

Walden	Whitfield	Woodall
Walsh (IL)	Wilson (SC)	Yoder
Webster	Wittman	Young (AK)
West	Wolf	Young (IN)
Westmoreland	Womack	

NOT VOTING—18

Becerra	Jackson (IL)	Paul
Conyers	Jackson Lee	Reed
Giffords	(TX)	Reyes
Green, Al	Johnson, Sam	Speier
Hastings (WA)	Langevin	Tsongas
Hinchev	Manzullo	
Hinojosa	Nunnelee	

□ 1912

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Chair, today I was unavoidably detained and missed the votes on:

Polis (CO) Amendment (#1). Requires revision of permits by the Interior Department to take into consideration all applicable safety, environmental and fisheries laws, such as the National Environmental Policy Act, the Endangered Species Act and the Marine Mammal Protection Act. Had I been present, I would have voted "no" on this amendment.

Garamendi (CA) Amendment (#2). Implements the independent BP spill commission's recommendation by requiring that in reviewing a drilling permit, the Secretary consult with an independent drilling safety organization not affiliated with the American Petroleum Institute. Had I been present, I would have voted "no" on this amendment.

Markey (MA) Amendment (#3). Implements offshore drilling safety reforms recommended by the BP Spill Commission and would set specific new minimum standards for blow-out preventers, cementing and well design. Had I been present, I would have voted "no" on this amendment.

Mr. BISHOP of Utah. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRAVES of Georgia) having assumed the chair, Mr. DOLD, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1231, REVERSING PRESIDENT OBAMA'S OFFSHORE MORATORIUM ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112-74) on the resolution (H. Res. 257) providing for consideration of the bill (H.R. 1231) to amend the Outer Continental Shelf Lands Act to require that each 5-year offshore oil and gas leasing program offer leasing in the areas with the most prospective oil and gas resources, to establish a domestic oil and natural gas

production goal, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 856

Mr. HECK. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 856, a bill originally introduced by Representative HELLER of Nevada, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. PEARCE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from the bill, H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

PUTTING THE GULF OF MEXICO BACK TO WORK ACT

The SPEAKER pro tempore. Pursuant to House Resolution 245 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1229.

□ 1915

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 further consideration of the bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, with Mrs. ADAMS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 3 printed in part A of House Report 112-73 offered by the gentleman from Massachusetts (Mr. MARKEY) had been disposed of.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part A of House Report 112-73.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 9, before the closing quotation marks insert the following:

"(4) ESTIMATIONS REQUIRED IN PERMIT APPLICATIONS.—The Secretary shall require

that each application for a permit to drill a well include detailed estimations of—

"(A) the amount of oil and gas that is expected—

"(i) to be found in the area where the well is drilled, in the case of an exploration well; or

"(ii) to be produced by the well, in the case of a production well; and

"(B) the amount by which crude oil prices and consumer prices would be reduced as a result of oil and gas found or produced by the well, and by when the reductions would occur.

The Acting CHAIR. Pursuant to House Resolution 245, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, speeding up the permitting process and thereby making it easier to drill off our country's shores in the manner that this bill does will do little to help Americans at the gas pump.

According to the Energy Information Administration, even tripling our current offshore drilling capabilities by the year 2030 would lower gasoline prices only 5 cents per gallon more than if we continued at the current levels.

At maximum output, the United States holds less than 2 percent of the world's oil reserves, not nearly enough to significantly impact the price per barrel, which is set on a global level primarily by the Organization of the Petroleum Exporting Countries that we reference as OPEC.

In reality, the United States is already producing more oil per day than it ever has, yet gas prices are still around \$4 per gallon. Though production in our country has actually increased every year since 2005, crude oil hit a record \$147 per barrel over the same time period, demonstrating that there is little correlation between drilling levels in the United States and the price of oil.

More drilling will put our businesses, as well as our environment and health, at an increased risk with little return to the average American. By itself, the United States consumes one quarter of the world's oil. What drives the price of oil more than any other factor is the large scale and high demand for it worldwide.

The only way we can reduce gasoline prices is to decrease our country's demand for fossil fuels by increasing our energy efficiency, improving the fuel mileage of our cars, and developing real renewable energy resources. Federal policies should focus on making these changes, not on dangerously restricting Federal oversight of the industry.

Madam Chair, I urge my colleagues to support my amendment.

I reserve the balance of my time.

□ 1920

Mr. LAMBORN. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. I yield myself such time as I may consume.

Madam Chairman, the intent of H.R. 1229 is to put Americans in the gulf back to work and to ensure a steady domestic supply of oil for our citizens and our consumers, thereby lessening our dependence on foreign sources of oil.

I must oppose this amendment. The effect of the amendment is that we are going to hold ourselves hostage to foreign energy unless we can prove that domestic energy meets some abstract standard and satisfies some bureaucrat.

Where I disagree with this amendment the most is the assumption that domestic energy production might not be good for America and might not be allowed. More supply cannot help but to lower prices, reduce dependence, generate revenue and create jobs. I see all these results of domestic energy production as good: good for America, good for consumers and good for our balance of trade. This is true whether the impact from a single well is sufficient in and of itself to move the price of oil prices overseas or not. The real result of this amendment would be that we don't create jobs, revenue and more energy.

For these reasons, Madam Chairman, I oppose this amendment, and I encourage my colleagues to vote "no."

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. HASTINGS of Florida. Let me respond to my colleagues first by saying that I hope no one in the gulf is sitting out there holding their breath waiting for this named bill here, H.R. 1229, "Putting the Gulf of Mexico Back to Work."

Let me talk real here about what is getting ready to happen. The Republicans will pass this particular measure. It will go to that black hole over in the Senate and never become the law of the United States. And the administration has made it very clear that if this measure were to pass, it is not going to in fact be permitted under the aegis of the President's veto, which they cannot overturn.

So while people in Mississippi and people in Louisiana are suffering floods right now, compounding all of the circumstances that they have had to put up with with the BP oil spill, here we are dillydallying, making like we are going to do something to create work in the gulf. We are not going to do one single, solitary thing, and if we could do nothing more, we ought to tell the people the truth.

If we drilled everywhere you say drill in America, we still would only have 1.97 percent of all of the oil in the world. Canada has more oil than we do,

and we get plenty of it from them. Mexico almost has as much as we do. How dare we come here and talk about 2 weeks of oil that ain't going to reduce gas none and suggest to people it's going to put people back to work. Balderdash.

I yield back the balance of my time.

Mr. LAMBORN. Madam Chairman, I would just point out that it is skewing the statistics and not accurate to say that the U.S. only has 2 percent of the world's oil reserves. When you look at Btus, energy production, we have more energy available in this country than any other country in the world; and looking at oil specifically, we have 145 billion barrels of recoverable oil, according to the CRS. So that is much larger than what some people say.

On the point of whether the President has taken a position, this is the Statement of Administration Policy on this bill, and there is no veto threat in here. So if we are fortunate to see this bill not just pass the House but the Senate as well, I am sure the White House will seriously consider this, and I would be hopeful that it would be signed into law.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. DEUTCH

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 112-73.

Mr. DEUTCH. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, beginning at line 1, strike section 202 (and redesignate the succeeding sections accordingly).

The Acting CHAIR. Pursuant to House Resolution 245, the gentleman from Florida (Mr. DEUTCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DEUTCH. Madam Chairman, a little more than a year ago, the BP Deepwater Horizon oil drilling vessel exploded in the Gulf of Mexico. Over several months, millions of gallons of oil were dumped into the gulf. The oil spill caused irreparable damage to delicate ecosystems, damaged natural barriers that protect States along the Gulf of Mexico from deadly storm surge, and was devastating to local jobs and livelihoods along the gulf coast. Indeed, the oil spill caused significant harm to

my State of Florida's environment and economy from which we are still recovering.

My amendment will have no impact on the overall bill. While I do oppose weakening the Federal review process of lease applications for energy development, production and exploration of the Gulf of Mexico, the purpose of my amendment is simply to correct an injustice to the residents of Florida and Alabama in the bill as it is written. My amendment would strike section 202, which imposes an exclusive venue in the Fifth Circuit for civil actions relating to the leasing of Federal lands in the Gulf of Mexico for energy development, production and exploration.

Under this provision, litigation relating to leases on energy development can only be filed in a district court in the Fifth Circuit. And while the Fifth Circuit includes the Gulf States of Mississippi, Louisiana and Texas, two States that comprise substantial gulf coastlines, Florida and Alabama, are in the 11th Circuit, and it makes no sense that the residents of these States will have to travel to the Fifth Circuit to have their cases heard. The effect of this section would be to prevent the district courts in Florida and Alabama from considering civil cases related to the issuance of leases for energy development, production and exploration off the coastlines of these States.

Congress has no business telling courts within a State that they are prohibited from considering issues involving a lease for energy development, production and exploration that have the potential to cause irreparable environmental and economic damage to the gulf coast area of that State.

In addition, requiring these cases to be moved from Florida and Alabama to a State within the Fifth Circuit will cause substantial hardship for the parties involved in the litigation, substantial hardship for the witnesses who would need to testify, and would result in substantial costs. Striking this exclusive venue provision would ensure that Florida and Alabama courts could hear these cases and reach a just result that reflects the needs of that State.

Section 202 does provide an exception only in cases in which there is no proper venue in a court within the Fifth District. However, this exception fails to address these very serious concerns. The parties involved in litigation on leasing would first have to determine that there is no court within the Fifth Circuit that would be able to consider the case. Only after determining that there was no court in the Fifth Circuit, then the parties will be permitted to file in Florida or Alabama.

In short, section 202 will prohibit the courts in Florida and Alabama from considering and rendering a decision in lawsuits on leases for energy development, production and exploration off their coasts. My amendment would strike the section. It makes no changes to the overall bill. It provides a simple solution to address this bill's unwarranted restrictions on which courts

will be able to review these leases should they pose a threat to the gulf coast area. I urge its adoption.

I reserve the balance of my time.

Mr. LAMBORN. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. I yield myself such time as I may consume.

In order to ensure that there is a circuit court that is familiar with the legal issues surrounding civil actions involving gulf energy production, it is important that venue be restricted to the Fifth Circuit so that those district and appeals court judges would have the essential experience and legal precedent to fairly rule on these technical cases. For that reason, I oppose this amendment.

The Fifth Circuit, as was pointed out earlier, does include Louisiana, Mississippi and Texas, all Gulf Coast States. If various district courts and courts of appeal throughout the country were able to hear these cases, there may be a result of having no uniformity in decisionmaking, and judges who do not have as much expertise or background could be making vital decisions in which the energy security of our Nation hangs in the balance.

□ 1930

It is essential that there be one Federal judicial circuit that understands the technical aspects of these cases with judges who have a background in understanding offshore energy policies and practices. That will ensure that all cases are handled fairly and expeditiously and uniformly without any confusion or delay. By requiring all cases to go through the Fifth Circuit, we accomplish this important goal.

For that reason, I urge a "no" vote on this amendment, and I urge my colleagues to oppose it.

I reserve the balance of my time.

Mr. DEUTCH. I yield 15 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. As a former judge—and as a State and Federal judge—I would urge my colleague from Colorado to understand something. Circuit judges don't of necessity have specific specialty in the area they live. A judge may go on the bench in the Fifth Circuit and have studied patent law all of his life and know nothing about oil.

Mr. DEUTCH. May I ask how much time is remaining.

The Acting CHAIR. The gentleman has 1¼ minutes remaining.

Mr. DEUTCH. Madam Chair, the gentleman's opposition to this amendment is premised on a very interesting, and I would respectfully suggest dangerous, interpretation of what is our responsibility as Members of this House. The gentleman spoke of the need to have uniformity of decisionmaking. Uniformity of decisionmaking. As I understand the role of the Federal judiciary,

the role of our court system is to provide justice. The role is not to ensure that we have the same decision in every court.

My amendment simply says that if you are a judge in the State of Florida or a judge in the State of Alabama, that you are in a position just as well as a judge in Texas or these other Gulf States to make a determination about how the law should be interpreted—the idea that judges have to have a sufficient background, and that if courts throughout the country were able to hear these, we would not be able to reach a logical conclusion.

The fact is we're not asking courts throughout the country to hear these cases, Madam Chairman. We're asking the judges within the States whose coastlines would be dramatically affected and have been affected in the case of spills like the Deepwater Horizon.

Madam Chairman, I would respectfully suggest that if our goal here is to seek justice, then we must seek justice in those courts in the States that have seen the damage.

I ask for the adoption of this amendment.

I yield back the balance of my time.

Mr. LAMBORN. If the gentleman wanted to make sure that the judges of Alabama and Florida were included, then maybe the amendment should have been written that way, and I think we would have a strong point of debate and that would be a legitimate item to discuss. However, that's not how the amendment is drafted. The amendment talks about letting in judges of the entire country, circuits of the entire country. For that reason, I urge a "no" vote on this amendment.

Mr. DEUTCH. Will the gentleman yield?

Mr. LAMBORN. I yield to the gentleman from Florida.

Mr. DEUTCH. I would like to confirm. Therefore, if the language in the bill were very clear that for cases to be brought affecting the leasing and the exploration of oil in the gulf, that if those cases could be brought in any of the Gulf States, including Florida and Alabama, then the bill's sponsor would not oppose this amendment?

Mr. LAMBORN. Reclaiming my time, I would say that we would have a more legitimate issue to debate. We could go into that. But it's too late, the amendment doesn't say that. And so that's not an option in front of us.

Mr. DEUTCH. So just to confirm, the gentleman's position is that in fact the courts in Florida and Alabama are just as well equipped to hear these cases as are the courts in Texas and the other Gulf States.

Mr. LAMBORN. I would say that those judges certainly would have a closeness to the situation that would be helpful. But the circuit, I believe it's the 11th Circuit, includes a number of other States that are not as situated like Alabama and Florida. So in choosing the Fifth Circuit, all the States there are Gulf Coast States.

Mr. DEUTCH. If the gentleman would yield for one final question, I would also note that while the Natural Resources Committee has acted on this bill, this provision very clearly should have been debated in the Judiciary Committee where all of these issues could have been worked out. It is for that reason, given what we have to work with, that I would again ask for adoption of my amendment, which helps to bring justice and some clarity to what is otherwise a murky provision in this piece of legislation.

Mr. LAMBORN. Reclaiming my time, my understanding is the Judiciary Committee did not have any problems with this particular revision. But having discussed all the issues around this amendment, I would urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEUTCH. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 112-73.

Mr. HASTINGS of Florida. Madam Chair, I rise to offer an amendment as the designee of the maker of the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 11, strike "EXPEDITION" and insert "QUALITY ABOVE SPEED".

Page 9, line 14, strike "expeditiously" and insert "justly".

The Acting CHAIR. Pursuant to House Resolution 245, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, this amendment, the scrivener of same, is JARED POLIS, our colleague from Colorado. I can't resist, however, departing from the preparation that he has undergone to suggest that if my other friend from Colorado's logic is followed, then I gather that the circuit courts of the United States, all 13 of them, must be the courts of last resort. And if you followed your logic to its conclusion, I guess we would eliminate the United States Supreme Court because, of course, those nine people wouldn't know anything about what the circuits had done, wherever they came from.

Madam Chair, when reading this bill, and particularly the section on judicial review, the phrase "rush to judgment"

came to mind to Mr. POLIS, because that's exactly what this bill directs our courts to do. Instead of hearing and deciding a case based on the case's merits, this bill tells the courts that speed, not justice, should be their top priority.

Madam Chair, the integrity of any law enforcement is only as good as the court's ability to review and enforce it. We all learned in civics class that one of the strengths of our Nation is its system of checks and balances. Passing legislation that tilts the courts in favor of one side or another is hardly in line with this most fundamental of American values, yet this is what much of what H.R. 1229's judicial review section does.

Mr. POLIS' amendment that I offer as his designee is a modest amendment that promotes the integrity of that review and the integrity of our Nation's principle of fair and impartial courts. H.R. 1229 as a whole gives an even greater handout to the well-funded legal teams employed by the big oil companies, at the expense of protecting our health, our communities, our environment, and justice in general.

The underlying bill in section 204 states: "The court shall endeavor to hear and determine any covered civil action as expeditiously as possible." Exactly who does it help when the courts are directed to make decisions in haste at the expense of research and deliberation? It only helps those who can afford teams of high-priced lawyers and lobbyists who know where and when to push the pressure buttons of influence.

My colleague's amendment simply replaces the word "expeditiously" with the word "justly," as the courts should be deciding cases based not simply on speed but on the law. Undoubtedly, the judicial review provisions in H.R. 1229 have been included to promote the misleading argument commonly used by the majority party and the big oil companies alike that frivolous lawsuits by local communities and environmentalists strangle the industry and stall domestic drilling. Yet quarter after quarter, oil companies continue to reap record profits and are developing more domestic energy than ever before. Exxon actually is ahead of us. They're in the business of talking about gas while we around here are dilly-dallying about oil.

Furthermore, this misleading hard-luck story leaves out a critical fact—that the industry is just as active in using the courts to get its way as any public health or environmental watchdog. But the industry has much more money for such legal actions, already giving it an unfair advantage.

□ 1940

In fact, recent lawsuits have been filed against the government by Alaskan oil companies to overturn critical habitat restrictions, by oil companies against the EPA for ethanol standards, and numerous suits against the Depart-

ment of the Interior by industry over the temporary ban following the BP disaster.

Let's remember that the point of judicial review is to ensure that the law is followed and to provide a check and balance when it is not. The underlying bill is, in effect, saying that following the law no longer matters. It doesn't matter if justice is served or if a case is heard properly. It only matters if it appears that way.

Madam Chair, the east front of the Supreme Court building contains the following inscription: "Justice, the guardian of liberty." Should any company in our country have the right to pursue profits and the prerogative of our capitalist system? Of course. But even our Founders recognized that this should be done within the confines of the law. Justice, meaning impartial courts and stringent checks and balances, is the guardian of our liberties and freedom as Americans. Instead of promoting a rush to judgment and a blind rubber stamp within the courts, we should, instead, promote integrity and a system of rigorous checks and balances, as these are truly fundamental American values.

I yield back the balance of my time.

Mr. LAMBORN. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. I yield myself such time as I may consume.

Let's stand back and look for a moment at the big picture. This administration has been held in contempt of court for slow-walking permits and is currently trying to appeal a Federal judge's warning that ordered them to act on stalled deepwater permits. While the administration continues to hold up the permitting process, thousands of Americans remain unemployed, and American energy is locked up.

This legislation encourages courts that are hearing permitting cases to act as expeditiously as possible. Environmental groups are already working to prepare lawsuits aimed at stalling and holding up offshore energy production. This bill encourages the courts to work expeditiously so that lawsuits can be settled quickly.

Now, in seeking to replace the word "expeditiously" with "justly," we are doing something that is totally unnecessary. Those of us supporting this bill already assume that the courts will act justly. That's what they're appointed for, and that's what we expect and require them to do. So it is superfluous and unnecessary to say that they have to act justly when that's what they're going to do. At least that's our assumption over here anyway. Yet we need to say that they act expeditiously as well as justly because of the slow-walking nature of this current administration's approach to permitting.

The effect of this amendment, were it to be adopted, would slow down Amer-

ican energy production at a time when prices are skyrocketing. We need judges to move cases in an expeditious manner so that we can use American energy. This bill ensures that everyone will have their day in court, but it also ensures that the slow walking of permits by this executive branch will not continue.

I urge a "no" vote and for my colleagues to oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was rejected.

AMENDMENT NO. 11 OFFERED BY MR. HASTINGS
OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 112-73.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, beginning at line 3, strike section 207.

The Acting CHAIR. Pursuant to House Resolution 245, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, H.R. 1229, in my opinion, is an irresponsible giveaway to the oil industry, which has taken enormous profit at American taxpayer expense. Section 207 of the bill repeals the Equal Access to Justice Act, thereby eliminating the awarding of attorneys' fees to litigants bringing successful legal challenges, be they expeditious, just or not, to offshore oil and gas activities, making this kind of litigation prohibitively expensive.

As the BP oil spill demonstrated, there has been a lack of Federal oversight of the drilling industry. Consequently, legal challenges have become the only enforcement mechanism for many related laws and regulations. Removing the judiciary system from the equation makes it even less likely that large oil and gas companies will comply with environmental and safety standards. Let me insert something here.

As to the commission that was set up under BP, a colleague of mine on the Rules Committee said that BP has been accountable. Only 3.8 percent, \$3.8 billion of the \$20 billion, has been left to 177,000 claimants. That ensures, among other things, that by 2013, at the expiration of the commission's term, there will be money left over.

Guess what my friends at Fox News reported? They reported that the money goes back to BP. How crazy can we be around here?

Eliminating the awarding of attorneys' fees means the traditional groups that bring lawsuits on environmental

or safety grounds, such as fishermen, small business owners and environmental groups, will no longer be reimbursed for the cost of successfully litigating these kinds of claims. The idea that the bill will somehow eliminate an excess of lawsuits is ridiculous. Since litigation is by its nature so expensive, these cash-strapped plaintiffs usually only bring those lawsuits with the most likelihood of success. Without the possibility of receiving attorneys' fees, legal challenges will effectively become impossible.

Madam Chair, section 207 of H.R. 1229 only helps large oil companies avoid having to comply with U.S. law.

I reserve the balance of my time.

Mr. LAMBORN. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. LAMBORN. I yield myself such time as I may consume.

The Equal Access to Justice Act provisions in this bill are necessary to avoid costly delays to domestic energy development based on the extreme anti-energy agenda of a few groups. The Equal Access to Justice Act was intended to allow people and small businesses with limited financial means the ability to challenge the actions of the Federal Government. However, it is now being abused by deep-pocketed special interest organizations.

For example, in 2005, the Sierra Club and the Natural Resources Defense Council received nearly \$200,000 in taxpayer dollars after suing the Federal Government in an offshore energy project in California. The Sierra Club has annual revenues of \$85 million, and the Natural Resources Defense Council has annual revenues of over \$100 million.

There is no justification for forcing the American taxpayer to pay the attorneys' fees of special interest groups that have ample funds of their own. Wealthy, ideological groups opposed to more American-made offshore energy can continue to sue to their hearts' content, but taxpayers shouldn't have to foot the bill.

I oppose this amendment, and I encourage my colleagues to do the same. Taxpayer dollars should not go to lawsuits being filed by special interests that are making millions and millions of dollars in annual revenue. I urge a "no" vote.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Chair, when you're flabbergasted, the easiest thing to do is to not say anything else. I just can't believe that we're doing this useless legislation while people in the gulf are hurting the way that they are. It's senseless.

Mrs. LUMMIS. Madam Chair, the Equal Access to Justice Act restrictions in this bill is necessary to avoid costly delays to domestic energy development based on the political agenda of a few groups.

EAJA was established in 1980 as means for small businesses and individuals to seek judicial redress from wrongful government action.

It allows for party's to seek reimbursement of attorneys' fees from the taxpayers.

Payment of these fees comes directly of out agency budgets, in this case the Bureau of Ocean Energy Management.

EAJA was intended to allow people and small businesses with "limited financial means" the ability to sue the Federal Government without having to worry about the costs associated if they prevail.

However, it is being abused by deep-pocketed organizations with a political agenda.

For example, in 2005 the Sierra Club and the Natural Resources Defense Council received nearly \$200,000 dollars in taxpayer dollars after suing the Federal Government on an offshore energy project in California.

The Sierra Club has annual revenue of \$85 million dollars, and the Natural Resources Defense Council has annual revenue of over \$100 million dollars.

There is no justification for forcing the American taxpayer—particularly those on the gulf coast—to pay the attorney's fees of political advocacy organizations that have ample funds of their own.

That is not what EAJA was intended to accomplish, and restricting its use in this bill is both necessary and appropriate.

Environmental groups can continue to sue to their hearts' content—and they will because suing the Federal Government is their modus operandi—but taxpayers shouldn't have to foot the bill.

I yield back the balance of my time.

Mr. LAMBORN. Madam Chairman, I urge a "no" vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

□ 1950

Mr. LAMBORN. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAMBORN) having assumed the chair, Mrs. ADAMS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, had come to no resolution thereon.

JOBS AND THE MAKE IT IN AMERICA AGENDA

The SPEAKER pro tempore (Mrs. ADAMS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Rhode Island (Mr.

CICILLINE) is recognized for 60 minutes as the designee of the minority leader.

Mr. CICILLINE. Madam Speaker, I thank you for the opportunity to speak this evening about jobs and particularly about the Make It in America Agenda, but before I begin, I would like to yield to the gentleman from Michigan to begin this conversation.

Mr. CLARKE of Michigan. Thank you, Representative CICILLINE.

I represent the city of Detroit. In fact, the congressional district that I represent includes metropolitan Detroit. Over the last 10 years, metropolitan Detroit has lost more jobs than any other metropolitan area in this country, but it wasn't just Detroit and its metropolitan area that's lost jobs. Other areas, other cities, other metropolitan regions in the country have lost millions of jobs over the last 10 years.

Now, during this same timeframe, this country has been investing our tax dollars to build bridges, to repair roads, to build hospitals, sewer systems, schools, to build industrial parks that will promote more business, to actually develop businesses and free enterprise models that are successful. Now, many of the American people may not have seen the benefits of this type of investment because all of the work that I am talking about that was funded by tax dollars was done in Afghanistan, and the people who directly benefited from these projects were the people of Afghanistan.

My position is this: we need to create jobs in America. We need to keep the jobs that we have here so they don't go overseas like they have in the past. In order to do that, I'm proposing let's take a share of the money that's intended to go to Afghanistan, redirect it to the United States to create jobs right here, jobs for the American people, because we're the ones that actually need it, and it makes sense. The money that we are investing in Afghanistan comes from U.S. taxpayers. Let's spend it in a way that benefits the taxpayers and creates jobs right here in the United States.

Now, I do understand that we've got to stop terrorism from breeding in other countries, and we certainly don't want other safe havens for terrorism to develop overseas. But in light of the fact that bin Laden is now gone, I'm asking this Congress, this administration to reassess our mission in Afghanistan. Let's take a part of the over half a trillion dollars—and that's trillion with a "t"—in military assistance that we've spent in Afghanistan over the last 10 years, let's take a share of that and return it home to protect our people right here in the United States.

Yes, we are at risk of a terrorist attack, but more than likely that risk is increasingly coming from within the U.S. So let's fully equip and fund the first line of defense against terrorism in this country, which is our first responders. It is our local police, our local firefighters, our local emergency