
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4480) TO PROVIDE FOR THE DEVELOPMENT OF A PLAN TO INCREASE OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION UNDER OIL AND GAS LEASES OF FEDERAL LANDS UNDER THE JURISDICTION OF THE SECRETARY OF AGRICULTURE, THE SECRETARY OF ENERGY, THE SECRETARY OF THE INTERIOR, AND THE SECRETARY OF DEFENSE IN RESPONSE TO A DRAWDOWN OF PETROLEUM RESERVES FROM THE STRATEGIC PETROLEUM RESERVE

June 19, 2012.—Referred to the House Calendar and ordered to be printed.

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

R E P O R T

[To accompany H. Res. ___]

The Committee on Rules, having had under consideration House Resolution ___, by a record vote of 7 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4480, the Strategic Energy Production Act of 2012, under a structured rule. The resolution provides two hours of general debate equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-24 and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute made in order as original text. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report

equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 7 of rule XVI, prohibiting the consideration of non-germane amendments, because the amendment in the nature of a substitute contains provisions not germane to the bill.

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

COMMITTEE VOTES

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

Rules Committee Record Vote No. 320

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #4, offered by Rep. McGovern (MA), which would reduce the federal deficit by \$40 billion by eliminating subsidies to oil companies. Defeated: 4-7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 321

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #27, offered by Rep. Hastings (FL), which would require each drilling permit application to include an estimate of how much the price of gasoline will decrease as a result of any oil or gas found under the permit. Defeated: 4-7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 322

Motion by Mr. Polis to make in order and provide the appropriate waivers for amendment #25, offered by Rep. Polis (CO), which would direct the United States Geological Survey to conduct a study and prepare a report documenting potential impacts to the quantity and quality of water available for agricultural and municipal purposes caused by proposed oil shale leasing in Colorado, Utah, and Wyoming. Defeated: 4-7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 323

Motion by Mr. Polis to report an open rule. Defeated: 4-7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 324

Motion by Ms. Foxx to report the rule. Adopted: 7-4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Bishop of Utah.....	Yea	Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Nugent.....	Yea	Mr. Polis.....	Nay
Mr. Scott of South Carolina...	Yea		
Mr. Webster.....	Yea		
Mr. Dreier, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Hastings, Doc (WA): Manager's Amendment. Would make technical corrections, eliminate the designation of the Colville River as an Aquatic Resource of National Importance and require additional right of ways planned into and out of the National Petroleum Reserve Alaska. (10 minutes)
2. Polis (CO): Would exclude hydraulic fracturing activities within 1,000 feet of a primary or secondary school. (10 minutes)
3. Terry (NE), Mack (FL): Would require the Federal Energy Regulatory Commission (FERC) to issue a permit for the construction of the Keystone XL Pipeline within 30 days from the day an application is submitted to the FERC. The proposed pipeline is from the Canadian border to the South Dakota/Nebraska border (10 minutes)
4. Quigley (IL): Would seek to ensure that protection of the marine and coastal environment is of primary importance in making areas of the outer Continental Shelf available for leasing, exploration, and development rather than expeditious development of oil and gas resources, to prohibit oil and gas leasing, exploration, and development in important ecological areas of the outer Continental Shelf, and for other purposes. (10 minutes)
5. McKinley (WV): Would require the consultation and input of the National Energy Technology Laboratory (NETL) under the Transportation Fuels Regulatory Committee within Title II of the legislation. NETL will work with the Committee to analyze and report on the impacts of the rules and actions of the EPA on our nation's gasoline, diesel fuel, and natural gas prices. (10 minutes)
6. McKinley (WV): Would require under section 203 of the bill to conduct an analysis relating to any other matters that affect the growth, stability, and sustainability of the nation's oil and gas industries, particularly relating to that of other nations. Would require the Committee to look at the actions, or inactions, of other nation's regulations, enforcements, and matters relating to the oil and gas industry, and how they have either helped positively or negatively towards the oil and gas industries in those other nations. (10 minutes)
7. Waxman (CA): Would provide that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health. (10 minutes)
8. Connolly (VA): Would define the term "public health" in the Clean Air Act. (10 minutes)
9. Green, Gene (TX): Would strike section 206 of the bill, which would require the consideration of feasibility and costs in revising or supplementing national ambient air quality standards for ozone. (10 minutes)
10. Terry (NE): Would give the EPA the ability to waive certain fuel requirements in a geographic area, when there is a problem with distribution or delivery of fuel or fuel additives, for a period of 20 days,

which could also be extended for another 20 days if the conditions exist. Would direct the EPA and Department of Energy to conduct the Fuel Harmonization Study required by the Energy Policy Act of 2005 by June 2014. (10 minutes)

11. Rush (IL): Would provide that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years. (10 minutes)
12. Holt (NJ): Would seek to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold. (10 minutes)
13. Lewis, John (GA): Would clarify that the section requiring a \$5,000 protest fee shall not infringe upon the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances. (10 minutes)
14. Amodei (NV): Would prohibit the Secretary of the Interior from moving any aspect of the Solid Minerals program administered by the Bureau of Land Management (BLM) to the Office of Surface Mining, Reclamation and Enforcement (OSM). (10 minutes)
15. Markey, Edward (MA): Would prohibit oil and gas produced under new leases authorized by this legislation from being exported to foreign countries. (10 minutes)
16. Landry (LA): Would raise the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from \$500 million to \$750 million. (10 minutes)
17. Rigell (VA): Would require the Secretary of The Interior to include Outer Continental Shelf (OCS) Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations. (10 minutes)
18. Holt (NJ): Would end free drilling in the Gulf of Mexico by requiring oil companies to pay in order to receive new leases on public lands. (10 minutes)
19. Wittman (VA), Rigell (VA): Would streamline the process for the Bureau of Ocean Energy Management (BOEM) to approve temporary infrastructure, such as towers or buoys, to test and develop offshore wind power in the Outer Continental Shelf. (10 minutes)
20. Westmoreland (GA), Braley (IA): Would lessen the regulatory burden on deli-style display cases by making Service-Over-the-Counter (SOTC) refrigerator units into a separate product classification. (10 minutes)
21. Bass (CA): Would require the Transportation Fuels Regulatory Committee to conduct an analysis of how to shield American consumers and the United States economy from gasoline price fluctuations and supply disruptions in the oil market by reducing the dependence of the United States on oil. (10 minutes)

22. Bass (CA): Would require the Transportation Fuels Regulatory Committee to assess the impact of human exposure to pollutants in the air, water, and land. (10 minutes)
23. Capps (CA): Would remove the requirements in Title II of the bill to conduct an analysis, issue a report, and delay rules if the Secretary of Energy determines that the analyses are “infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful.” (10 minutes)
24. Hanabusa (HI): Would require the Secretary of Interior in consultation with the Secretary of Agriculture to include in their Quadrennial Federal Onshore Energy Production Strategy, the best estimate, based upon commercial and scientific data, of the expected increase in domestic production of geothermal, solar, wind, or other renewable energy sources on lands designated as Hawaiian Home Lands. (10 minutes)
25. Speier (CA): Would strike language in the underlying legislation that would require drilling permits to be deemed approved a 60 day deadline, which could expose public lands to undue risk. (10 minutes)
26. DeLauro (CT), Markey, Edward (MA), Frank (MA): Would require \$128 million received from the sale of new leases to be made available to fully fund the Commodity Futures Trading Commission to limit speculation in energy markets. (10 minutes)
27. Jackson Lee (TX): Would establish an Office of Energy Employment and Training, as well as, an Office of Minority and Women Inclusion that would be responsible for all matters relating to diversity in management, employment, and business activities. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. HASTINGS OF WASHINGTON**

Page 3, line 1, insert “**OIL AND GAS EXPLO-
RATION, DEVELOPMENT, AND PRODUC-
TION**” after “**DOMESTIC**”.

Page 5, after line 19, insert the following (and re-
designate the subsequent quoted paragraphs accordingly):

1 “(4) CONCURRENCE.—The plan required by
2 paragraph (1) shall not take effect without the con-
3 currence of each of the Secretary of Agriculture, the
4 Secretary of the Interior, and the Secretary of De-
5 fense with respect to elements of the plan within the
6 jurisdiction, respectively, of the Department of Agri-
7 culture, the Department of the Interior, and the De-
8 partment of Defense.

Page 31, strike lines 1 through 3 and insert the fol-
lowing:

9 (g) DEFINITION.—For purposes of this section the
10 term “energy projects” means oil, natural gas and renew-
11 able energy projects.

At the end of section 605 (page 39, after line 4) add the following:

1 (d) **ADDITIONAL INFRASTRUCTURE.**—Within 180
2 days after the date of enactment of this Act, the Secretary
3 of the Interior shall approve, after consultation with the
4 State of Alaska and public comment, right-of-way cor-
5 ridors for the construction of 2 separate additional bridges
6 and pipeline rights-of-way to help facilitate timely oil and
7 gas development of the Reserve.

At the end of title VI (page 39, after line 22), insert the following:

8 **SEC. ____ . COLVILLE RIVER DESIGNATION.**

9 The designation by the Environmental Protection
10 Agency of the Colville River Delta as an Aquatic Resource
11 of National Importance shall have no force or effect.



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. POLIS OF COLORADO**

At the end of title I (page 6, after line 6) insert the following:

1 **SEC. __. LIMITATION ON HYDRAULIC FRACTURING.**

2 No lease or other authorization may be issued under
3 a plan required by subsection (k) of section 161 of the
4 Energy Policy and Conservation Act, as amended by sec-
5 tion 102 of this Act, for the conduct of any activity related
6 to hydraulic fracturing within 1,000 feet of a primary or
7 secondary school.



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. TERRY OF NEBRASKA**

Page 6, after line 11, insert the following new section:

1 **SEC. 103. KEYSTONE XL PIPELINE PERMIT.**

2 (a) RESTRICTION.—

3 (1) IN GENERAL.—No person may construct,
4 operate, or maintain the oil pipeline and related fa-
5 cilities described in paragraph (2) except in accord-
6 ance with a permit issued under this section.

7 (2) PIPELINE.—The pipeline and related facili-
8 ties referred to in paragraph (1) are those described
9 in the application filed on May 4, 2012, by Trans-
10 Canada Corporation to the Department of State for
11 the northern portion of the Keystone XL pipeline
12 from the Canadian border to the South Dakota/Ne-
13 braska border, including any modified version of
14 that pipeline and related facilities.

15 (b) ISSUANCE.—

16 (1) BY FERC.—The Federal Energy Regulatory
17 Commission shall, not later than 30 days after re-
18 ceipt of an application therefor, issue a permit with-

1 out additional conditions for the construction, oper-
2 ation, and maintenance of the oil pipeline and re-
3 lated facilities described in subsection (a)(2), to be
4 implemented in accordance with the terms of the
5 Final Environmental Impact Statement for the Key-
6 stone XL Pipeline Project issued by the Department
7 of State on August 26, 2011. The Commission shall
8 not be required to prepare a Record of Decision
9 under section 1505.2 of title 40 of the Code of Fed-
10 eral Regulations with respect to issuance of the per-
11 mit provided for in this section.

12 (2) ISSUANCE IN ABSENCE OF FERC ACTION.—

13 If the Federal Energy Regulatory Commission has
14 not acted on an application for a permit described
15 in paragraph (1) within 30 days after receiving such
16 application, the permit shall be deemed to have been
17 issued under this section upon the expiration of such
18 30-day period.

19 (c) MODIFICATION.—

20 (1) IN GENERAL.—The applicant for or holder
21 of a permit described in subsection (a) may make a
22 substantial modification to the pipeline route or any
23 other term of the Final Environmental Impact
24 Statement described in subsection (b)(1) only with
25 the approval of the Federal Energy Regulatory Com-

1 mission. The Commission shall expedite consider-
2 ation of any such modification proposal.

3 (2) NEBRASKA.—Nothing in this section shall
4 affect the ongoing work of the State of Nebraska
5 with regard to the fully intrastate portion of the
6 Keystone XL pipeline.

7 (d) NATIONAL ENVIRONMENTAL POLICY ACT OF
8 1969.—Except for actions taken under subsection (c)(1),
9 the actions taken pursuant to this section shall be taken
10 without further action under the National Environmental
11 Policy Act of 1969 (42 U.S.C. 4321 et seq.).



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. QUIGLEY OF ILLINOIS**

At the end of title I (page 6, after line 11) add the following:

1 **SEC. ____ . PROTECTIVE APPROACH TO OIL AND GAS LEAS-**
2 **ING, EXPLORATION, AND DEVELOPMENT ON**
3 **THE OUTER CONTINENTAL SHELF.**

4 The Secretary of the Interior—

5 (1) shall not conduct or authorize any leasing,
6 exploration, or development of oil and gas resources
7 of the Outer Continental Shelf under a plan required
8 by subsection (k) of section 161 of the Energy Pol-
9 icy and Conservation Act, as amended by section
10 102 of this Act, unless—

11 (A) sound science shows that such activi-
12 ties can proceed with minimal risk to the health
13 of the marine environment and coastal environ-
14 ment.

15 (B) the Secretary has a thorough under-
16 standing of the marine environment and coastal
17 environment impacted by the activity and an
18 environmental baseline, the risks of exploration

1 or development, and the potential consequences
2 of accidents and other emergencies; and

3 (C) the Secretary determines, on the basis
4 of sound science, that risks are minimal, rig-
5 orous safety measures are in place and will be
6 enforced, and there is a demonstrated ability to
7 mount an effective response to accidents in
8 real-world conditions;

9 (2) shall not make available for oil and gas
10 leasing under such a plan any area of the outer Con-
11 tinental Shelf that, by itself or in a network, has dis-
12 tinguishing ecological characteristics, is important
13 for maintaining habitat heterogeneity or the viability
14 of a species, or contributes disproportionately to the
15 health of an ecosystem, including its biodiversity,
16 function, structure, or resilience; and

17 (3) in determining whether an area is described
18 in paragraph (2), should give particular consider-
19 ation to—

20 (A) areas of high productivity or diversity;

21 (B) areas that are important for feeding,
22 migration, or the lifecycle of species; and

1 (C) areas of biogenic habitat, structure
2 forming habitat, or habitat for endangered or
3 threatened species.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

Page 8, line 6, redesignate subsection (d) as subsection (e).

Page 8, after line 5, insert the following:

- 1 (d) CONSULTATION BY COMMITTEE.—In carrying
- 2 out this title, the Committee shall consult with the Na-
- 3 tional Energy Technology Laboratory.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

Page 9, line 6, strike “and”.

Page 9, line 10, strike the period and insert “; and”.

Page 9, after line 10, insert the following:

- 1 (F) any other matters affecting the
- 2 growth, stability, and sustainability of the Na-
- 3 tion’s oil and gas industries, particularly rel-
- 4 ative to that of other nations.



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. WAXMAN OF CALIFORNIA**

Page 14, after line 9, at the end of title II, add the following new section:

**1 SEC. 207. PROTECTION AGAINST ASTHMA AND OTHER
2 HEALTH EFFECTS OF AIR POLLUTION.**

3 Notwithstanding any other provision of this title, the
4 Administrator of the Environmental Protection Agency
5 shall not delay finalization of any of the rules described
6 in section 205(a) to establish standards for clean air and
7 to reduce air pollution, if the pollution that would be con-
8 trolled by the finalized rule is contributing to asthma at-
9 tacks, acute and chronic bronchitis, heart attacks, cancer,
10 birth defects, neurological damage, premature death, or
11 other serious harms to human health.



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. CONNOLLY OF VIRGINIA**

On page 14, after line 9, insert the following:

1 SEC. 207. CORPORATIONS ARE NOT PEOPLE.

2 Section 302 of the Clean Air Act (42 U.S.C. 7602)
3 is amended by adding at the end the following:

4 “(aa) PUBLIC HEALTH.—The term ‘public
5 health’—

6 “(A) refers to the health of members of the
7 species homo sapiens; and

8 “(B) does not refer to the health of cor-
9 porations or any other non-living entities.”.



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

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**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. GENE GREEN OF TEXAS**

Page 14, lines 1 through 9, strike section 206 (relating to consideration of feasibility and cost in revising or supplementing national ambient air quality standards for ozone).



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TERRY
OF NEBRASKA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Terry

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AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. TERRY OF NEBRASKA

On page 14, after line 9, insert the following new section:

1 **SEC. 207. FUEL REQUIREMENTS WAIVER AND STUDY.**

2 (a) **WAIVER OF FUEL REQUIREMENTS.**—Section
3 211(c)(4)(C) of the Clean Air Act (42 U.S.C.
4 7545(c)(4)(C)) is amended—

5 (1) in clause (ii)(II), by inserting “a problem
6 with distribution or delivery equipment necessary for
7 the transportation or delivery of fuel or fuel addi-
8 tives,” after “equipment failure,”;

9 (2) in clause (iii)(II), by inserting before the
10 semicolon at the end the following: “(except that the
11 Administrator may extend the effectiveness of a
12 waiver for more than 20 days if the Administrator
13 determines that the conditions under clause (ii) sup-
14 porting a waiver determination will exist for more
15 than 20 days)”;

16 (3) by redesignating the second clause (v) (re-
17 lating to the authority of the Administrator to ap-

1 prove certain State implementation plans) as clause
2 (vi); and

3 (4) by adding at the end the following:

4 “(vii) PRESUMPTIVE APPROVAL.—Notwithstanding
5 any other provision of this subparagraph, if the Adminis-
6 trator does not approve or deny a request for a waiver
7 under this subparagraph within 3 days after receipt of the
8 request, the request shall be deemed to be approved as
9 received by the Administrator and the applicable fuel
10 standards shall be deemed to be waived for the period of
11 time requested.”.

12 (b) FUEL SYSTEM REQUIREMENTS HARMONIZATION
13 STUDY.—Section 1509 of the Energy Policy Act of 2005
14 (Public Law 109–58; 119 Stat. 1083) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1)(A), by inserting
17 “biofuels,” after “oxygenated fuel,”;

18 (B) in paragraph (2)—

19 (i) in subparagraph (B)—

20 (I) by redesignating clause (ii) as
21 clause (iii);

22 (II) in clause (i), by striking
23 “and” after the semicolon; and

24 (III) by inserting after clause (i)
25 the following:

1 “(i) the renewable fuel standard;
2 and”; and

3 (IV) in subparagraph (G), by in-
4 serting “or Tier III” after “Tier II”;
5 and

6 (2) in subsection (b)(1), by striking “2008”
7 and inserting “2014”.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSH
OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. RUSH OF ILLINOIS**

Page 14, after line 9, at the end of title II, add the following new section:

1 **SEC. 207. IMPACT ON GASOLINE PRICES AND JOBS IN THE**
2 **UNITED STATES.**

3 (a) DETERMINATION OF IMPACT.—Not later than 90
4 days after the date of enactment of this Act, the Adminis-
5 trator of the Energy Information Administration shall
6 make a determination as to whether implementation of
7 this title is projected to lower gasoline prices or create jobs
8 in the United States within 10 years.

9 (b) SUNSET IF IMPLEMENTATION NOT PROJECTED
10 TO LOWER GASOLINE PRICES OR CREATE JOBS.—Sec-
11 tions 205 and 206 shall cease to be effective if the Admin-
12 istrator of the Energy Information Administration, pursu-
13 ant to subsection (a), determines that implementation of
14 this title is not projected to lower gasoline prices and cre-
15 ate jobs in the United States within 10 years.



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

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**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. HOLT OF NEW JERSEY**

Page 17, after line 17, insert the following:

- 1 “(6) The Strategy under this subsection should
- 2 seek to ensure that that the percentage of onshore
- 3 Federal oil and gas leases under which production is
- 4 not occurring is reduced during the next 4-year pe-
- 5 riod.



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LEWIS
OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. LEWIS OF GEORGIA**

Page 27, line 17, strike the closing quotation marks and the following period, and after line 17 insert the following:

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

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
AMODEI OF NEVADA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO
 RULES COMMITTEE PRINT 112-24
 OFFERED BY MR. AMODEI OF NEVADA**

Add at the end the following:

1 **TITLE ____—MISCELLANEOUS**
 2 **PROVISIONS**

3 **SEC. ____ . LIMITATION ON TRANSFER OF FUNCTIONS**
 4 **UNDER THE MINING LAW PROGRAM OR THE**
 5 **SOLID MINERALS LEASING PROGRAM.**

6 The Secretary of the Interior may not transfer to the
 7 Office of Surface Mining Reclamation and Enforcement
 8 any responsibility or authority to perform any function
 9 performed immediately before the enactment of this Act
 10 under the Solid Minerals Program of the Department of
 11 the Interior, including—

12 (1) any such function under—

13 (A) the laws popularly known as the Min-
 14 ing Law of 1872 (30 U.S.C. 22 note);

15 (B) the Act of July 31, 1947 (chapter 406;
 16 30 U.S.C. 601 et seq.), popularly known as the
 17 Materials Act of 1947;

18 (C) the Minerals Leasing Act (30 U.S.C.
 19 181 et seq.); or

1 (D) the Mineral Leasing Act for Acquired
2 Lands (30 U.S.C. 351 et seq.); and

3 (2) any such function relating to management
4 of mineral development on Federal lands and ac-
5 quired lands under section 302 of the Federal Land
6 Policy and Management Act of 1976 (43 U.S.C.
7 1732); and

8 (3) any function performed under the Mining
9 Law Program.



15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

Add at the end the following:

1 **TITLE _____—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. ____1. REQUIREMENT TO OFFER FOR SALE ONLY IN**
4 **THE UNITED STATES.**

5 The Secretary of the Interior shall require that all
6 oil and gas produced under a lease issued under this Act,
7 the amendments made by this Act, or any plan, strategy,
8 or program under this Act shall be offered for sale only
9 in the United States.



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LANDRY OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. LANDRY OF LOUISIANA**

Add at the end the following:

1 **TITLE _____ — MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. ___ 1. AMOUNT OF DISTRIBUTED QUALIFIED OUTER**
4 **CONTINENTAL SHELF REVENUES.**

5 Section 105(f)(1) of the Gulf of Mexico Energy Secu-
6 rity Act of 2006 (title I of division C of Public Law 109-
7 432; (43 U.S.C. 1331 note)) is amended by striking
8 “2055” and inserting “2022, and shall not exceed
9 \$750,000,000 for each of fiscal years 2023 through
10 2055”.



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RIGELL
OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

30

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. RIGELL OF VIRGINIA**

Add at the end the following:

1 **TITLE ____—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. __01. LEASE SALE 220 AND OTHER LEASE SALES OFF**
4 **THE COAST OF VIRGINIA.**

5 (a) INCLUSION IN LEASING PROGRAMS.—The Sec-
6 retary of the Interior shall—

7 (1) upon enactment of this Act, revise the pro-
8 posed Outer Continental Shelf oil and gas leasing
9 program for the 2012–2017 period to include in
10 such program Lease Sale 220 off the coast of Vir-
11 ginia; and

12 (2) include the Outer Continental Shelf off the
13 coast of Virginia in the leasing program for each 5-
14 year period after the 2012–2017 period.

15 (b) CONDUCT OF LEASE SALE.—As soon as prac-
16 ticable, but not later than 1 year after the date of enact-
17 ment of this Act, the Secretary of the Interior shall carry
18 out under section 8 of the Outer Continental Shelf Lands
19 Act (43 U.S.C. 1337) Lease Sale 220.

1 (c) BALANCING MILITARY AND ENERGY PRODUC-
2 TION GOALS.—

3 (1) JOINT GOALS.—In recognition that the
4 Outer Continental Shelf oil and gas leasing program
5 and the domestic energy resources produced there-
6 from are integral to national security, the Secretary
7 of the Interior and the Secretary of Defense shall
8 work jointly in implementing this section in order to
9 ensure achievement of the following common goals:

10 (A) Preserving the ability of the Armed
11 Forces of the United States to maintain an op-
12 timum state of readiness through their contin-
13 ued use of the Outer Continental Shelf.

14 (B) Allowing effective exploration, develop-
15 ment, and production of our Nation's oil, gas,
16 and renewable energy resources.

17 (2) PROHIBITION ON CONFLICTS WITH MILI-
18 TARY OPERATIONS.—No person may engage in any
19 exploration, development, or production of oil or nat-
20 ural gas off the coast of Virginia that would conflict
21 with any military operation, as determined in ac-
22 cordance with the Memorandum of Agreement be-
23 tween the Department of Defense and the Depart-
24 ment of the Interior on Mutual Concerns on the
25 Outer Continental Shelf signed July 20, 1983, and

1 any revision or replacement for that agreement that
2 is agreed to by the Secretary of Defense and the
3 Secretary of the Interior after that date but before
4 the date of issuance of the lease under which such
5 exploration, development, or production is con-
6 ducted.

7 (3) NATIONAL DEFENSE AREAS.—The United
8 States reserves the right to designate by and
9 through the Secretary of Defense, with the approval
10 of the President, national defense areas on the
11 Outer Continental Shelf pursuant to section 12(d) of
12 the Outer Continental Shelf Lands Act (43 U.S.C.
13 1341(d)).



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. HOLT OF NEW JERSEY**

Add at the end the following:

1 **TITLE _____—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. ___1. ELIGIBILITY FOR NEW LEASES AND THE TRANS-**
4 **FER OF LEASES.**

5 (a) **ISSUANCE OF NEW LEASES.—**

6 (1) **IN GENERAL.—**The Secretary of the Inte-
7 rior shall not offer new leases under a plan required
8 by subsection (k) of section 161 of the Energy Pol-
9 icy and Conservation Act, as amended by section
10 102 of this Act, to a person described in paragraph
11 (2) unless the person has renegotiated each covered
12 lease with respect to which the person is a lessee, to
13 modify the payment responsibilities of the person to
14 require the payment of royalties if the price of oil
15 and natural gas is greater than or equal to the price
16 thresholds described in clauses (v) through (vii) of
17 section 8(a)(3)(C) of the Outer Continental Shelf
18 Lands Act (43 U.S.C. 1337(a)(3)(C)).

1 (2) PERSONS DESCRIBED.—A person referred
2 to in paragraph (1) is a person that—

3 (A) is a lessee that—

4 (i) holds a covered lease on the date
5 on which the Secretary considers the
6 issuance of the new lease; or

7 (ii) was issued a covered lease before
8 the date of enactment of this Act, but
9 transferred the covered lease to another
10 person or entity (including a subsidiary or
11 affiliate of the lessee) after the date of en-
12 actment of this Act; or

13 (B) any other person that has any direct
14 or indirect interest in, or that derives any ben-
15 efit from, a covered lease.

16 (b) DEFINITIONS.—In this section:

17 (1) COVERED LEASE.—The term “covered
18 lease” means a lease for oil or gas production in the
19 Gulf of Mexico that is—

20 (A) in existence on the date of enactment
21 of this Act;

22 (B) issued by the Department of the Inte-
23 rior under section 304 of the Outer Continental
24 Shelf Deep Water Royalty Relief Act (43
25 U.S.C. 1337 note; Public Law 104–58); and

1 (C) not subject to limitations on royalty re-
2 lief based on market price that are equal to or
3 less than the price thresholds described in
4 clauses (v) through (vii) of section 8(a)(3)(C) of
5 the Outer Continental Shelf Lands Act (43
6 U.S.C. 1337(a)(3)(C)).

7 (2) LESSEE.—The term “lessee” includes any
8 person or other entity that controls, is controlled by,
9 or is in or under common control with, a lessee.

10 (3) NEW LEASE.—The term “new lease” means
11 a lease issued in a lease sale under this Act, the
12 amendments made by this Act, or any plan, strat-
13 egy, or program under this Act.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WITTMAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. WITTMAN OF VIRGINIA

Add at the end the following:

1 **TITLE ____—ADVANCING**
2 **OFFSHORE WIND PRODUCTION**

3 **SEC. __ 1. SHORT TITLE.**

4 This title may be cited at the “Advancing Offshore
5 Wind Production Act”.

6 **SEC. __ 2. OFFSHORE METEOROLOGICAL SITE TESTING**
7 **AND MONITORING PROJECTS.**

8 (a) **DEFINITION OF AN OFFSHORE METEOROLOG-**
9 **ICAL SITE TESTING AND MONITORING PROJECT.**—In this
10 section, the term “offshore meteorological site testing and
11 monitoring project” means a project carried out on or in
12 the waters of the Outer Continental Shelf administered
13 by the Department of the Interior to test or monitor
14 weather (including wind, tidal, current, and solar energy)
15 using towers, buoys, or other temporary ocean infrastruc-
16 ture, that—

17 (1) causes—

1 (A) less than 1 acre of surface or seafloor
2 disruption at the location of each meteorological
3 tower or other device; and

4 (B) not more than 5 acres of surface or
5 seafloor disruption within the proposed area af-
6 fected by for the project (including hazards to
7 navigation);

8 (2) is decommissioned not more than 5 years
9 after the date of commencement of the project, in-
10 cluding—

11 (A) removal of towers, buoys, or other tem-
12 porary ocean infrastructure from the project
13 site; and

14 (B) restoration of the project site to ap-
15 proximately the original condition of the site;
16 and

17 (3) provides meteorological information ob-
18 tained by the project to the Secretary of the Inte-
19 rior.

20 (b) OFFSHORE METEOROLOGICAL PROJECT PERMIT-
21 TING.—

22 (1) IN GENERAL.—The Secretary of the Inte-
23 rior shall by regulation require that any applicant
24 seeking to conduct an offshore meteorological site
25 testing and monitoring project on the outer Conti-

1 mental Shelf (as that term is defined in the Outer
2 Continental Shelf Lands Act (43 U.S.C. 1331 et
3 seq.)) must obtain a permit and right of way for the
4 project in accordance with this subsection.

5 (2) PERMIT AND RIGHT OF WAY TIMELINE AND
6 CONDITIONS.—

7 (A) DEADLINE FOR APPROVAL.—The Sec-
8 retary shall decide whether to issue a permit
9 and right of way for an offshore meteorological
10 site testing and monitoring project within 30
11 days after receiving an application.

12 (B) PUBLIC COMMENT AND CONSULTA-
13 TION.—During the period referred to in sub-
14 paragraph (A), the Secretary shall—

15 (i) provide an opportunity for submis-
16 sion of comments by the public; and

17 (ii) consult with the Secretary of De-
18 fense, the Commandant of the Coast
19 Guard, and the heads of other Federal,
20 State, and local agencies that would be af-
21 fected by issuance of the permit and right
22 of way.

23 (C) DENIAL OF PERMIT; OPPORTUNITY TO
24 REMEDY DEFICIENCIES.—If the application is

1 denied, the Secretary shall provide the appli-
2 cant—

3 (i) in writing, clear and comprehensive
4 reasons why the application was not ap-
5 proved and detailed information concerning
6 any deficiencies in the application; and

7 (ii) an opportunity to remedy such de-
8 ficiencies.

9 (c) NEPA EXCLUSION.—Section 102(2)(C) of the Na-
10 tional Environmental Policy Act of 1969 (42 U.S.C.
11 4332(2)(C)) shall not apply with respect to an offshore
12 meteorological site testing and monitoring project.

13 (d) PROTECTION OF INFORMATION.—The informa-
14 tion provided to the Secretary of the Interior pursuant to
15 subsection (a)(3) shall be treated by the Secretary as pro-
16 prietary information and protected against disclosure.



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
WESTMORELAND OF GEORGIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

47 L

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MR. WESTMORELAND OF GEORGIA**

At the end of the bill, add the following new title:

1 **TITLE VIII—SERVICE OVER THE**
2 **COUNTER, SELF-CONTAINED,**
3 **MEDIUM TEMPERATURE COM-**
4 **MERCIAL REFRIGERATORS**

5 **SEC. 801. SERVICE OVER THE COUNTER, SELF-CONTAINED,**
6 **MEDIUM TEMPERATURE COMMERCIAL RE-**
7 **FRIGERATORS.**

8 Section 342(e) of the Energy Policy and Conservation
9 Act (42 U.S.C. 6313(e)) is amended—

10 (1) in paragraph (1)—

11 (A) by redesignating subparagraphs (B)
12 and (C) as subparagraphs (D) and (E), respec-
13 tively; and

14 (B) by inserting after subparagraph (A)
15 the following:

16 “(B) The term ‘(SOC-SC-M)’ means a medium
17 temperature commercial refrigerator—

18 “(i) with a self-contained condensing unit
19 and equipped with sliding or hinged doors in

1 the back intended for use by sales personnel,
2 and with glass or other transparent material in
3 the front for displaying merchandise; and

4 “(ii) that has a height not greater than 66
5 inches and is intended to serve as a counter for
6 transactions between sales personnel and cus-
7 tomers.

8 “(C) The term ‘TDA’ means the total display
9 area (ft²) of the refrigerated case, as defined in Air-
10 Conditioning, Heating, and Refrigeration Institute
11 Standard 1200.”;

12 (2) by redesignating paragraphs (4) and (5) as
13 paragraphs (5) and (6), respectively; and

14 (3) by inserting after paragraph (3) the fol-
15 lowing:

16 “(4) Each SOC-SC-M manufactured on or after the
17 date which is 6 months after the date of enactment of
18 the Better Use of Refrigerator Regulations Act shall have
19 a total daily energy consumption (in kilowatt hours per
20 day) of not more than $0.6 \times \text{TDA} + 1.0$.”.



21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. BASS**

Page 8, line 10, strike “The Committee” and insert the following:

1 (1) IN GENERAL.—The Committee

Page 8, after line 13, insert the following:

2 (2) ADDITIONAL ANALYSIS.—The Committee
3 shall conduct an analysis of how to shield American
4 consumers and the United States economy from gas-
5 oline price fluctuations and supply disruptions in the
6 oil market by reducing the dependence of the United
7 States on oil.

Page 8, line 15, strike “analysis conducted under this section” and insert “analysis conducted under subsection (a)(1)”.



22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BASS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. BASS OF CALIFORNIA**

Page 9, line 25, strike “and”.

Page 10, line 2, strike the comma and insert a semi-colon.

Page 10, after line 2, insert the following:

1 (H) releases of pollutants (including toxic,
2 hazardous, and radioactive materials) into the
3 air, water, and land;

4 (I) human exposure to releases of pollut-
5 ants into the air, water, and land; and

6 (J) other environmental impacts of pollu-
7 tion,



23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPPS
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

15

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. Capps**

Page 14, after line 9, at the end of title II, add the following new section:

1 **SEC. 207. ENSURING FEASIBLE ANALYSES.**

2 (a) DETERMINATION OF FEASIBILITY OF ANAL-
3 YSES.—Notwithstanding any other provision of this title,
4 if the Secretary of Energy determines that the analyses
5 required under section 203 are infeasible to conduct, re-
6 quire data that does not exist, or would generate results
7 subject to such large estimates of uncertainty that the re-
8 sults would be neither reliable nor useful, the requirements
9 under section 203(a) shall cease to be effective.

10 (b) NO REPORT OR DELAY OF FINAL ACTION ON
11 CERTAIN RULES IF ANALYSES ARE INFEASIBLE.—If,
12 pursuant to subsection (a), the requirements under section
13 203(a) cease to be effective, then the requirements under
14 sections 204 and 205 shall cease to be effective.



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

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. HANABUSA OF HAWAII**

Page 17, strike “and” after the semicolon at line 2, strike the period at line 9 and insert “; and”, and after line 9 insert the following:

1 “(G) the best estimate, based upon com-
2 mercial and scientific data, of the expected in-
3 crease in domestic production of geothermal,
4 solar, wind, or other renewable energy sources
5 on lands defined as ‘available lands’ by section
6 203 of the Hawaiian Homes Commission Act,
7 1920, and any other lands deemed by the Terri-
8 tory or State of Hawaii, as the case may be, to
9 be included within that definition.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPEIER
OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

26

AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. SPEIER OF CALIFORNIA

Page 22, strike lines 3 through 5.



26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
DELAURO OF CONNECTICUT OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

AMENDMENT TO RULES COMMITTEE PRINT 112-

24

**OFFERED BY MS. DELAURO OF CONNECTICUT,
MR. MARKEY OF MASSACHUSETTS, AND MR.
FRANK OF MASSACHUSETTS**

At the end of the bill, add the following:

1 **TITLE __—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. ____ . CERTAIN REVENUES GENERATED BY THIS**
4 **ACT TO BE MADE AVAILABLE TO THE COM-**
5 **MODITY FUTURES TRADING COMMISSION TO**
6 **LIMIT EXCESSIVE SPECULATION IN ENERGY**
7 **MARKETS.**

8 (a) **ESTABLISHMENT OF TREASURY ACCOUNT.—**The
9 Secretary of the Treasury (in this section referred to as
10 the “Secretary”) shall establish an account in the Treas-
11 ury of the United States.

12 (b) **DEPOSIT INTO ACCOUNT OF CERTAIN REVENUES**
13 **GENERATED BY THIS ACT.—**The Secretary shall deposit
14 into the account established under subsection (a) the first
15 \$128,000,000 of the total of the amounts received by the
16 United States under leases issued under this Act, the

1 amendments made by this Act, or any plan, strategy, or
2 program under this Act.

3 (c) AVAILABILITY AND USE OF FUNDS.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the amounts in the account established under sub-
6 section (a) shall be made available to the Commodity
7 Futures Trading Commission to use its existing au-
8 thorities to limit excessive speculation in energy
9 markets.

10 (2) SUBJECT TO APPROPRIATIONS.—The au-
11 thority provided in paragraph (1) may be exercised
12 only to such extent, and with respect to such
13 amounts, as are provided in advance in appropria-
14 tions Acts.



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

23

**AMENDMENT TO
RULES COMMITTEE PRINT 112-24
OFFERED BY MS. JACKSON LEE OF TEXAS**

Add at the end the following:

1 **TITLE ____—OFFICE OF ENERGY**
2 **EMPLOYMENT AND TRAINING**
3 **AND OFFICE OF MINORITY**
4 **AND WOMEN INCLUSION**

5 **SEC. _01. ESTABLISHMENT OF OFFICE OF ENERGY EM-**
6 **PLOYMENT AND TRAINING.**

7 (a) **ESTABLISHMENT.**—The Secretary of the Interior
8 shall establish an Office of Energy Employment and
9 Training, which shall oversee the efforts of the Depart-
10 ment of the Interior’s energy planning, permitting, and
11 regulatory activities to carry out the purposes, objectives,
12 and requirements of this Act.

13 (b) **DIRECTOR.**—

14 (1) **IN GENERAL.**—The Office shall be directed
15 by an Assistant Secretary for Energy Employment
16 and Training, who shall report directly to the Sec-
17 retary and shall be fully employed to carry out the
18 functions of the Office.

1 (2) DUTIES.—The Assistant Secretary for En-
2 ergy Employment and Training shall perform the
3 following functions:

4 (A) Develop and implement systems to
5 track the Department’s compliance with the
6 purposes, objectives, and requirements of the
7 Act.

8 (B) Report at least quarterly to the Sec-
9 retary regarding the Department’s compliance
10 with the purposes, objectives, and requirements
11 of this Act, including but not limited to specific
12 data regarding the numbers and types of jobs
13 created through the Department’s efforts and a
14 report on all job training programs planned or
15 in progress by the Department.

16 (C) Design and recommend to the Sec-
17 retary programs and policies aimed at ensuring
18 the Department’s compliance with the purposes,
19 objectives, and requirements of this Act, and
20 oversee implementation of such programs ap-
21 proved by the Secretary.

22 (D) Develop procedures for enforcement of
23 the Department’s requirements and responsibil-
24 ities under this Act.

1 (E) Support the activities of the Office of
2 Minority and Women Inclusion and any other
3 offices or branches established by the Secretary
4 within the Office of Energy Employment and
5 Training.

6 **SEC. 02. OFFICE OF MINORITY AND WOMEN INCLUSION.**

7 (a) OFFICE OF MINORITY AND WOMEN INCLU-
8 SION.—

9 (1) ESTABLISHMENT.—The Secretary of the In-
10 terior shall establish an Office of Minority and
11 Women Inclusion not later than 6 months after the
12 effective date of this Act, that shall be responsible
13 for all matters of the Department of the Interior re-
14 lating to diversity in management, employment, and
15 business activities.

16 (2) TRANSFER OF RESPONSIBILITIES.—The
17 Secretary of the Interior shall ensure that the re-
18 sponsibilities described in paragraph (1) (or com-
19 parable responsibilities) that are assigned to any
20 other office, agency, or bureau of the Department on
21 the day before the date of enactment of this Act are
22 transferred to the Office of Minority and Women In-
23 clusion.

24 (3) DUTIES WITH RESPECT TO CIVIL RIGHTS
25 LAWS.—The responsibilities described in paragraph

1 (1) do not include enforcement of statutes, regula-
2 tions, or executive orders pertaining to civil rights,
3 except each Director shall coordinate with the Sec-
4 retary, or the designee of the Secretary, regarding
5 the design and implementation of any remedies re-
6 sulting from violations of such statutes, regulations,
7 or executive orders.

8 (b) DIRECTOR.—

9 (1) IN GENERAL.—The Office shall have a Di-
10 rector who shall be appointed by, and shall report to,
11 the Secretary of the Interior. The position of Direc-
12 tor shall be a career reserved position in the Senior
13 Executive Service, as that position is defined in sec-
14 tion 3132 of title 5, United States Code, or an
15 equivalent designation.

16 (2) DUTIES.—The Director shall develop stand-
17 ards for—

18 (A) equal employment opportunity and the
19 racial, ethnic, and gender diversity of the work-
20 force and senior management of the Depart-
21 ment;

22 (B) increased participation of minority-
23 owned and women-owned businesses in the pro-
24 grams and contracts of the Department, includ-

1 ing standards for coordinating technical assist-
2 ance to such businesses; and

3 (C) assessing the diversity policies and
4 practices of entities regulated by the Depart-
5 ment.

6 (3) OTHER DUTIES.—The Director shall advise
7 the Secretary of the Interior on the impact of the
8 policies and regulations of the Department on mi-
9 nority-owned and women-owned businesses.

10 (4) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (2)(C) may be construed to mandate any
12 requirement on or otherwise affect the lending poli-
13 cies and practices of any regulated entity, or to re-
14 quire any specific action based on the findings of the
15 assessment.

16 (c) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVI-
17 TIES.—

18 (1) IN GENERAL.—The Director shall develop
19 and implement standards and procedures to ensure,
20 to the maximum extent possible, the fair inclusion
21 and utilization of minorities, women, and minority-
22 owned and women-owned businesses in all business
23 and activities of the Department at all levels, includ-
24 ing in procurement, insurance, and all types of con-
25 tracts.

1 (2) CONTRACTS.—The procedures established
2 by the Department for review and evaluation of con-
3 tract proposals and for hiring service providers shall
4 include, to the extent consistent with applicable law,
5 a component that gives consideration to the diversity
6 of the applicant. Such procedure shall include a
7 written statement, in a form and with such content
8 as the Director shall prescribe, that a contractor
9 shall ensure, to the maximum extent possible, the
10 fair inclusion of women and minorities in the work-
11 force of the contractor and, as applicable, sub-
12 contractors.

13 (3) TERMINATION.—

14 (A) DETERMINATION.—The standards and
15 procedures developed and implemented under
16 this subsection shall include a procedure for the
17 Director to make a determination whether a
18 Department contractor, and, as applicable, a
19 subcontractor has failed to make a good faith
20 effort to include minorities and women in their
21 workforce.

22 (B) EFFECT OF DETERMINATION.—

23 (i) RECOMMENDATION TO SEC-
24 RETARY.—Upon a determination described
25 in subparagraph (A), the Director shall

1 make a recommendation to the Secretary
2 that the contract be terminated.

3 (ii) ACTION BY SECRETARY.—Upon
4 receipt of a recommendation under clause
5 (i), the Secretary may—

6 (I) terminate the contract;

7 (II) make a referral to the Office
8 of Federal Contract Compliance Pro-
9 grams of the Department of Labor; or

10 (III) take other appropriate ac-
11 tion.

12 (d) REPORTS.—The Secretary shall submit to Con-
13 gress an annual report regarding the actions taken by the
14 Department of the Interior agency and the Office pursu-
15 ant to this section, which shall include—

16 (1) a statement of the total amounts paid by
17 the Department to contractors since the previous re-
18 port;

19 (2) the percentage of the amounts described in
20 paragraph (1) that were paid to contractors de-
21 scribed in subsection (c)(1);

22 (3) the successes achieved and challenges faced
23 by the Department in operating minority and women
24 outreach programs;

1 (4) the challenges the Department may face in
2 hiring minority and women employees and con-
3 tracting with minority-owned and women-owned
4 businesses; and

5 (5) any other information, findings, conclusions,
6 and recommendations for legislative or Department
7 action, as the Director determines appropriate.

8 (e) DIVERSITY IN DEPARTMENT WORKFORCE.—The
9 Secretary shall take affirmative steps to seek diversity in
10 the workforce of the Department at all levels of the De-
11 partment in a manner consistent with applicable law. Such
12 steps shall include—

13 (1) recruiting at historically black colleges and
14 universities, Hispanic-serving institutions, women’s
15 colleges, and colleges that typically serve majority
16 minority populations;

17 (2) sponsoring and recruiting at job fairs in
18 urban communities;

19 (3) placing employment advertisements in news-
20 papers and magazines oriented toward minorities
21 and women;

22 (4) partnering with organizations that are fo-
23 cused on developing opportunities for minorities and
24 women to be placed in energy industry internships,
25 summer employment, and full-time positions;

1 (5) where feasible, partnering with inner-city
2 high schools, girls' high schools, and high schools
3 with majority minority populations to establish or
4 enhance financial literacy programs and provide
5 mentoring; and

6 (6) any other mass media communications that
7 the Office determines necessary.

8 (f) DEFINITIONS.—For purposes of this section, the
9 following definitions shall apply:

10 (1) MINORITY.—The term “minority” means
11 United States citizens who are Asian Indian Amer-
12 ican, Asian Pacific American, Black American, His-
13 panic American, or Native American.

14 (2) MINORITY-OWNED BUSINESS.—The term
15 “minority-owned business” means a for-profit enter-
16 prise, regardless of size, physically located in the
17 United States or its trust territories, which is
18 owned, operated, and controlled by minority group
19 members. “Minority group members” are United
20 States citizens who are Asian Indian American,
21 Asian Pacific American, Black American, Hispanic
22 American, or Native American (terminology in
23 NMSDC categories). Ownership by minority individ-
24 uals means the business is at least 51 percent owned
25 by such individuals or, in the case of a publicly

1 owned business, at least 51 percent of the stock is
2 owned by one or more such individuals. Further, the
3 management and daily operations are controlled by
4 those minority group members. For purposes of
5 NMSDC's program, a minority group member is an
6 individual who is a United States citizen with at
7 least $\frac{1}{4}$ or 25 percent minimum (documentation to
8 support claim of 25 percent required from applicant)
9 of one or more of the following:

10 (A) Asian Indian American, which is a
11 United States citizen whose origins are from
12 India, Pakistan, or Bangladesh.

13 (B) Asian Pacific American, which is a
14 United States citizen whose origins are from
15 Japan, China, Indonesia, Malaysia, Taiwan,
16 Korea, Vietnam, Laos, Cambodia, the Phil-
17 ippines, Thailand, Samoa, Guam, the United
18 States Trust Territories of the Pacific, or the
19 Northern Marianas.

20 (C) Black American, which is a United
21 States citizen having origins in any of the Black
22 racial groups of Africa.

23 (D) Hispanic American, which is a United
24 States citizen of true-born Hispanic heritage,
25 from any of the Spanish-speaking areas of the

1 following regions: Mexico, Central America,
2 South America, and the Caribbean Basin only.

3 (E) Native American, which is a person
4 who is an American Indian, Eskimo, Aleut or
5 Native Hawaiian, and regarded as such by the
6 community of which the person claims to be a
7 part. Native Americans must be documented
8 members of a North American tribe, band, or
9 otherwise organized group of native people who
10 are indigenous to the continental United States
11 and proof can be provided through a Native.

12 (3) NMSDC.—The term “NMSDC” means the
13 National Minority Supplier Development Council.

14 (4) OFFICE.—The term “Office” means the Of-
15 fice of Minority and Women Inclusion established
16 under subsection (a).

17 (5) WOMEN-OWNED BUSINESS.—The term
18 “women-owned business” means a business that can
19 verify through evidence documentation that 51 per-
20 cent or more is women-owned, managed, and con-
21 trolled. The business must be open for at least 6
22 months. The business owner must be a United
23 States citizen or legal resident alien. Evidence must
24 indicate that—

1 (A) the contribution of capital or expertise
2 by the woman business owner is real and sub-
3 stantial and in proportion to the interest owned;

4 (B) the woman business owner directs or
5 causes the direction of management, policy, fis-
6 cal, and operational matters; and

7 (C) the woman business owner has the
8 ability to perform in the area of specialty or ex-
9 pertise without reliance on either the finances
10 or resources of a firm that is not owned by a
11 woman.



House Calendar No. _____

112TH CONGRESS
2^D SESSION

H. RES. _____

Report No. 112-_____

Providing for consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2012

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing for consideration of the bill (H.R. 4480) to provide for the development of a plan to increase oil and gas exploration, development, and production under oil and gas leases of Federal lands under the jurisdiction of the Secretary of Agriculture, the Secretary of Energy, the Secretary of the Interior, and the Secretary of Defense in response to a drawdown of petroleum reserves from the Strategic Petroleum Reserve.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 2(b) of
3 rule XVIII, declare the House resolved into the Committee
4 of the Whole House on the state of the Union for consider-
5 ation of the bill (H.R. 4480) to provide for the develop-
6 ment of a plan to increase oil and gas exploration, develop-
7 ment, and production under oil and gas leases of Federal
8 lands under the jurisdiction of the Secretary of Agri-
9 culture, the Secretary of Energy, the Secretary of the In-
10 terior, and the Secretary of Defense in response to a draw-
11 down of petroleum reserves from the Strategic Petroleum
12 Reserve. The first reading of the bill shall be dispensed
13 with. All points of order against consideration of the bill
14 are waived. General debate shall be confined to the bill
15 and amendments specified in this resolution and shall not
16 exceed two hours equally divided among and controlled by
17 the chair and ranking minority member of the Committee
18 on Energy and Commerce and the chair and ranking mi-
19 nority member of the Committee on Natural Resources.
20 After general debate the bill shall be considered for
21 amendment under the five-minute rule. In lieu of the
22 amendment in the nature of a substitute recommended by
23 the Committee on Energy and Commerce now printed in
24 the bill, it shall be in order to consider as an original bill
25 for the purpose of amendment under the five-minute rule

1 an amendment in the nature of a substitute consisting of
2 the text of Rules Committee Print 112-24. That amend-
3 ment in the nature of a substitute shall be considered as
4 read. All points of order against that amendment in the
5 nature of a substitute are waived. No amendment to that
6 amendment in the nature of a substitute shall be in order
7 except those printed in the report of the Committee on
8 Rules accompanying this resolution. Each such amend-
9 ment may be offered only in the order printed in the re-
10 port, may be offered only by a Member designated in the
11 report, shall be considered as read, shall be debatable for
12 the time specified in the report equally divided and con-
13 trolled by the proponent and an opponent, shall not be
14 subject to amendment, and shall not be subject to a de-
15 mand for division of the question in the House or in the
16 Committee of the Whole. All points of order against such
17 amendments are waived. At the conclusion of consider-
18 ation of the bill for amendment the Committee shall rise
19 and report the bill to the House with such amendments
20 as may have been adopted. Any Member may demand a
21 separate vote in the House on any amendment adopted
22 in the Committee of the Whole to the bill or to the amend-
23 ment in the nature of a substitute made in order as origi-
24 nal text. The previous question shall be considered as or-
25 dered on the bill and amendments thereto to final passage

- 1 without intervening motion except one motion to recommit
- 2 with or without instructions.