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**Committee on Natural Resources**  
**Washington, DC 20515**

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**Dissenting Views**  
**H.R. 4382: *Leasing Certainty for American Energy Act***

We oppose H.R. 4382 because it would set an arbitrary requirement that the Department of the Interior offer oil companies at least 25 percent of whatever onshore areas industry nominates every year, regardless of whether or not drilling in these areas would be appropriate. Under this legislation, the Interior Department could no longer lease in areas nominated by the industry that have the greatest resource potential and where drilling makes the most sense. Under H.R. 4382, there is no limit to the acreage that can be nominated by the oil industry. This legislation would therefore threaten other important uses of our public lands such as hunting, fishing, livestock grazing and recreational shooting by requiring leasing in areas that may threaten these important values.

This arbitrary requirement that a certain percentage of acres be offered for lease also completely disregards the fact that industry already has 25 million acres of public land under lease onshore on which it is not producing. As we have seen, handcuffing the Department by requiring that we give away more public land to the oil industry in no way guarantees that the industry will actually begin producing on those leases.

This misguided legislation would also invalidate the BLM's new leasing reforms, which are designed to increase certainty for the oil and gas industry and reduce the number of lease areas that are protested. Under the BLM's leasing reforms, the number of protested parcels has already dropped by 8 percent. Yet, this bill would throw out those reforms and instead create a process with less public involvement and less certainty for industry.

H.R. 4382 would also require the BLM to continue "actively leasing" in areas where land use plans are being updated or revised to protect wildlife or other resource values, deal with a growing population, or incorporate a new recreational activity. Land-use planning is a proactive tool to ensure that we protect various land uses under the Federal Lands Policy and Management Act of 1976 (FLPMA). According to the Interior Department "continuing to lease in some open areas in which recreational or ecological values are at risk could prevent the BLM from protecting important resource values. It could be counterproductive to efforts to develop energy resources on Federal lands if the result is greater near-term resource damage that, in turn, would

necessitate more onerous restrictions on future energy development activities.” Rather than allowing for smart planning ahead of time that includes greater public participation, this legislation would reduce public participation and certainty for the oil industry in the leasing process.

The Majority rejected an amendment from Representative Lujan (D-NM) that would have allowed the Secretary to offer less than 25 percent of the areas nominated by the oil and gas industry if it was necessary to protect hunting, fishing, grazing or recreational shooting. The Majority also rejected an amendment from Representative Tonko (D-NY) that would have required oil companies seeking new leases under this bill to disclose all political contributions over the previous five years, in the wake of the *Citizens United* Supreme Court decision. These oil and gas resources on public lands belong to the American people and they have a right to know how companies benefiting from accessing those resources are influencing elections. The Majority voted down an amendment from Ranking Member Markey (D-MA) that would have made drilling safer by increasing the fines that can be assessed for oil companies who violate regulations for things such as drilling without a blowout preventer; fines which were set 30 years ago and which the Department cannot raise through administrative action. The Majority also rejected an amendment from Ranking Member Markey to ensure that all the oil and natural gas produced from the leases issued under this bill could not be exported. Finally, the Majority rebuffed an amendment from Energy and Mineral Resources Subcommittee Ranking Member Holt (D-NJ) that would have sought to end the royalty free drilling in the Gulf that is projected to cost American taxpayers nearly \$10 billion over the next decade.

We shouldn't be seeking to shut the public out of the management of our public lands as this bill would do. There is also no reason to threaten hunting, fishing and the other uses of our public lands when oil companies already have 25 million acres of public lands onshore under lease on which they are not producing.

Edward J. Markey

Rush Holt

Paul D. Tonko

Grace J. Napolitano

Madeline J. Bordallo

Raul M. Grijalva

Ben R. Lujan

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