more details about the causes of this accident. But we know enough already about the weaknesses in the regulatory regime to craft commonsense legislative solutions.

Building on our oversight, the Energy and Commerce Committee developed the Blowout Prevention Act of 2010 to establish new fed-

eral regulatory requirements to prevent future spills from oil and gas wells. The Committee reported this bill by a bipartisan vote of 48 to 0. ED MARKEY and I worked with the Ranking Member of our Committee, JOE BARTON, as well as FRED UPTON, GENE GREEN, CHARLIE MELANCON, and other members to craft the Energy and Commerce bill. I want to thank them for their constructive suggestions.

Key elements of the Energy and Commerce Committee bill have been incorporated into the legislation we are considering today. I want to thank Natural Resources Committee Chairman RAHALL for working with us to include these provisions.

When BP's CEO Tony Hayward appeared before our Committee, we asked him to explain BP's risky decisions. He tried to dodge responsibility, telling us repeatedly that he was not involved in the critical decisions. And he tried to shift blame to others. It was clear that Mr. Hayward and other top BP officials paid virtually no attention to the risks the company was taking. To ensure greater accountability, this legislation requires oil company CEOs to certify that their well designs and blowout preventers are safe and that the company can promptly control and stop a blowout if these well control measures fail.

BP chose a risky well design on the Macondo well that provided minimal barriers to prevent dangerous gases from flowing to the wellhead. They ignored their contractor's advice about how to properly cement the well. They failed to conduct a critical cement test. And they failed to properly circulate well fluids.

The legislation we are considering today will set strict new requirements to ensure that these basic well control practices cannot be ignored at offshore wells.

BP says it relied on the well's blowout preventer as the last line of defense. But we know blowout preventers are not foolproof—not even close. To increase the reliability of this essential safety device, this legislation sets minimum standards for blowout preventers, including the requirement that blowout preventers have two sets of blind shear rams and redundant emergency backup control systems that can activate when communications from the rig are severed.

We were careful to provide regulatory flexibility so that the minimum requirements can evolve as the technology improves.

To ensure compliance with these new requirements, the legislation requires that blowout preventers, well designs, and cementing programs and procedures be certified as safe by independent, third-party inspectors selected by the federal regulator, not the oil companies. But the costs of these independent certifications will be paid for by the oil companies.

BP also took advantage of a lack of resources and a failure in the regulatory culture at the Minerals Management Service. This legislation puts an end to this culture of complacency. It requires the Department of the Interior to set tough standards and creates a committee of independent experts to check their work and make sure they do their jobs. This independent committee will review available technologies, assess industry practices and regulations, and provide the best, most up-to-date technical and regulatory advice so that we have the best possible set of rules for drilling offshore wells.

It is too late to stop the explosion and blowout on the Deepwater Horizon. But, with this

legislation, we can hold the appropriate parties accountable and make sure that this type of catastrophic blowout never happens again.

Mr. HASTINGS of Washington. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the committee.

Mr. LAMBORN. I thank the gentleman from Washington.

There are many things about having more safety and environmental protection in the gulf that we can all agree on. Unfortunately, this bill goes way beyond those agreement type of provisions. There is a \$2-a-barrel tax increase in this bill. And there is a proportional tax increase on natural gas production as well. And as was pointed out earlier, it's not just on offshore oil and gas production, but on onshore Federal lands. So it goes way beyond the discussion we are having about the gulf.

It's going to add up to \$22 billion. And this is not the time to be raising taxes on energy. We're trying to come out of a recession. Many of us are asking, Where are the jobs? And taxing energy and making the consumer and industry pay more for energy, it's just not the right time to do that. And we're putting this, if the bill takes effect, on existing oil and gas production. That's blatantly unconstitutional. The nonpartisan Congressional Budget Office says that we as the Federal Government will have to refund about two-thirds of that \$22 billion, or \$14 billion, the proportion that applies to existing oil and gas production, back to the producers because it's unconstitutional. It's an impairment of contracts to come in the middle of a contract and say, by the way, we are adding a big tax increase to your energy production.

So why are we taxing industry and the consumer when we're trying to come out of a recession? This bill doesn't make sense, and I urge a "no" vote.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I am very honored to yield 1 minute to the distinguished Speaker of the House, Speaker PELOSI.

Ms. PELOSI. Mr. Chairman, I rise in support of the updated Consolidated Land, Energy, and Aquatic Resources Act, the CLEAR Act, and thank the gentleman for yielding time on this important subject. I am very proud of it and other legislation to ensure a continued strong response to the BP oil spill in the Gulf of Mexico.

In passing these bills today, we will uphold our commitment to America's families and businesses to rebuild the Gulf Coast and make families whole, and to ensure that the size of this spill and the scope of it never happen again.

The CLEAR Act responds to the BP oil spill not simply with criticism. In fact, we waited an amount of time so we could get the facts, make the judgment, and write legislation that is responsible and targeted.

Visionary that he is, Mr. RAHALL 1 year ago began work on this legislation. We have benefited from the work

that his committee, that of Energy and Commerce and the leadership of Chairman WAXMAN, and Transportation and Infrastructure under Mr. OBERSTAR, have done in preparation for this, as well as the work of Mr. MILLER on Education and Labor.

□ 1350

This legislation is about safety, about establishing new safety standards—safety for the workers on the rigs, safety for those in the cleanup have been a priority for us in all of the legislation that has come to the floor in response to the spill.

It's about integrity. Integrity of the representations made by BP, whether it's about the effectiveness of the drilling, whether it's about the prevention of a blowout, or whether it's about the integrity of their representations about the integrity of the cleanup, what would happen if such a spill were to occur and do we have the technology to clean up. It's also about the integrity of the infrastructure, that the infrastructure would do what it was designed to do: drill, prevent blowouts, and, of course, respond to it.

So there's been a lack of integrity on both parts in terms of representations that were made and the integrity of infrastructure. This legislation addresses that.

It's about accountability. Reforming the Minerals Management Service is really a very important part of this legislation. Some of this was addressed by President Obama in having an Executive order to this effect or administrative policy to this effect. Now it is in statute. Very, very important. Because that accountability about who sets the standards, who makes sure that those standards are met is very, very important to us honoring our responsibility to the American people.

And it's about the families. And this always comes down to people who have suffered so much, by removing the cap on economic damages paid by oil companies to residents and small businesses affected by the oil spills.

The CLEAR Act is good for families, our environment, and the health of our natural resources in many ways. This week, we were informed that it was also good for our budget, saving taxpayers more than \$5 billion over the next 5 years, according to the Congressional Budget Office, and up to \$50 billion over the next 25 years, according to the Government Accounting Office.

This measure is just one component of a broader package of actions we are taking to hold BP accountable, support the families and businesses of the gulf coast, and prevent and prepare for future disasters, hopefully avoiding them.

Today, we will vote on the Offshore Oil and Gas Worker Whistleblower Protection Act, which was debated earlier, managed by Mr. MILLER, to protect workers who put the people's interests first, speak up and inform State and Federal authorities of violations and

practices that endanger the public and the workers.

In recent weeks, we have passed the Oil Pollution Research and Development Program Reauthorization Act to develop new methods and technologies to clean up oil spills. That was under the leadership of Chairman BART GORDON of the Science and Technology Committee. He also presented the Safer Oil and Natural Gas Drilling Technology Research and Development Program to develop safer drilling technologies and prevent future oil spill disasters. One of them was the Gordon Act and one was the Woolsey Act.

The Spill Act. The Spill Act was one we passed maybe a month ago amending the Death on the High Seas Act to ensure fair compensation for the families of those killed or injured in the BP spill.

Many of us were humbled and honored to receive the families of those who lost their lives at the time of this explosion, at the time of this disaster. They came here. They talked about their family members that they had lost. They are the backbone of America. They worked hard. They played by the rules. They came here, really, using their suffering—and I say that in the best possible way—to help others. Their generosity of spirit insists that we turn this into the law but also to help those families and other families.

We passed legislation to give subpoena power to the President's Oil Spill Commission and permit the Coast Guard to obtain needed resources from the Oil Spill Liability Trust Fund to help with cleanup costs. Thank you, Mr. CUMMINGS.

I would like, again, to acknowledge Chairman NICK RAHALL, JIM OBERSTAR, HENRY WAXMAN, ED MARKEY, and GEORGE MILLER for their leadership on this package of bills that we have before us today, and Mr. GORDON, BART GORDON, for what he had done before.

In the wake of the BP oil spill, Members from both parties should agree that the current system is not working for the American people. As their representatives and their leaders, we must change course. We must do what we can to help the gulf recover and rebuild.

I urge all of my colleagues to vote "aye" on this critical oil spill response legislation.

Mr. MICA. Mr. Chair, I yield 2 minutes to a leader and member of the Transportation and Infrastructure Committee, which had part of this bill, one of the leaders of crafting our particular portion, the gentleman from Tennessee (Mr. DUNCAN).

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. I thank the gentleman for yielding.

Mr. Chair, just this morning, in an article entitled, "Stop Spending, Start Cutting," columnist Cheri Jacobus wrote in *The Hill* newspaper, "While it's one thing for Americans to be livid

at their elected officials over of out-of-control spending and unthinkable levels of debt that will be passed down to children yet to be born, we now have reason to be not only angry, but very, very afraid."

The Congressional Budget Office just told us the painful, unvarnished, frightening truth this week that unless Federal spending is reined in dramatically and/or revenues increased, we are headed for certain sudden economic catastrophe that would make this current economic crisis seem like a day at the beach.

Now we are about to pass a bill that has \$30 billion in just land purchases. Then there are all the new taxes. This bill creates a new tax on all existing and new Federal onshore and offshore leases. The Congressional Budget Office estimates that this tax on oil and a new tax on natural gas will total \$22 billion in 10 years, and eventually these taxes will climb to \$3 billion per year. And the CBO also estimates that the new energy taxes will create another \$14 billion in litigation costs alone. All of these costs, both direct and indirect, will eventually be passed on to the American consumers of energy—small businesses, families, and farmers.

Of course, this new tax applies only to American energy, giving a distinct advantage to foreign oil and gas and jeopardizing American energy jobs. A professor at LSU said this in testimony in front of the Natural Resources Committee, "These provisions are simply job killers for a large number of oil and gas employees along the gulf. He said, Unfortunately, the proposed bill under consideration today would eliminate even emerging opportunities and shut down tens of thousands of jobs for Louisiana oil and gas workers."

Dennis Stover, executive vice president of Uranium One, testified before the committee that this bill will decrease U.S. exploration and development. And he said, "By introducing great uncertainty regarding the lands ultimately available for uranium exploration and development, a leasing system will only serve to increase the United States' reliance on foreign sources of uranium."

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished chair of the subcommittee, the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

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Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much, Mr. Chairman.

I rise to speak strongly in support of H.R. 3534, the Consolidated Land, Energy, and Aquatic Resources Act of 2010. While this legislation cannot stem the oil that continues to gush into the Gulf of Mexico, it takes solid strides forward to preventing such an event from occurring in the future.

As a Congress, it is our duty to look forward and ensure we have protections

in place for future similar spills in these deepwater areas. We also need to review the current oil and gas regulations and ensure that we have safety and environmental protections in place for all types of onshore and offshore operations and facilities.

This legislation will help to make sure we are better prepared going forward, and I ask my colleagues to join me in supporting this legislation.

I am pleased that Title VII of this legislation, the "Oil Spill Accountability and Environmental Protection Act of 2010," was largely taken from the bill that the Committee on Transportation and Infrastructure passed out of committee. This title covers a number of areas of critical concern: liability provisions; safety measures; and provisions to protect the environment.

The legislation makes much-needed changes to the liability caps for both offshore oil facilities, as well as vessels. With regard to oil facilities, liability caps for economic damages are removed. This is as it should be.

This provision eliminates future incentives for oil companies to ignore the true impacts of their activities and engage in riskier behavior than they otherwise would. As a Congress, we should not enable or subsidize risky behavior on the part of companies simply because they want to do something.

This legislation also includes a number of other important safety and environmental provisions.

It requires that, going forward, there is one individual in true control of the safety of the vessel—and conflicting lines of authority will not result in mishaps, as with the Deepwater Horizon.

This legislation also forces EPA to take a much more rigorous look at oil spill dispersants than has been the case in the past. It is my view that there is a time and a place for the use of some dispersants.

However, it is altogether disturbing that such large volumes of dispersants have been used at the Deepwater site (1,843,786 gallons to date), while so little is known about their impacts to human health, water quality, and marine life.

As a result, we are requiring that EPA study the potential impacts of given dispersants to human health and the environment, get independent verification of effectiveness and toxicity, and then allow for the public disclosure of the chemical ingredients for any product that is "pre-approved" for use. Finally, EPA approval will be required for any use of a dispersant in relation to a future oil spill.

I urge all Members of the House to join with me in supporting this well-considered legislation.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentlelady from Wyoming (Mrs. LUMMIS), a member of the committee.

Mrs. LUMMIS. Mr. Chairman, Americans want the spill cleaned up, BP to pay for it, jobs to be restored, and the Federal Government to do a better job of inspecting for worker safety and environmental safety. To my colleagues in the majority party, we agree. Take "yes" for an answer.

But what does this bill do? It raises taxes, it removes the BLM land man-

agers from doing land management and over the objection of the Director of the Bureau of Land Management. Only Congress would view this bill as a response to what Americans want.

No wonder Congress has an approval rating of 11 percent. This is nuts, Mr. Chairman. This is nuts.

The CHAIR. The gentleman from Washington State (Mr. HASTINGS) has 9½ minutes remaining. The gentleman from Florida (Mr. MICA) has 7 minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 1½ minutes remaining. The gentleman from West Virginia (Mr. RAHALL) has 10½ minutes remaining.

Mr. RAHALL. Mr. Chairman, I yield myself 15 seconds.

The other side is cherry-picking the letter from the Congressional Budget Office. The gentleman from Tennessee was giving quotes from it, as far as what this conservation fee does, et cetera, and also nothing to do in this legislation. We jettisoned the part related to uranium leasing.

But the bottom line is that CBO estimates that enacting H.R. 3534 would reduce future deficits by \$5.3 billion.

I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chair, the huge human and environmental catastrophe has brought to light glaring deficiencies in the way we oversee, regulate, and hold accountable those who produce oil and gas on our public lands.

This bill will accomplish several good things such as imposing safety standards on drilling and strengthening the Land and Water Conservation Fund thanks to Chairman RAHALL. It is important that it will also clarify and improve liability laws thanks to Mr. OBERSTAR.

Under the current law, BP is responsible for the removal costs of the spill. They are liable only for \$75 million, however, for economic and natural resource damages. For a spill of this magnitude, a limit as low as \$75 million is laughable.

After the spill began, I led 85 of my colleagues in introducing the Big Oil Bailout Prevention Act, which would raise the liability cap now and retroactively. Of course the polluters should pay. The escrow account created by the administration and BP will have a short-term fix, but the CLEAR Act will ensure that BP is legally liable for all economic and natural resource damages it has caused. The public will know the buck stops with the oil companies, that the costs will not spill over to taxpayers.

I urge my colleagues to support this.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. STUPAK) assumed the chair.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the fol-

lowing titles, which were thereupon signed by the Speaker:

H.R. 5874. An act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5900. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2010

The Committee resumed its sitting.

Mr. MICA. I am pleased to yield at this time 2 minutes to the gentleman from North Carolina (Mr. COBLE), another one of our leaders in the T&I Committee.

Mr. COBLE. I want to thank the gentleman from Florida for yielding.

Mr. Chairman, the Deepwater Horizon oil spill is a horrific tragedy, as we all know; and I want to make certain the responsible parties are held accountable. I also want to ensure that we understand what went wrong to prevent future tragedies. Although I support domestic energy exploration, we need legislation that is focused and implements lessons learned, and the CLEAR Act, in my opinion, does not meet these principles.

Specifically, it adds yet another task to the Coast Guard mission without providing the tools necessary to get the job done. I firmly believe the Coast Guard can do its part, but it is our responsibility to make sure that they have the personnel, command structure, and resources to meet its multifaceted mission.

The bill also diminishes intellectual property rights. Its mandatory publication requirements for chemical dispersants will eviscerate a number of trade secrets and undermine competitiveness in the chemical industry, it seems to me. It makes no sense to discard trade secrets in the name of protecting the public when the EPA already has such authority and jurisdiction to test, inspect, and approve these products.

Finally, this legislation will create new impediments for tapping into our domestic energy supply, make us more reliant upon foreign sources of energy, and compromise jobs.

Mr. Chairman, I reiterate, we must address this catastrophe. The CLEAR Act, however, is the wrong approach for the gulf coast, our economy, and my constituents' wallets.

I thank the gentleman from Florida again for yielding.

Mr. HASTINGS of Washington. Mr. Chairman, I'm pleased to yield 1 minute to the gentleman from Louisiana (Mr. FLEMING), a member of the Natural Resources Committee.