



Legislative Bulletin February 15, 2012

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H.R. 3408 - Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act

H.R. 3408 - Protecting Investment in Oil Shale the Next Generation of Environmental, Energy, and Resource Security Act (Lamborn, R-CO)

Order of Business: H.R. 3408 is expected to come to the floor on Wednesday, February 15, 2012, under a structured rule, H.Res. 547. The rule also makes in order those amendments printed in Part A of the Rules Committee report, summarized below:

AMENDMENTS MADE IN ORDER, PART A:

Eshoo (D-CA) #107: The amendment negates the construction permit for the Keystone XL Pipeline until the Federal Energy Regulatory Commission (FERC) examines and determines the relevance to the pipeline of the report issued by the Pipeline and Hazardous Materials Safety Administration. The text of this amendment can be [found here](#).

Markey (D-MA), Cohen (D-TN), Welch (D-VT) & Connolly (D-VA) #70: The amendment would prohibit any oil and bitumen transported by the Keystone XL pipeline to be exported outside of the United States. The amendment provides certain conditions for the President to waive this requirement. The text of this amendment can be [found here](#).

Rush (D-IL) #93: The amendment negates the construction permit for the Keystone XL Pipeline unless the permit contains a condition that prohibits the permit recipient from initiating, or threatening to initiate, proceedings to invoke the power of eminent domain on private property in the U.S. The text of this amendment can be [found here](#).

Doyle (D-PA), Murphy (D-CT) #153: The amendment negates the construction permit for the Keystone XL Pipeline unless the permit applicant certifies to FERC that at least 75% of the iron and steel to be used in the construction of the U.S. portion of the pipeline is produced in North America. Free market conservatives may have concerns with these protectionist restrictions that would limit the quality and choice of construction materials and lead to an increase in construction prices. The text of this amendment can be [found here](#).

Polis (D-CO) #130: The amendment would remove Subtitle A of title XVII the legislation. Subtitle A closely resembles the manager's amendment to H.R. 3408 by Rep. Lamborn (R-CO). The legislation also clarifies that 51% (as opposed to 50%) of revenues generated by lease sales in ANWR be deposited in the U.S. Treasury. The text of this amendment can be [found here](#).

Hastings (R-WA) #154: The underlying legislation requires the Secretary of the Interior to submit two additional lease blocks for sale in situations where the Secretary of Defense proposes deferring a lease sale. This amendment would require the Secretary of the Interior to only submit one lease sale in these situations.

The amendment states that the United States reserves the right to designate (through the Secretary of Defense) national defense areas on the Outer Continental Shelf.

The amendment delays lease sale #214 in the North Aleutian Basin (offshore Alaska) to December 31, 2015, as opposed to within one year of enactment. The text of this amendment can be [found here](#).

Capps (D-CA) #184: The amendment would remove the oil and gas leases off the coast of Southern California from the underlying bill. The amendment would also remove the ability for coastal states to receive revenue sharing from oil and gas leases that take place off their coasts' within the Outer Continental Shelf. The text of this amendment can be [found here](#).

Bilirakis (R-FL) #109: the amendment adds a new leasing condition to oil and gas leases that take place in the Eastern Gulf of Mexico Outer Continental Shelf Planning Area. The amendment would require the Secretary of the Interior to conduct an economic impact survey to determine any adverse economic effects on Florida Gulf coast fishing industry from leases within 100 miles of the western coast of Florida. The text of this amendment can be [found here](#).

Bishop (D-NY), Crowley (D-NY), Rangel (D-NY), Pascrell (D-NJ) & Pingree (D-ME) #43: The amendment would remove the ability for coastal states to receive revenue sharing from oil and gas leases that take place off their coasts within the Outer Continental Shelf. The amendment would prohibit oil and gas leasing from occurring off the coasts of New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, or Maine. The text of this amendment can be [found here](#).

Richmond (D-LA) #282: The amendment would allow leasing revenue to the states to be used for matching funds in cases of a project for coastal wetlands conservation, coastal restoration, or hurricane protection, or an infrastructure project directly impacted by coastal wetland losses." The underlying bill prohibits states' revenue to be used for matching funds for any federal program. The text of this amendment can be [found here](#).

Landry (R-LA) & Richmond (D-LA) #197: The amendment raises the Gulf of Mexico Energy Security Act of 2006 (GOMESA) revenue-sharing cap to \$750,000,000 for fiscal years 2023 through 2055. Currently, four Gulf States, Alabama, Louisiana, Mississippi, and Texas receive offshore revenue sharing under GOMESA. A cap on that revenue of \$500,000,000 per fiscal year is set to begin in FY2016. This amendment does not alter that cap until FY 2023 and will continue to apply to Alabama, Mississippi, Louisiana, and Texas, the states to which current GOMESA law already applies. The text of this amendment can be [found here](#).

Deutch (D-FL) #286: The amendment would prohibit a lease sale in the OCS to an individual unless that individual includes in the application for the lease an estimate of the economic impact, including job losses, resulting from a worst-case discharge of oil from facilities operated under the lease. The text of this amendment can be [found here](#).

Thompson (D-CA) & Woolsey (D-CA) #127: The amendment would prohibit a lease sale from occurring in the OCS off the coast of California if that lease sale is located west of Marin, Sonoma, Mendocino, Humboldt, or Del Norte County, California. The text of this amendment can be [found here](#).

Holt (D-NJ), Bass (R-NH), Dingell (D-MI), Dold (R-IL), Gerlach (R-PA), Murphy (D-CT) & Kind (D-WI) #246: The amendment would clarify that the legislation does not reduce revenues to the United States that are available for deposit into the Land and Water Conservation Fund. The text of this amendment can be [found here](#).

Hanabusa (D-HI) #114: The amendment list several new safety requirements that the Secretary of the Interior must impose on drilling operations. The text of this amendment can be [found here](#).

Hastings (R-WA) #157: With respect to authorizing or facilitating a proposed renewable energy project, the applicant may direct the federal agency to:

- “Consider only the proposed action and the no action alternative;
- “Analyze only the proposed action and the no action alternative; and
- “Identify and analyze potential mitigation measures only for the proposed action and the no action alternative.”

With respect to a proposed renewable energy project, the federal agency shall only consider public comments that specifically address the proposed action or the no-action alternative. The sponsor’s office states this would “streamline the NEPA process to allow for expedited development of renewable energy projects on federal lands and waters.” The text of this amendment can be [found here](#).

Markey (D-MA) #53: This amendment would prohibit any oil and gas that is extracted because of the legislation from being exported from the U.S. Some members may have concerns that this amendment would adversely affect export opportunities that would otherwise create U.S. jobs. The text of this amendment can be [found here](#).

Markey (D-MA) #54: Beginning in fiscal year 2013, the Secretary of the Interior would be prohibited from accepting lease bids from certain individuals unless the individual has renegotiated each covered lease to modify the payment responsibilities of the individual so that they are required to modify their payment of royalties in the event that the price of oil or natural gas is greater to certain price thresholds. The text of this amendment can be [found here](#).

Labrador (R-ID) #163: The amendment states that Section 102(2)(c) of the National Environmental Policy Act does not apply to geothermal exploration test projects.

The amendment requires that a leaseholder intending to carry out a geothermal exploration test project shall notify the Secretary within 30 days prior to the start of drilling. The Secretary is then required to, within 10 days of receiving notice, to review the project and notify the leaseholder that Section 102(2)(c) of the National Environmental Policy Act does not apply to the project, or that Section 102(2)(c) of the National Environmental Policy Act does apply. If Section 102(2)(c) of the National Environmental Policy Act does apply, the Secretary shall provide clear and detailed findings on any deficiencies in the project that preclude the application, and the leaseholder will be allowed an opportunity to remedy the deficiencies described by the Secretary.

According to the sponsor: “Current law requires each geothermal exploration hole to go through an individual environmental review and approval process, discouraging energy companies from investing in projects and greatly hampering our ability to harness geothermal energy. Each individual environmental review process can take 10 months to two years to complete. This legislation reduces redundancy and bureaucratic delays by requiring only a single environmental review to be completed for all geothermal exploration test holes within the same leased area.” The text of this amendment can be [found here](#).

Scalise (R-LA), Bonner (R-AL), Landry (R-LA), Miller (R-FL), Palazzo (R-MS), Southerland (R-FL), Olson (R-TX), Richmond (D-LA) #277: The amendment sets up a Gulf Coast Restoration Trust Fund and requires that future fines collected under the Clean Water Act as a result of the Gulf oil spill in 2010 be directed to this fund. The amendment requires that when these fines are collected, 80% will be transferred to the Gulf Coast Restoration Trust Fund. Amounts in this fund are to be spent by Gulf Coast states, for the purposes of restoring the ecosystems and economy of the Gulf Coast region. The text of this amendment can be [found here](#).

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